Muirburn and the Climate Change (Scotland) Bill
Evidence from RSPB Scotland to the Rural Affairs and Environment Committee

RSPB Scotland believes that introducing the flexibility to allow Scottish Ministers to make any required changes to muirburn dates in the future, based on sound and growing scientific evidence about management measures that can be taken to help climate change adaptation, as provided for by Section 46 of the draft Climate Change (Scotland) Bill is a sensible approach.

We would highlight that the proposed clause is an enabling clause giving Ministers the power to make changes should they consider it “necessary or expedient to do so in relation to climate change”.

The evidence submitted below seeks to establish that the impacts of climate change are already evident in the habitats associated with muirburn and that Scottish Ministers should have powers similar to those in England and Wales to take account of these changes and vary permitted time for making muirburn as appropriate.

We would add that we also support the idea of making provision through a licensing system for out of season burning, to allow flexibility of approach. To provide the necessary safeguards for the natural heritage from out-of-season burning, we consider that a licensing system should be put in place and it seems to us most appropriate that such a system is administered by Scottish Natural Heritage as the Scottish Government’s advisors on nature conservation.

Such a licensing system would, as mentioned, enable a flexible approach whilst a change in the unlicensed dates would reflect the needs of a changing climate and bring Scotland into line with England and Wales. We would welcome amendments to the draft Climate Change (Scotland) Bill to enable such a licensing system to be established at the same time as any changes in the permitted times for making muirburn.

Compliance with the Muirburn Code is presently a condition for the receipt of Single Farm Payment and should continue to be so.

Climate change impacts on moorland
A recent study commissioned by Scotland’s Moorland Forum from the British Trust for Ornithology (BTO Research Report No.362, March 2005), based on substantial bird nest record data, has shown that a number of key moorland breeding bird species are breeding earlier. It is suggested in the report that this may be a response to climate change. In addition, a number of these
“moorland specialist” species, including hen harrier, merlin, golden plover and dotterel are listed on Annex 1 of the EU “Birds” Directive, requiring special conservation measures to be taken to protect their populations. Most of these species nest on the ground in either heather or grass and their nests and dependent young are therefore at risk from burning events. The BTO report cites lack of evidence of the current spatial effects of muirburn on the populations of Annex 1 (and other) bird species.

In the north and west Highlands of Scotland in particular, it has become customary for serious wildfires to break out usually in April and May. There have been many such serious incidents in recent years, which have caused serious damage to moorland, forestry, and nature conservation interests, as well as tying up fire service resources. With dryer springs, brought about by climate change, and therefore an increased risk of such wildfire events, we believe that it is essential that the Scottish Government provides some greater clarity on muirburn dates at the end of the season.

In recent years, there has been an increased prevalence of heather beetle outbreak caused by climate change. Heather beetle infestation has caused heather die off and loss. This has occurred on sites such as our Abernethy Nature Reserve, which is a Natura 2000 site. The infestations of heather beetle are exacerbated by warm summers, which “stress” the heather and make it more susceptible to heather beetle attack, as well as warmer winters, which improve survival of heather beetle larvae. Both wet summers and warm winters are becoming more prevalent due to climate change. The recommended treatment for heather beetle infestation is burning of the affected areas as soon as an outbreak is detected to reduce spread of beetle attack. We can therefore see that a strong case might be made in such circumstances for a licence for out of season burning to take place in order to protect the wider heather resource, and possibly also to protect the biological interest of Natura 2000 sites.

Provisions in England and Wales
In England and Wales there is provision under the Hill Farming Act 1946 (as amended) to allow Defra and the Welsh Assembly Government to amend the permitted dates for making muirburn, and for issuing licences for out of season burning. Indeed, Defra have now amended the upland burning end of season date in England to “sun down” on 15 April. In Wales, the Welsh Assembly Government has introduced and end of season date of 31 March. These measures have been taken by the authorities to prevent soil erosion and pollution of water courses, as well protection of biodiversity and adaptation to climate change. We support the idea of similar arrangements in Scotland.

RSPB Scotland
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