



For decision

Title: Fire Management Byelaws

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Strategic context

1. The National Park Partnership Plan has two relevant sections providing strategic context for this work.
 - a) A7 – Fire Management: Develop and agree a National Park approach to campfires and barbecues.
 - b) Policy C4 (d) – Reducing fire risk by limiting or excluding barbecues and open fires in key areas of the National Park, such as in areas of woodland and peatland.
2. The [consultation paper](#) set out a range of information to help people think about the issues around fire management, the strategic policy context and specifically whether a byelaw would be an appropriate way forward to help reduce fire risk and the potential for ignition in the National Park. This built on the board papers discussed by members in September and November 2023.
3. The Park Authority has already committed in the National Park Partnership Plan (NPPP) to establish an Integrated Wildfire Management Plan (IWMP) for the Park. An update on this plan is provided as paper three.

Purpose

4. Following the board decision on 24 November 2024 the Park Authority have carried out an extensive consultation on potential fire management byelaws for the Cairngorms National Park the results of which gives the Park Authority a mandate for change.
5. Members are now invited to agree the Park Authority position. If the Board agrees to proceed with a byelaw then the specific wording of the byelaw will be agreed at the board meeting in September and then subject to a formal 12 week consultation in the Autumn before being finalised and submitted to Scottish Ministers for approval.



Recommendations

The Board is asked to:

- a) Agree that the Park Authority develop a seasonal fire management byelaw from 1 April to 30 September each year for formal consultation this Autumn.
- b) Agree that the fire management byelaw does not cover muirburn as individual muirburn licence conditions will cover muirburn during periods of high fire risk.
- c) Agree that the Park Authority continue to work with the Scottish Government to ensure that fixed penalty notices can be issued for byelaw offences.

Stakeholder engagement

6. The Park Authority launched a consultation on fire management, including the potential introduction of fire byelaws on Thursday 8 February 2024, with the consultation running for 10 weeks until Wednesday 17 April 2024. The campaign was supported by a dedicated postcard sent to every address in the National Park, an article in *Cairn* magazine, multiple press columns and interviews, video content and dedicated social media activity.
7. The consultation document outlined three potential ways forward, ranging from a no byelaw option to a year round byelaw. The Park Authority did not express a preferred option as part of this process but instead, sought feedback from a range of different perspectives to inform its long term plans.
8. The online survey received a total of 1,664 online responses and 18 written responses. The detailed breakdown of the consultation is contained in Annex 1.
9. The headline overview of the consultation was as follows:
 - a) Main types of respondents were local residents (58%), visitors (31%) businesses (11%) and land managers / workers (10%).
 - b) 79% of all respondents supported the introduction of a byelaw, 16% were against and 5% were unsure.
 - c) Respondents were asked which (if any) of three options they preferred:
 - i. 17% preferred option 1 – no byelaw / enhanced education.
 - ii. 34% preferred option 2 – a high fire risk byelaw.
 - iii. 49% preferred option 3 – year round byelaw.
 - d) Respondents were asked whether they wished to see prescribed burning included in a byelaw with 45% in favour, 35% against and 20% don't know.



Strategic policy consideration

10. The consultation responses give the Park Authority a strong mandate for change and for the development of a fire management byelaw. There were a lot of different views about what that byelaw should look like and should cover.
11. This section sets out the thinking behind the recommendations from staff based on the information gathered through the consultation and further consideration about the most effective approach going forward.
12. There were three criteria that staff used to consider the different options.
 - a) Ease of communication and understanding by the public
 - b) Ease of enforcement
 - c) Likelihood of reducing wildfire risk and risk of ignition

High fire risk fire management byelaw

13. The high fire risk byelaw option whilst the most focussed at stopping fires during periods of high risk is not easy to communicate. This was borne out by comments in the consultation. Visitors coming to the National Park would need to know whether there was a high fire risk in place. They would also need to know when it would be over. This is likely to be difficult to communicate to the circa two million visitors and signage would have to be deployed across the National Park and taken down again, making it difficult to resource. High fire risk may also only affect part of the National Park at any given date, making it difficult to communicate. This in turn would make enforcement difficult as people could be unaware of the current fire risk within the National Park.

Criteria

Ease of communication and understanding	Red
Ease of enforcement	Red
Likelihood of reducing wildfire risk and risk of ignition	Amber

Year round fire management byelaw

14. The year round fire management byelaw is easy to communicate with a simple year round message. It could have issues around enforcement, with people seeing it as heavy handed e.g. enforcing when there is little or no risk of ignition. This was



something that a number of respondents to the consultation raised in their feedback. The year round approach would, however, reduce the risk of wildfire and potential points of ignition if there was a high rate of compliance.

Criteria

Ease of communication and understanding	Green
Ease of enforcement	Amber
Likelihood of reducing wildfire risk and risk of ignition	Green

Seasonal fire management byelaw

- 15. As part of the consultation, 291 consultees suggested an alternative option should be considered. A seasonal byelaw was one of the specific options that 21 respondents specifically mentioned. It was considered relatively simple to communicate it would not apply during the colder and generally wetter months when there is relatively low risk from recreational fires and thus would not be seen as heavy handed.
- 16. In looking at recreational fire trends in the National Park, it is clear that from October the amount of active fires decrease due to weather and that fewer people are camping. The data only starts in April so there is no data for March 2023.

Active Fires – CNPA Ranger Service 2023

Month 2023	April	May	June	July	August	Sept	Oct
Active Fires	20	20	82	55	20	21	4

- 17. Wildfire Danger Assessments when the overall fire danger assessment was very high or extreme were issued for all or part of the Cairngorms National Park from 10 to 11 March 2023, 17 April to 22 April 2023, 26 May to 10 June 2023 and 14 June to 17 June 2023.



Criteria

Ease of communication and understanding	Green
Ease of enforcement	Green
Likelihood of reducing wildfire risk and risk of ignition	Amber

Recommendation 1 – Of those that wanted a byelaw, the difference in preference was relatively small between the options, with 59% in favour of a year round byelaw and 41% in favour of a high fire risk byelaw. Consideration has been given by the Park Authority to see if there is a way that an option can be formed that combines the best from these options whilst responding to concerns raised about each. This means trying to find an approach that is still easy to communicate and is not perceived as heavy handed but also covers the periods with the greatest risk. **It is thus recommended that the Park Authority develop a seasonal fire management byelaw from 1 April to 30 September each year for formal consultation this Autumn.**

Prescribed burning

- 18. The inclusion of prescribed burning in the consultation was around the need for consistency during periods of high fire risk, i.e. there should be times of the years when nobody is lighting a fire due to a high fire risk being in place.
- 19. Land managers in the National Park (see Annex 1) generally felt that muirburn should not be included in the byelaws as it was potentially duplicating other legislation and there was the potential for double penalties.
- 20. On 24 March, in the middle of the consultation period, the Wildlife Management and Muirburn Bill passed in the Scottish Parliament. In discussions with NatureScot and others since, it has been agreed that restrictions on undertaking muirburn during a period of high fire risk (with exemptions for controlling a wildfire etc) will be conditioned in Muirburn Licences. This is in line with best practice. This approach was what was potentially being proposed within the byelaw consultation but, with this now being covered by the Muirburn Licence, this means that the byelaws can focus solely on recreational fires.

Recommendation 2 – **It is recommended that the fire management byelaw does not cover muirburn as individual muirburn licence conditions will cover muirburn during periods of high fire risk.**



Enforcement

21. Enforcement is a last resort, with the main focus being on information, education and communication. It is, however, absolutely vital that the Park Authority is able to issue fixed penalty notices. This will need a change in legislation but is a key part of implementation for the byelaws. The Park Authority has been in discussions with Scottish Government around this. There will also need to be a significant training programme for the Park Authority rangers and ongoing enforcement discussions with Police Scotland.

Recommendation 3 – The Park Authority continue to work with the Scottish Government to ensure that fixed penalty notices can be issued for byelaw offences.

Timescale and next steps

22. If the Board approve the recommendations, a paper will be taken to the September board with proposed byelaw wording for the formal consultation. This will include the details of exemptions from the byelaw, exactly what the byelaw will cover, flexibility around dates for the seasonal byelaw if, for example, the Park Authority needs to respond to sustained changes in the pattern of future wildfire risk or recreation patterns etc. If approved by the Board in September, it will go out to formal consultation for 12 weeks.

23. Following the formal consultation, the Board will consider the feedback and agree the final byelaw wording to be submitted to Scottish Ministers.

24. In advance of any implementation date there will need to be three major pieces of work carried out:

- a) Training for all Park Authority Rangers and relevant managers on the process for enforcing the byelaws. Liaison with Police Scotland and others on implementation support.
- b) Communications and engagement campaign in advance of any implementation date to ensure that residents and visitors are aware of any restrictions.
- c) Development and installation of signage at key entry points and destinations in the National Park.



Implications

25. There is still a significant amount of consultation to undertake and a relatively long timescale until any byelaw is implemented. The Park Authority will continue to work with partners on reducing wildfire risk and considering the resources needed to implement the Integrated Wildfire Management Plan.

Success measures

26. The key success measures for the fire management byelaws are:

- a) Reduction in number of recreational fires being lit during operation of the byelaw.
- b) Reduction in number of wildfire incidents in the National Park caused by recreational fires.



Annex 1

Consultation overview

Background

The Park Authority launched a consultation on fire management, including the potential introduction of fire byelaws on Thursday 8 February 2024 with the consultation running for 10 weeks until Wednesday 17 April 2024. A consultation document outlined three potential ways forward, ranging from a no byelaw option to a year round byelaw. The Park Authority did not express a preferred option as part of this process but instead, sought feedback from a range of different perspectives to inform its long-term plans.

The consultation was largely carried out online, with respondents asked questions on different options and the reasons for their responses via an online survey. Some anonymised data was also gathered on the type of respondent so analysis could be undertaken of any differences in views from different groups e.g. residents or visitors. Written responses were also welcomed, and a number received, largely from partner organisations although some of these also completed the online survey.

Level of response

The online survey received a total of 1,664 responses. 1,617 people responded to the question of respondent type with a breakdown as shown in the table below. Note that people could select multiple options e.g. Local resident and Land manager or worker, so responses do not total 100%.

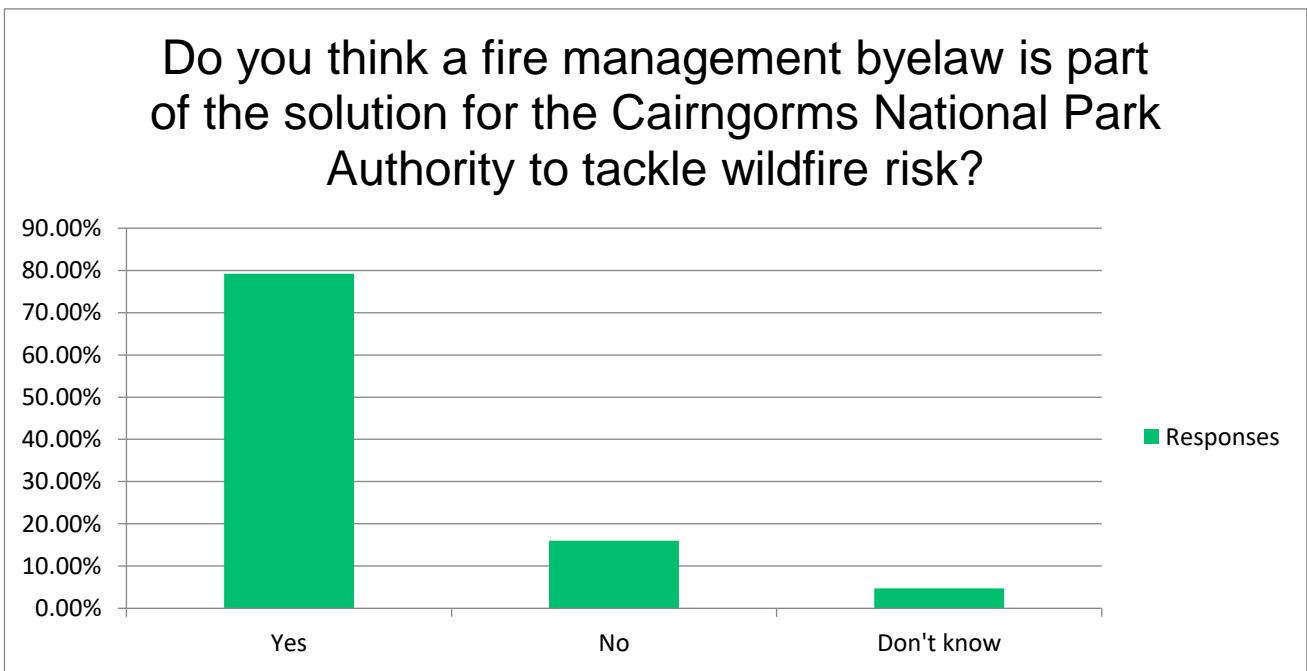
What is your connection with the Cairngorms National Park?		
Respondent type	No.	%
Business owner or employee	178	11.0%
Partner organisation	41	2.5%
Community group member	88	5.4%
Staff/board member or Park Authority volunteer	18	1.1%
Land manager or worker	166	10.3%
Visitor	507	31.4%
Local resident	943	58.3%
Prefer not to say	24	1.5%
Other	73	4.5%



Level of support for a byelaw

1,571 respondents indicated their level of support for, or opposition to a byelaw with responses as follows.

Do you think a fire management byelaw is part of the solution for the Cairngorms National Park Authority to tackle wildfire risk?		
Answer choices	No.	%
Yes	1,245	79.2%
No	252	16.0%
Don't know	74	4.7%

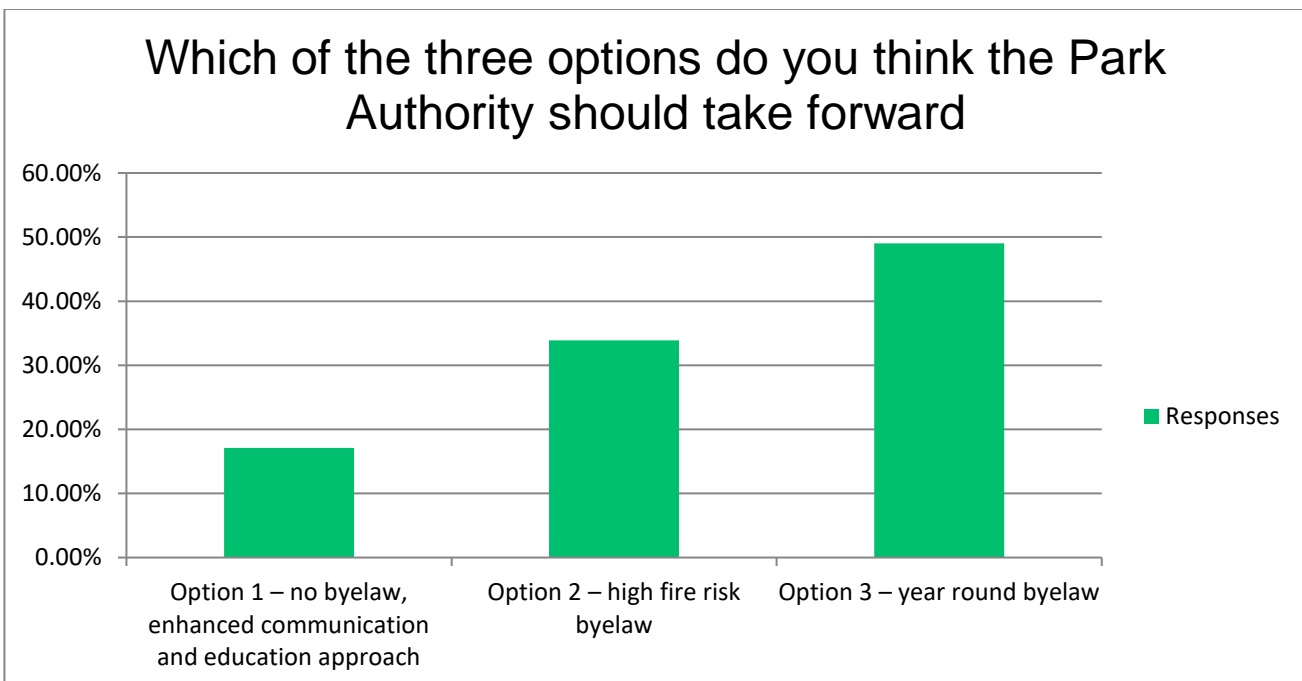


Level of support for the different options presented in the consultation document

1,469 respondents expressed a preference for one of the options detailed with responses as below. 105 respondents indicated that they preferred another option not described.



Which of the three options do you think the Park Authority should take forward		
Answer choices	No.	%
Option 1 – no byelaw, enhanced communication and education approach	225	17.1%
Option 2 – high fire risk byelaw	445	33.9%
Option 3 – year-round byelaw	644	49.0%



Variations in response by group

When responses are broken down by the respondent group (local resident, visitor etc.) some variations in views were evident although most groups responses were within a few percentage points of the “all respondents” average. Notable exceptions were: -

- a) Significantly more community group member respondents favoured no byelaw when compared with the average (30% v an 18% average)
- b) Significantly more Land manager or worker respondents and Partner Organisations favoured a high fire risk byelaw when compared with the average (48% & 52% respectively v a 34% average)
- c) Significantly more visitors favoured an all year byelaw when compared with the average (55% v a 46% average)



- d) Significantly fewer land manager or worker and community group member respondents as well as partner organisations favoured an all year byelaw when compared with the average (31%,37% and 30% respectively v a 46% average)

Full details with the most significant variations circled in red are shown in the table below.

	All responses		Local resident		Visitor		Land manager or worker		Staff/board or Park Authority volunteer		Community group member		Partner organisation		Business owner or employee	
	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	
Option 1 – no byelaw	18	135	16	77	18	27	21	2	14	22	30	6	18	40	26	
Option 2 – high fire risk byelaw	34	284	33	120	28	63	48	5	36	24	33	17	52	54	35	
Option 3 – year round byelaw	46	432	51	236	55	41	31	7	50	27	37	10	30	60	39	

Prescribed burning

1,515 people responded as to whether they wished to see prescribed burning included in a byelaw with responses as follows.

Do you think that prescribed burning should be included in a byelaw?		
Answer choices	Responses	
Yes	678	44.8%
No	528	34.9%
Don't know	309	20.4%

When responses are broken down by the respondent group some variations in views were evident as indicated below. There was a wider range of responses between

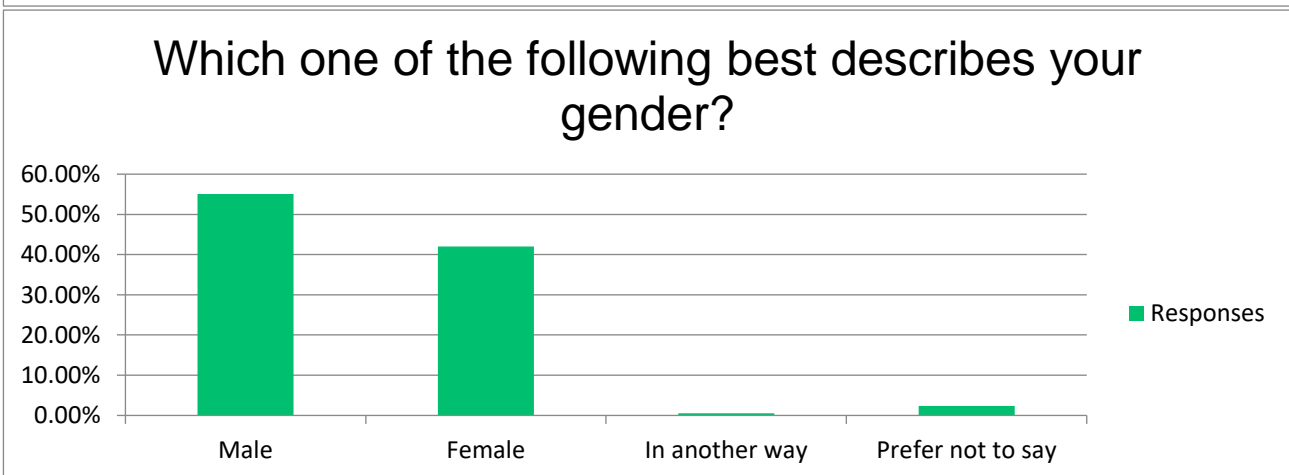
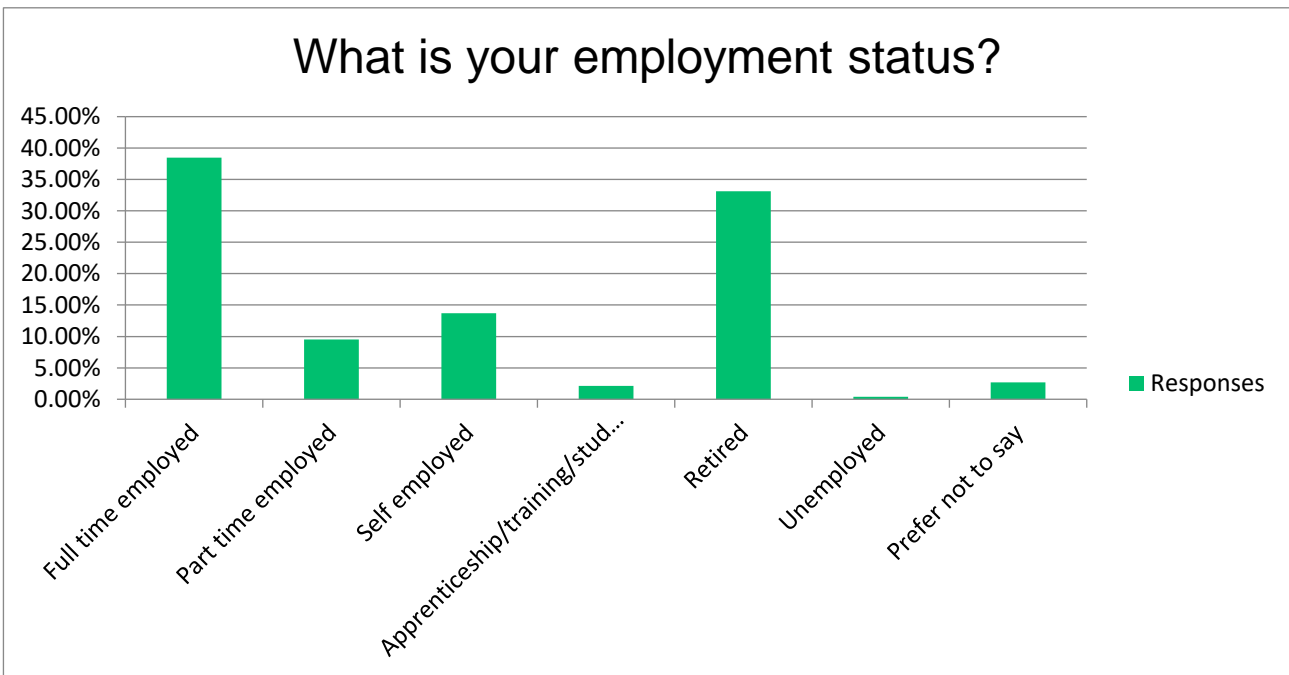
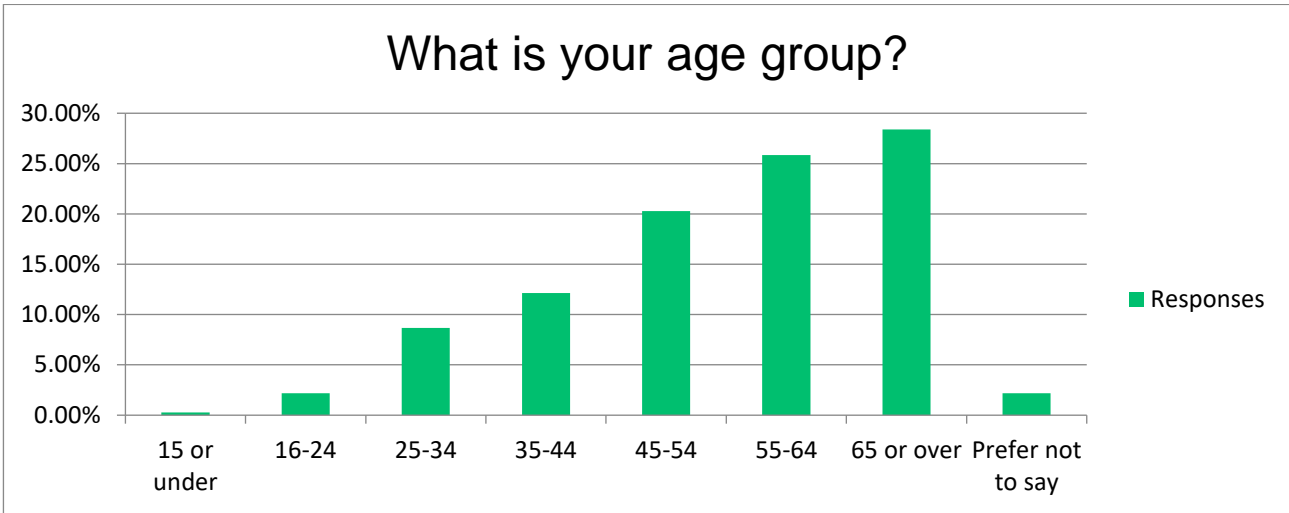


different groups than with the previous questions with one particularly notable variance (circled in red) being the views of Land managers and workers. A significantly higher number (64% v a 35% average) were against the inclusion of prescribed burning with consequently fewer being supportive.

Do you think that prescribed burning should be included in a byelaw?	All responses		Local resident		Visitor		Land manager or worker		Staff/board or Park Authority volunteer		Community group member		Partner organisation		Business owner or employee	
	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	
Yes	45	412	47	228	51	41	27	11	61	35	43	14	39	55	34	
No	35	304	34	113	25	98	64	6	33	25	31	14	39	76	47	
Don't know	20	170	19	109	24	13	9	1	5	21	26	8	22	32	20	

Respondent profile

1,505 respondents also completed a series of questions that allowed a profile of respondents to be gathered that helps identify whether there was a spread of characteristics such as age, employment status and gender. The three tables below give an indication of the spread of characteristics from those respondents with notably greater numbers of responses from men and from older age groups being evident.





Reasons for responses

In addition to questions gathering quantitative data, respondents were also asked to give reasons as to why they supported the option they did. This allows the Park Authority to consider not just absolute numbers supporting an option but also some qualitative data that could support or oppose any of the potential options. As these responses were provided in a “free text” format it is not possible to provide all the detail here but an analysis of all the responses did identify some commonly occurring themes. It is also worth noting that many comments indicated that respondents recognised that there were nuanced positives and negatives to all the options presented and so a definitive response could consequently be difficult.

- a) **Increasing risk** – respondents commonly mentioned the risk of fire to either property or the environment with some also feeling the level of risk was increasing with climate change. Many people also commented on the risk to wildlife / habitats / biodiversity. Managing risk through reducing fuel load through burning, firebreaks etc was also mentioned.
- b) **Clarity** – respondents commented on what they saw as a lack of clarity around fires in the Scottish Outdoor Access Code and in related messaging. Amongst those supporting one of the byelaw options there was a view that this would provide a less ambiguous and / or stronger message.
- c) **Enforcement** – some respondents supported greater opportunities for enforcement in particular when compared to current options which are seen to be quite limiting. Many also commented on the fact that the ability to enforce would in itself encourage greater compliance with any byelaw.
- d) **Education / Advice** – significant numbers of respondents supported the continuation of efforts to educate or advise people about fires. Many of those opposed to a byelaw felt this approach was adequate, while many supporting a byelaw commented on the numbers ignoring such advice and stated that education is ineffective. There was broad support for continued education / advice from respondents favouring all three of the options presented. Some respondents highlighted that any restriction would need to be supported by advice on alternatives.
- e) **Responsible behaviour** – particularly amongst those opposed to a byelaw there was a feeling that introducing a byelaw would also penalise responsible people. Related to this, a number of respondents commented on the need to allow practical education around fires such as “bushcraft” courses.
- f) **Muirburn** – many respondents commented both for and against the inclusion of muirburn with those against commonly suggesting this be covered via licencing.



- g) **A National issue** – a number of respondents commented on the fact that this is not an issue unique to the Cairngorms and as such a solution should be developed nationally.

Alternative approaches

291 respondents suggested that an alternative approach to tackling wildfire risk should be considered. A seasonal byelaw was an option that 21 respondents specifically mentioned with the suggestion that set dates were easier to communicate. Other options suggested by multiple respondents were increased management of fuel loads, provision of alternative fire areas or dedicated fire / barbeque sites and permit or licensing systems.

Written Responses

In addition to the online responses, 17 written responses were received – although some were from respondents who also completed the online survey. Most of the written responses provided similar observations to those described in the previous two sections but some additional points were raised which are given below.

- a) A byelaw that applies only at times of high fire risk could make matters worse as it could imply there isn't a risk at other times.
- b) Allowing fires within private properties (gardens) would present an inconsistency in approach could risk losing the confidence of visitors affected by a byelaw.
- c) No case has been presented as to why prescribed burning within the National Park should be treated differently to that out with and as described in the Partnership Plan, this should be done via the new licensing system for muirburn. Others have made associated comments that the term "prescribed burning" is not recognised by primary legislation but "muirburn" is.
- d) It is not appropriate to use the same regulatory framework to regulate both the recreational and professional application of fire. Respondents commonly pointed to prescribed burning being undertaken by trained staff with the expertise and equipment to prevent spread.
- e) The Park Authority should consider imposing byelaws at the local authority scale as opposed to park wide.