



Seasonal ranger looking out over Uath Lochans © Park Authority

Fire management consultation



Cairngorms
National Park

Pàirc Nàiseanta a'
Mhonaidh Ruaidh



Fire management consultation

8 February to 17 April 2024

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1. Setting the scene

1.1 Introduction

Wildfire risk and potential impact is increasing in Scotland, with climate modelling showing a predicted increase in drought periods and changes in land use also adding in some places to the amount of combustible material. Wildfire risk and potential impact has been increasing in the National Park and there is a need to consider all potential solutions to reducing risk and protect people, nature and property.

The Cairngorms National Park is home to 25% of the UK's rare and endangered species and around half of Scotland's ancient pinewoods. It is home to 18,000 people and around two million people visit the area each year. A significant wildfire in the National Park could have devastating consequences for the area's environment, communities and economy.

This consultation is about whether introducing fire management byelaws, which would restrict when fires may be lit in the Cairngorms National Park, is a necessary tool to reduce the risk of wildfires being ignited in the area, and/or whether the Park Authority should enhance its current communication and education approach.

- The **risk** of a wildfire is related to the chances of an ignition occurring.
- The **impact** of a wildfire that does start is influenced by the amount and condition of combustible material.

The options in this consultation are looking at whether byelaws could reduce the risk of ignition. Alongside this, the Park Authority are looking at a variety of different ways to address the wider issue of wildfire in the National Park.

This consultation is being taken forward in part due to the feedback the Park Authority received from various communities, organisations and individuals across the National Park following the long dry spell in early summer 2023, all of whom wanted to see work progress to reduce wildfire risk. It follows concerns that potentially dangerous fires were still being lit despite significant efforts by the Park Authority, Police Scotland and other agencies to curb irresponsible behaviour, through education initiatives and direct requests.



In 2023 there were a number of incidents in the National Park (see appendix 1 on fire statistics) and there were large wildfires just outside the National Park at Daviot and Cannich in the Highlands.

The Park Authority board discussed this issue twice in 2023 but, importantly, the **Park Authority are not putting forward a preferred option as part of this process**. Instead, we are keen to gather evidence and opinions from a range of different perspectives to inform our long-term decision-making. We really want to hear your views.

1.2 Integrated Wildfire Management Plan

The Park Authority has already [committed in the National Park Partnership Plan](#) to establish an Integrated Wildfire Management Plan for the National Park. Preparation of this plan will be led by our Land Management team and work has already started. The purpose of the Management Plan is to increase the ability of land managers across the National Park to:

- a) Minimise the risk of wildfires starting.
- b) Respond effectively to wildfires that do start.
- c) Reduce the impact of any wildfires in a changing landscape.

The Management Plan is being developed in parallel with this consultation. Any byelaws taken forward would be part of the first section of the Management Plan – minimising the risk of wildfires starting. The Management Plan will be drawn up and delivered whether or not any byelaws are implemented. Part of the purpose of this consultation is to ask for views on whether byelaws are necessary to help reinforce the effectiveness of an Integrated Wildfire Management Plan.

1.3 Climate projections

The Park Authority commissioned the James Hutton Institute (JHI) to provide a report for the National Park based on the national scale assessment of Scotland's climate trends, future projections and extremes. The purpose of the report is to present a series of maps illustrating how the climate in the Cairngorms National Park has changed since 1960 and how it is projected to change in the future based on four different plausible scenarios.



The report presents information for the mean monthly values for basic climate variables (precipitation, maximum and minimum temperature) and the amount of a reference evapotranspiration and climatic water balance (precipitation – evapotranspiration) as an indicator of potential changes in water availability.

Also presented are three indicators of climate extremes: the number of consecutive dry days, total number of dry days and heavy rain days. The aim is to provide information about how the climate has already changed and is likely to change further in the future, to aid planning for resilience and adaptation including wildfire management.

[Click here to download the full James Hutton Institute report.](#)

1.4 Current approach to recreational fire management

Currently activity to manage the use of recreational fires in the National Park is undertaken jointly by landowners / managers, the Park Authority and public sector partners. Many land managers will do this through erection of site signage and face-to-face engagement with visitors using their own ranger services or other estate staff such as site wardens, ghillies or foresters.

The Park Authority ranger service complements this with additional patrols at popular sites, where rangers provide advice to visitors and, where necessary, extinguish fires considered to be unsafe. In addition to engagement-focused patrols, rangers undertake patrols where they remove evidence of previous fires to try and reduce 'copycat' behaviour.

To complement this direct engagement activity, the Park Authority also undertakes communications activity around fires both locally and with national partners. This includes pre-arrival activity through the media and popular social media channels, production of a fires leaflet that is used by the Park Authority rangers and partner ranger services, and the production of Scottish Outdoor Access Code compliant signage about fires that can be used on site by a range of partners and landowners.

1.5 Recreational fire management in other countries

This section sets out the approach to recreational fire management in other countries around Europe.



Norway

Campfires in nature are prohibited from 15 April to 15 September. They are allowed in places where the fire hazard is low, such as by the sea or at an approved campfire site. In extreme drought, even barbecues, gas burners and camping stoves are prohibited. If someone lights a campfire or barbecue, they are legally responsible for ensuring that it is safe, that the fire does not spread and that it is completely extinguished before they leave.

England and Wales

The Countryside and Rights of Way Act 2000 (CROW Act) normally gives a public right of access to land mapped as 'open country' (mountain, moor, heath and down) or registered common land. These areas are known as 'open access land'.

The CROW Act has a list of general restrictions that limit what people using their open access rights may do, unless given permission to do something on the list, or the right to do something already exists. Included on this list is lighting, causing or risking a fire.

Such a provision has led the likes of the Peak District National Park Authority to 'ban' barbecues or fires in the open countryside of the Peak District. In some areas, these restrictions may be covered by Public Space Protection Orders, with fines applicable.

Sweden

There are many parallels with the Land Reform (Scotland) Act and 'Allemansrätten', a right that gives everyone the freedom to roam and explore the beauty of Sweden. Allemansrätten states that making fires is allowed in the Swedish countryside, but only when conditions are safe.

It is recommended that the public use existing barbecue areas and fireplaces, which can be found in forests, by lakes and along hiking trails. Fire bans are issued frequently in Sweden during spring, summer and autumn to prevent forest fires. County administrative boards and the fire brigade are behind these bans and it is up to individuals to find out when and where these are in force. Most municipalities provide information relating to current fire risk levels.



Latvia

In Latvia the State Forest Service can introduce a forest fire-safe period across the country. In order to reduce the chances of a forest fire starting during this period, a number of important prohibitions and restrictions are established during the forest fire-free period. The following are included in a list of activities that are prohibited in forest and swamp territories during these periods:

- Creating an open flame in the forest and swamp, with the exception of recreational facilities that do not allow fire to spread. In recreational facilities, the fire place must be extinguished completely after use.
- Carrying out any type of burning (including burning of felling residues) without coordination with the relevant territorial unit of the State Forest Service.

1.6 Fire statistics

The Park Authority has received information from the Scottish Fire and Rescue Service on fires within the National Park and has included this at appendix 1, along with patrol data about fires from the Park Authority ranger service for 2023.

1.7 Current legislation

The law concerning who can light a fire in Scotland, where and when, and how to manage annoyance and the potential for damage or danger, is complex. Several pieces of legislation are relevant, including the Trespass (Scotland) Act 1865 (as amended in 2003), the Civic Government (Scotland) Act 1982 and the Roads (Scotland) Act 1984. This complexity can present communication challenges and enforcement is very difficult: prosecutions – relating to fires or the issuing of fixed penalty notices – are very rare.

The Land Reform (Scotland) Act 2003 modified the Trespass (Scotland) Act 1865 to make clear that the prohibition of fires does not extend to anything done by a person who is exercising access rights. An offence under the Trespass (Scotland) Act 1865 remains in full effect if the person is outwith access rights – for instance, for people fishing, or in places outwith access rights (eg where crops are sown or growing).

The Scottish Outdoor Access Code gives the following guidance:

- Wherever possible, use a stove rather than light an open fire.



- If you do wish to light an open fire, keep it small, under control, and supervised – fires that get out of control can cause major damage, for which you might be liable.
- Remove all traces of an open fire before you leave.
- Never light an open fire during prolonged dry periods or in areas such as forests, woods, farmland or on peaty ground, or near to buildings or in cultural heritage sites where damage can be easily caused.
- Heed all advice at times of high risk.

The Code also contains corresponding advice for land managers:

- At times of drought, work with your local authority (fire services) to inform people of the high risks involved.

The National Access Forum provided [additional guidance on lighting fires and access rights](#) in 2016.

1.8 Prescribed burning

Prescribed burning is a technique undertaken by land managers to reduce vegetation for a variety of reasons. It can reduce fuel load, thus minimising the impact of wildfires. Prescribed burning is carried out by trained professionals under controlled conditions.

A primary use of prescribed burning in the National Park is muirburn for grouse management. There is currently a [code of practice](#) outlining best practice and the regulation of muirburn is included in the proposed [Wildlife Management and Muirburn Bill](#).

Whilst mitigated when adhering to the code of practice, there remains a risk (whatever the likelihood) that prescribed burning is the ignition point for wildfire. It is therefore a consideration for potential inclusion in some of the byelaw options in this consultation.

Potential byelaw options 2 and 3 (see section 2) do not impact on prescribed burning, including muirburn, except during periods of high fire risk, where it would not be allowed. There is an exemption included in options 2 and 3 for prescribed burning by a land manager to prevent a wildfire from spreading.



There is a further option to take all prescribed burning out of the potential byelaws entirely; this is illustrated in appendix 4. This would mean that prescribed burning by land managers would not be part of any potential byelaws and would be regulated through the proposed muirburn licencing.

1.9 Byelaw legislation

Schedule 2 to the National Parks (Scotland) 2000 Act provides, at paragraph 9, for the procedure to be followed where the Park Authority proposes to make byelaws. Sections 202 to 204 of the Local Government (Scotland) Act 1973 will also apply in relation to the proposed byelaws. These impose additional requirements in relation to the adoption and revocation of byelaws.



2. Potential options

This section sets out three potential options for reducing fire risk in the National Park; however, there will inevitably be other variations of these as well. Importantly, **the Park Authority does not have a preference of any of these options at this point**. It is also worth highlighting that even with enforcement of any new laws put in place, no legislation sees 100% compliance and so none of these options on their own will solve all issues associated with wildfire risk in the National Park.

2.1 Option 1 – enhanced communication and education approach

Importantly this is not a 'do nothing' option. The fire messaging that the Park Authority and others issue would need to increase and greater consistency of approach would be required. There is already significant signage, leaflets and ranger patrols in the National Park, along with significant communication messaging. This would have to be built on and made more effective in combatting fire at inappropriate times of the year. There would also be the potential to look at national solutions to the issue, including increased education through schools, revisions to the Scottish Outdoor Access Code etc.

Issues to consider

- Asking people to do something voluntarily is always preferable to legal enforcement.
- The role of National Park rangers remains to elicit voluntary compliance from visitors.
- Opportunity to increase fire management training of rangers to help with any outbreak of fire within the National Park.
- This could be seen as not tackling the issue if current level of fires in the National Park remains similar or increases.
- There is already legislation in place which restricts wildfires in specific circumstances.
- SOAC is perceived by some as not strong enough in supporting 'no campfires' messaging in sensitive parts of the National Park, as a result both of the nature and climate emergencies and the fact that its complexity around fires is difficult to communicate.
- The Land Reform (Scotland) Act 2003 currently has no real sanctions against those who do not comply. The limited sanction of 'loss of access' that does exist is complex to enforce and does little to address the problem at the time.



- Does this option proactively address the increasing risks of wildfire and the potentially significant impacts of wildfire to the Cairngorms as set out in the introductory section of this consultation?

Investment needed if taken forward

- A significant increase in – and coordination of – communication around fire risk is needed at a national level and with land managers in the National Park.
- A more consistent approach is needed by all landowners, public bodies and the Scottish Fire and Rescue Service, with key messages agreed around times of high fire risk.
- Increased enforcement of existing legislation and possibly changes to its scope and operation.

2.2 Option 2 – high fire risk byelaw

This option would see a byelaw developed to ban the lighting of open fires and barbecues in the National Park during times of high fire risk, as determined by the Scottish Fire and Rescue Service. There are exemptions within the curtilage of a private dwelling and in a fireplace of a bothy. There is no restriction on the use of camping stoves, cookers or gas barbecues.

See appendix 2 for specific wording for this potential byelaw.

Issues to consider

- Would require formal consultation, approval by Scottish Ministers and regular review.
- Linked directly to high fire risk and could therefore reduce chances of fire at times of highest fire risk.
- This approach would be significantly easier for people to understand than the current guidance in SOAC and the existing laws that are in place.
- Specific messages are linked to risk. This would have a definite start and end date.
- Same rules apply to the general public and those undertaking prescribed burning. No perception of inconsistency.



- There is a need for everyone to agree when high fire risk starts and when it ends. This approach would not work if some organisations go early or others keep signs up all the time. The Scottish Fire and Rescue Service would need to take a clear role in determining a state of high fire risk and communicate it effectively.
- Potential to have different areas of the National Park in different fire risk zones, making messaging complicated, eg Strathspey in a high fire risk zone but Deeside not.
- A high fire risk warning may still be in place when local climate conditions, eg heavy rainfall, have changed, leading to the perception that it should not be in place.
- Communication could be complicated as people would need to know when a high fire risk period applies and what the rules are when it does apply.
- The role of a ranger changes in the National Park from education to include an element of enforcement. This could also change the dynamic of the Cairngorms family of ranger services as some rangers (Park Authority) would have enforcement powers whilst others (estate-based) would not. Only rangers directly employed by the Park Authority are legally able to enforce byelaws.
- Outwith high fire risk periods, public perception may be that all types of fire and barbecue are allowed, which is not the case (see SOAC).
- Could cause some displacement – in part to outside the National Park but potentially also to more secluded areas in the National Park, where people are less likely to be seen. Identifying and tackling issues – including any out-of-control fires – may therefore become more difficult.

Investment needed if taken forward

- Preparation, consultation and review of byelaws and their enforcement.
- Signage at National Park entrances and key locations that can be turned on and off.
- Major communication programme every time there is a high fire risk.
- Training for the Park Authority Ranger Service.
- High fire risk notification will need to be timely and clear.

This option will still rely on levels of awareness and understanding by the public around rules and responsibilities within the countryside, and when and where they apply.



2.3 Option 3 – year round byelaw

This option would see a byelaw developed for a year-round ban on lighting open fires and barbecues. There are exemptions within the curtilage of a private dwelling, in a fireplace of a bothy, in a licenced caravan site or within private property where the landowner has given consent. Landowners can also give permission for groups undertaking outdoor education etc to have fires outwith high fire risk periods. There is no restriction on the use of camping stoves, cookers or gas barbecues.

See appendix 3 for specific wording for this potential byelaw.

Issues to consider

- Would require formal consultation, approval by Scottish Ministers and regular review.
- Easy to communicate to the public and easy to understand.
- An easy-to-understand approach could mean that the need to enforce is reduced.
- Consistent messages are possible across the National Park.
- Could reduce instances of fires at all time of year. Fire risk is not just a summer issue.
- Ranger role changes in the National Park from education to include an element of enforcement. This could also change the dynamic of the Cairngorms family of ranger services as some rangers (Park Authority) would have enforcement powers whilst others (estate-based) would not. Only rangers directly employed by the Park Authority are legally able to enforce byelaws.
- Public would be required to not light fires at times when land managers are still allowed to undertake prescribed burning. Potential for the public to perceive this as inconsistent.
- Public would be asked to refrain from lighting fires and barbecues during periods when there is minimal risk of fire spreading. Could be perceived as heavy-handed.
- Could cause some displacement – in part to outside the National Park but potentially also to more secluded areas in the National Park where people are less likely to be seen. Identifying and tackling issues – including any out-of-control fires – may therefore become more difficult.



Investment needed if taken forward

- Signage at National Park entrances and key locations.
- Major communication programme inside and outside the National Park.
- Training for the Park Authority Ranger Service.

This option will still rely on levels of awareness and understanding by the public around rules and responsibilities within the countryside, and when and where they apply.



3. Consultation questions

1. Do you think a fire management byelaw is part of the solution for the Cairngorms National Park Authority to tackle wildfire risk? (Yes / No / Don't know).
Why do you say that?
2. Which of the three options do you think the Park Authority should take forward (1, 2, 3, something else – please specify in question 4).
Why do you say that?
3. Do you think that prescribed burning should be included in a byelaw? (Yes / No / Don't know).
Why do you say that?
4. Is there a different option that you think the Park Authority should consider? (Yes / No / Don't know).
Why do you say that?
5. Do you have any further comments?

There are a range of ways to get involved in the consultation:

- Online – visit cairngorms.co.uk/fires to complete our survey.
- Phone – call us on 01479 870 535.
- Email – email us with your answers at haveyoursay@cairngorms.co.uk.
- Post – send your answers to Fire byelaws consultation, Cairngorms National Park Authority, 14 The Square, Grantown on Spey, PH26 3HG.

Alternative formats of this document – including large print – are also available on request.



4. Next steps

The Park Authority board will consider next steps in June 2024, taking into account all the information gathered as part of this consultation. If it is agreed that a byelaw may be a necessary element of wildfire management activities and to proceed with developing a byelaw, the final wording will be consulted on for 12 weeks before being submitted to Scottish Ministers for their consideration and further consultation.

The earliest a byelaw would come into place is during 2025.

If the Park Authority decide not to progress with a byelaw, then the enhanced communication and education approach will be developed further for implementation.



5. Appendix 1 – Scottish Fire and Rescue Service outdoor fire incidents in the National Park

The Scottish Fire and Rescue Service (SFRS) record details of all fire incidents attended, including aspects such as the geographic location, type of property, where it took place, cause, whether the fire was accidental or deliberate and, for outdoor incidents, the level of damage (measured as area burned). However, it can be very difficult to ascertain precise details for all aspects – for example, identifying the genuine motive for an incident – so the details recorded are based on the professional judgement of the SFRS officer in charge.

SFRS have provided details of recorded outdoor incidents within the Cairngorms National Park for the period from 2010 until late 2023. For this purpose, outdoor incidents have been those recorded using the SFRS categories of 'grassland, woodland and crops', 'other outdoors (including land)' and 'refuse fires'.

5.1 Annual distribution of fires

Table 1 – annual distribution of fires in the Cairngorms National Park, 2010-23

Year	Number of fires
2010	27
2011	31
2012	31
2013	56
2014	30
2015	19
2016	17
2017	25
2018	52
2019	23
2020	43
2021	31
2022	58
2023	49



5.2 Seasonal distribution of fires

Table 2 – seasonal distribution of fires in the Cairngorms National Park, 2010-23

	Number of fires
Total fires (2010-23)	492
Spring fires (Mar to May)	186
Summer fires (Jun to Aug)	208
Autumn fires (Sep to Nov)	66
Winter fires (Dec to Feb)	32

5.3 Monthly distribution of fires

Table 3 – monthly distribution of fires in the Cairngorms National Park, 2010-23

Month	Number of fires
Jan	6
Feb	15
Mar	38
Apr	89
May	59
Jun	74
Jul	92
Aug	42
Sep	30
Oct	15
Nov	21
Dec	11



5.4 Geographical distribution of fires by local authority area

Table 4 – geographical distribution of fires by local authority area, 2010-23

	Number of fires	Percentage of total*
Aberdeenshire	100	20%
Highland	366	74%
Moray	14	3%
Perth and Kinross	12	2%
Angus	0	0%

* Does not total 100% due to rounding

5.5 Other fire characteristics / motive

Table 5 – other fire characteristics / motive

	Number of fires	Percentage of total
Primary fire	53	11%
Secondary fire	439	89%
Fire characteristics		
Classed as wildfire*	29	6%
Other fire types	463	94%
Motive		
Accidental	351	71%
Deliberate	141	29%

* SFRS class a wildfire as one resulting in over 1,000 sqm of burned area

53 fires were classed as primary fires and 439 as secondary fires, which are smaller and have less impact than primary fires and, in this context, would include campfires, refuse on fire or bins on fire. Where the fire is recorded as a secondary fire, SFRS do not record a cause but, in some instances, a fire spreads further than the initial items that were alight (so a secondary fire can become a primary fire).



5.6 Causes of primary fires

Table 6 – causes of primary fires

Cause	Number of fires	Percentage of total*
Heat source and combustibles brought together	16	30%
Intentional burn, out of control (muirburn, woodland etc – breakdown of type not available)	10	19%
Overheating, unknown cause	4	8%
Accumulation of flammable material	2	4%
Bonfire out of control	2	4%
Careless handling – careless disposal	2	4%
Natural occurrence	2	4%
Negligent use of equipment	1	2%
Other (suspected causes below)	14	
Campfires	7	13%
Discarded cigarette	1	2%
Fallen tree breaking electricity cables	1	2%
Spark from train	1	2%
Not known	4	8%

* Does not total 100% due to rounding



5.7 Fire statistics collected by Park Authority Ranger Service in 2023

Figure 1 – number of active fires / fire remains recorded by month in 2023

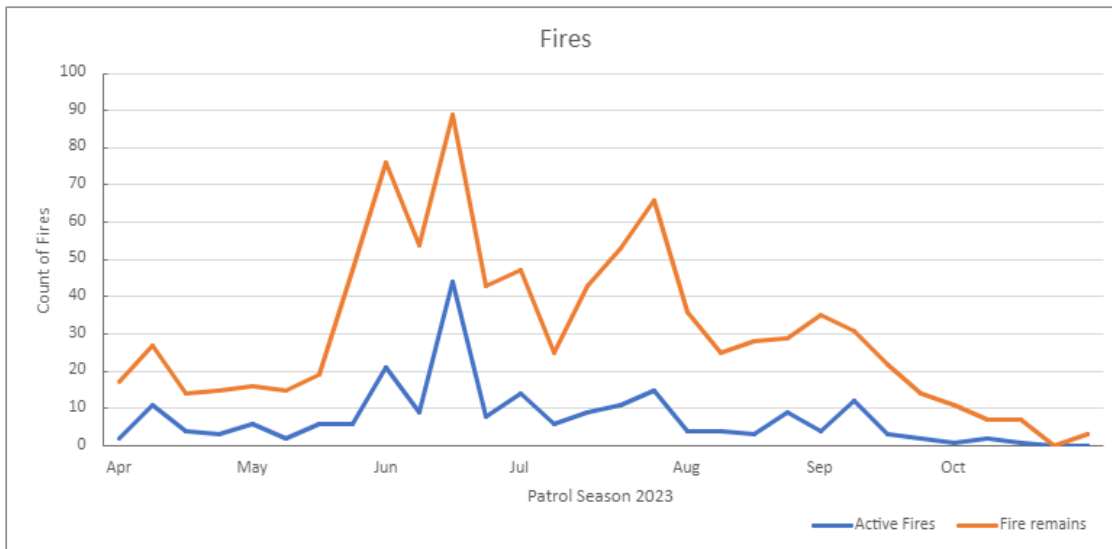


Figure 2 – map showing active fires by density in the National Park in 2023

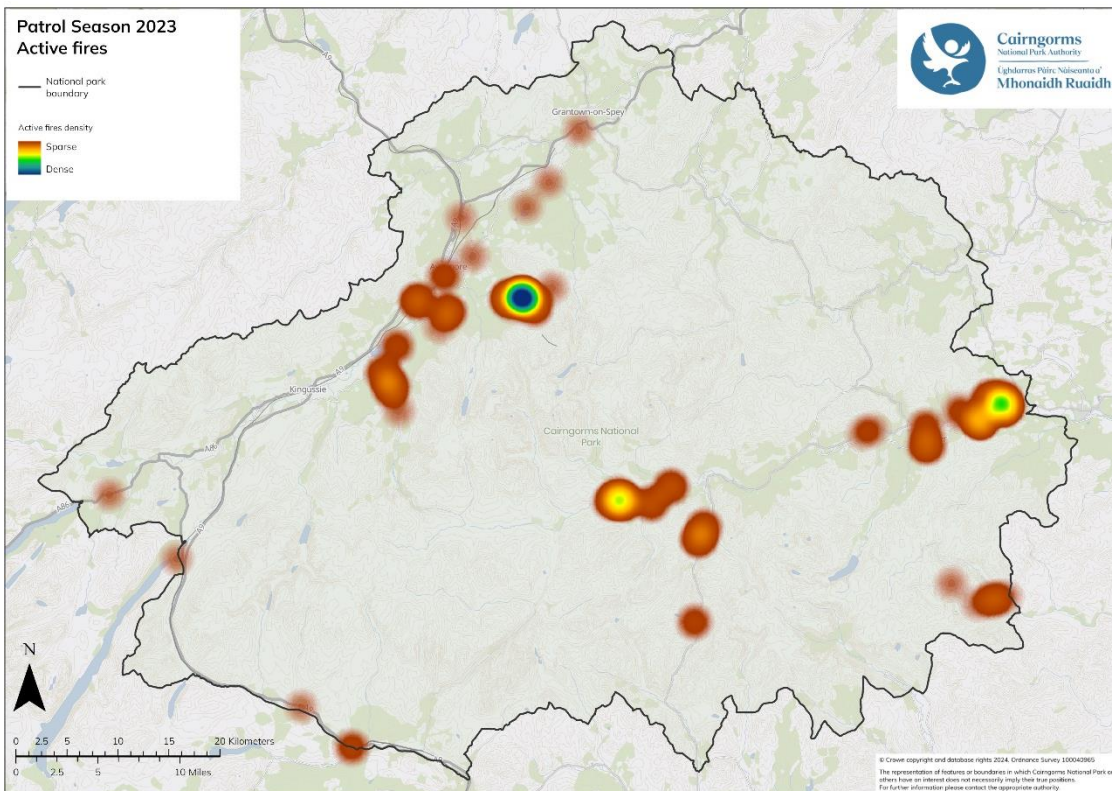
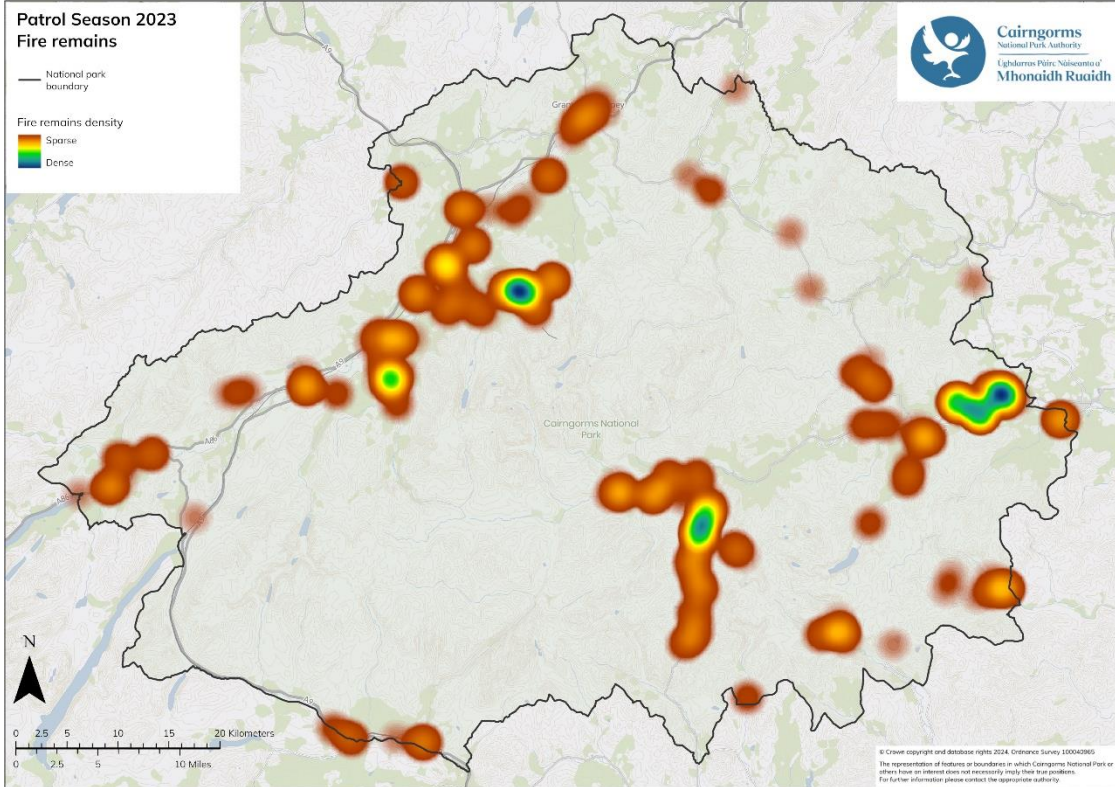




Figure 3 – map showing fire remains recorded by density in 2023





6. Appendix 2 – draft byelaw for option 2 (high fire risk)

General

The Cairngorms National Park Authority, constituted under the National Parks (Scotland) Act 2000 and the Cairngorms National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2003, and having its principal offices at 14 The Square, Grantown-on-Spey, Moray, PH26 3HG (“the Authority”), in exercise of the powers conferred upon it by Paragraph 8 of Schedule 2 to the National Parks (Scotland) Act 2000 hereby makes the following byelaws:

Citation and application

- (1) These byelaws may be cited as The Cairngorms National Park Fire Management Byelaws 20XX.
- (2) These byelaws shall apply only at times of high fire risk as determined by **SFRS**.

Definitions and interpretations

- (3) In these byelaws, the following words, phrases and expressions are printed in bold wherever they appear and they have the interpretation and meaning hereby assigned to them, respectively:
 - a. **“barbecue”** means an appliance or rack on which food is cooked out of doors over an open fire and shall include a disposable barbecue whether manufactured as such or otherwise. It shall not include a gas barbecue;
 - b. **“bothy”** means a building of no more than two storeys which-
 - (1) does not have any form of mains electricity, piped fuel supply, and piped mains water supply;
 - (2) is 100 metres or more from the nearest public road (within the meaning of section 151 of the Roads (Scotland) Act 1984); and
 - (3) is 100 metres or more from the nearest habitable building;
 - c. **“curtilage”** means land which is used for the comfortable enjoyment of a building and which serves the purpose of that building in some necessary or reasonably useful way;
 - d. **“dwellinghouse”** means a residential property, including a building containing one or more flats, or a flat contained within such a building;
 - e. **“fireplace”** means a structure (including wood burning stove) that is designed to contain a fire and is made of brick, stone, metal or any other material;



- f. “**landowner**” means the owner of any land or building within or connected to the National Park;
- g. “**licensed**” means holding a valid licence issued under the Caravan Sites and Control of Development Act 1960;
- h. “**occupier**” means any person who is occupying a **dwellinghouse** or **property** with the consent of the **landowner**;
- i. “**prescribed burning**” means the intentional and controlled burning of vegetation within a specified area to meet specified land management objectives;
- j. “**property**” includes both land and built infrastructure;
- k. “**SFRS**” means the Scottish Fire and Rescue Service established in terms of the Fire (Scotland) Act 2005 and its statutory successors;
- l. “**tenant**” means the tenant of any land within the National Park leased or let to such tenant under a lease of one year or more;

Fire

- (4) It shall be an offence under these byelaws for any person without lawful authority to light a fire in the National Park, or place or throw or let fall a lighted match, firework or any other thing so as to be likely to cause a fire unless the fire is wholly contained:
 - a. within the curtilage of a private **property** and is under the control of the **landowner, tenant or occupier** of the **property** so as to safeguard against damage or danger to any person, wildlife, building, structure, tree, shrub or vegetation; or
 - b. in a **fireplace** connected with a **bothy** so as to safeguard against damage or danger to any person, wildlife, building, structure, tree, shrub or vegetation.

These byelaws shall not prevent the use of a camping stove manufactured as a camping stove or cooker, provided it is used in such a manner as not to cause danger of or damage by fire.

Barbecues

- (5) It shall be an offence under these byelaws for any person without lawful authority to light or use a barbecue anywhere in the National Park unless the barbecue is wholly contained within the **curtilage** of a private **dwellinghouse** and is under the control of the **landowner, tenant or occupier** of the **dwellinghouse**, so as to safeguard against damage or danger to any person, wildlife, building, structure, tree, shrub or vegetation.



These byelaws shall not prevent the use of a gas barbecue, provided it is used in such a manner as not to cause danger of, or damage by, fire.

Prescribed burning

- (6) It shall be an offence under these byelaws for any person to undertake **prescribed burning** other than a **land manager** undertaking **prescribed burning** at any time to control the spread of a wildfire.

Provision of details

- (7) It shall be an offence under these byelaws for any person to refuse to provide their full name and address to an officer of the Authority, a police officer or any other person authorised in writing by the Authority who has reasonable grounds for believing that such person has committed an offence under these byelaws.

Penalties and offences

- (8) No person shall obstruct any person authorised in writing by the Authority in the execution of their duties in relation to these byelaws.
- (9) Any person who contravenes any of the foregoing byelaws shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding Level 2 on the Standard Scale in respect of each offence.

END



7. Appendix 3 – draft byelaw for option 3 (year-round fire management)

General

The Cairngorms National Park Authority, constituted under the National Parks (Scotland) Act 2000 and the Cairngorms National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2003, and having its principal offices at 14 The Square, Grantown-on-Spey, Moray, PH26 3HG (**“the Authority”**), in exercise of the powers conferred upon it by Paragraph 8 of Schedule 2 to the National Parks (Scotland) Act 2000 hereby makes the following byelaws:

Citation and application

- (1) These byelaws may be cited as The Cairngorms National Park Fire Management Byelaws 20XX.
- (2) These byelaws shall apply between the dates of 1 January and 31 December in each calendar year (both dates inclusive) within the Cairngorms National Park (**“the National Park”**)

Definitions and interpretations

- (3) In these byelaws, the following words, phrases and expressions are printed in bold wherever they appear and they have the interpretation and meaning hereby assigned to them, respectively:
 - a. **“avoidable damage”** means any damage resulting from fire where that fire that has not been properly planned, controlled and/or managed in recognition of the local ground terrain, vegetation, accessibility and weather conditions between the time of ignition to when the fire is fully extinguished;
 - b. **“barbecue”** means an appliance or rack on which food is cooked out of doors over an open fire and shall include a disposable barbecue whether manufactured as such or otherwise. It shall not include a gas barbecue;
 - c. **“bothy”** means a building of no more than two storeys which-
 - (1) does not have any form of mains electricity, piped fuel supply, and piped mains water supply; and
 - (2) is 100 metres or more from the nearest public road (within the meaning of section 151 of the Roads (Scotland) Act 1984); and
 - (3) is 100 metres or more from the nearest habitable building;



- d. “**curtilage**” means land which is used for the comfortable enjoyment of a building and which serves the purpose of that building in some necessary or reasonably useful way;
- e. “**dwellinghouse**” means a residential property, including a building containing one or more flats, or a flat contained within such a building;
- f. “**fireplace**” means a structure (including wood burning stove) that is designed to contain a fire and is made of brick, stone, metal or any other material;
- g. “**land manager**” means
 - (1) a **landowner, tenant** or **partner** lawfully authorised by or on behalf of such **landowner** or **tenant** to manage land within the National Park; and
 - (2) or in the case of a **landowner, tenant** or other person that is a body corporate or unincorporated body, any individual who has the power to control the affairs of that body, by whatever means;
- h. “**landowner**” means the owner of any land or building within or connected to the National Park;
- i. “**licensed**” means holding a valid licence issued under the Caravan Sites and Control of Development Act 1960;
- j. “**muirburn licence**” means any statutory licence issued by the Scottish Ministers or their nominees in relation to **making muirburn**;
- k. “**occupier**” means any person who is occupying a **dwellinghouse** or **property** with the consent of the **landowner**;
- l. “**partner**” means a sporting partner engaged in the management of any land within the National Park;
- m. “**prescribed burning**” means the intentional and controlled burning of vegetation within a specified area to meet specified land management objectives;
- n. “**property**” includes both land and built infrastructure;
- o. “**SFRS**” means the Scottish Fire and Rescue Service established in terms of the Fire (Scotland) Act 2005 and its statutory successors;
- p. “**tenant**” means the tenant of any land within the National Park leased or let to such tenant under a lease of one year or more;

Fire

- (4) It shall be an offence under these byelaws for any person without lawful authority to light a fire in the National Park, or place or throw or let fall a lighted match, firework or any other thing so as to be likely to cause a fire, unless the fire is wholly contained:
 - a. within the **curtilage** of a private **dwellinghouse** and is under the control of the **landowner, tenant** or **occupier** of the **dwellinghouse** so as to safeguard against



damage or danger to any person, wildlife, building, structure, tree, shrub or vegetation;

- b. in a **fireplace** in a **bothy** so as to safeguard against damage or danger to any person, wildlife, building, structure, tree, shrub or vegetation; or
- c. in a **licensed** caravan site so as to safeguard against damage or danger to any person, wildlife, building, structure, tree, shrub or vegetation, has permission from the owner of the site and is not taking place during a time of high fire risk as determined by **SFRS**; or
- d. within private **property**, is under the control or the **landowner, tenant or occupier** of the **property** so as to safeguard against damage or danger to any person, wildlife, building, structure, tree, shrub or vegetation, has the consent of the **landowner** and is not taking place during a time of high fire risk as determined by **SFRS**.

These byelaws shall not prevent the use of a camping stove manufactured as a camping stove or cooker, provided it is used in such a manner as not to cause danger of, or damage by, fire.

Barbecues

- (5) It shall be an offence under these byelaws for any person without lawful authority to light or use a **barbecue** anywhere in the National Park unless the **barbecue** is wholly contained;
- a. within the **curtilage** of a private **dwellinghouse** and is under the control of the **landowner tenant or occupier** of the **dwellinghouse** so as to safeguard against damage or danger to any person, wildlife, building, structure, tree, shrub or vegetation; or
 - b. in a **licensed** caravan site so as to safeguard against damage or danger to any person, wildlife, building, structure, tree, shrub or vegetation, has permission from the owner of the site and is not taking place during a time of high fire risk as determined by **SFRS**; or
 - c. within private **property**, is under the control or the **landowner, tenant or occupier** of the **property** so as to safeguard against damage or danger to any person, wildlife, building, structure, tree, shrub or vegetation, has the consent of the **landowner**, and is not taking place during a time of high fire risk as determined by **SFRS**.



These byelaws shall not prevent the use of a gas barbecue, provided it is used in such a manner as not to cause danger of, or damage by, fire.

Prescribed burning

- (6) It shall be an offence under these byelaws:
- a. for any person other than a **land manager** to undertake **prescribed burning**; and
 - b. for a **land manager** to undertake **prescribed burning**, otherwise than in accordance with a **muirburn licence**; and
 - c. for a **land manager** to undertake **prescribed burning** during a time of high fire risk as determined by **SFRS**.

These byelaws shall not prevent a **land manager** undertaking **prescribed burning** at any time to control the spread of a wildfire

Provision of details

- (7) It shall be an offence under these byelaws for any person to refuse to provide their full name and address to any person authorised in writing by the Authority who has reasonable grounds for believing that such person has committed an offence under these byelaws.

Penalties and offences

- (8) No person shall obstruct any person authorised in writing by the Authority in the execution of their duties in relation to these byelaws.
- (9) Any person who contravenes any of the foregoing byelaws shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding Level 2 on the Standard Scale in respect of each offence.

END



8. Appendix 4 – draft byelaw section with prescribed burning exempted

Please note: the example text below is from proposed byelaw option 3.

Fire

- (4) It shall be an offence under these byelaws for any person without lawful authority to light a fire in the National Park, or place or throw or let fall a lighted match, firework or any other thing so as to be likely to cause a fire, unless the fire is wholly contained:
- a. within the **curtilage** of a private **dwellinghouse** and is under the control of the **landowner, tenant or occupier** of the **dwellinghouse** so as to safeguard against damage or danger to any person, wildlife, building, structure, tree, shrub or vegetation;
 - b. in a **fireplace** in a **bothy** so as to safeguard against damage or danger to any person, wildlife, building, structure, tree, shrub or vegetation; or
 - c. in a **licensed** caravan site so as to safeguard against damage or danger to any person, wildlife, building, structure, tree, shrub or vegetation, has permission from the owner of the site and is not taking place during a time of high fire risk as determined by **SFRS**; or
 - d. within private **property**, is under the control of the **landowner, tenant or occupier** of the **property** so as to safeguard against damage or danger to any person, wildlife, building, structure, tree, shrub or vegetation, has the consent of the **landowner** and is not taking place during a time of high fire risk as determined by **SFRS**.

These byelaws shall not prevent:

- a. a **land manager** undertaking **prescribed burning**;
- b. the use of a camping stove manufactured as a camping stove or cooker, provided it is used in such a manner as not to cause danger of, or damage by, fire.

END