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Roseanna Cunningham MSP
Cabinet Secretary for the Environment, Climate Change and Land Reform
The Scottish Government
St. Andrew's House
Regent Road
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10 February 2020

Dear Cabinet Secretary,

Ending the practice of burning on peatlands

In the context of the climate and nature emergency, our Parliament has set some of the most ambitious emissions reduction targets in the world and your government is working hard to develop the policies that will set us on the path to meeting those targets. This will not be easy and all sectors will need to play their part.

Our organisations are particularly interested in nature-based solutions to climate change and we welcome the Scottish Government's focus on peatland management and protection. We welcome the fact that the Scottish Government clearly sees peatlands as a key national resource and peatland restoration is now a major strand of efforts to maintain carbon stores and reduce emissions. We also welcome the fact that the government appears to recognise the need for a fully coherent approach to peatland management by seeking to phase out the use of horticultural peat.

Given that we are putting great emphasis on restoring peatlands, it is important that we do everything we can to bring damaging practices to an end and we are writing to you now to encourage you to act to end the practice of burning on peatlands.

Muirburn is a well-established practice that takes place across a range of soil types, but the risks to our carbon stocks is too great to allow this practice to continue over peatlands. Not only is there a risk that a vegetation fire could get into the peat itself, burning can also damage peatlands and we know that degraded peatlands are net sources of greenhouse gases.



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Registered office: 13 Marshall Place, Perth, PH2 8AH. A Scottish Charity No. SC000296.

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Muirburn is regulated under the Hill Farming Act 1946 (as amended) and this legislation sets out the season and associated rules, the contravention of which constitutes an offence. Currently, burning on peatland is not an offence and does take place. Research published in 2015 mapped burning across c.45,000 km² of the UK and found that a third of the burned squares in Scotland and England were on peat ≥ 0.5 m in depth¹.

At present, the Muirburn Code states that burning should not take place on peatlands (taken to be areas of peat deeper than 50cm), but there is no hard, regulatory means of preventing this practice given that the Code is advisory. While adherence to the Code is a requirement under Cross Compliance (GAEC 6), only some aspects of the code are referred to and burning on peatlands is not included. As such, we believe that a stronger regulatory framework is required to actively prevent burning on peatlands.

The practice of muirburn has been examined recently by the Grouse Moor Management Review Group, which recommended that muirburn should be subject to increased legal regulation and that this should be taken forward through a licensing system. This is potentially a useful step forward—and we would encourage the government to pursue it—but we believe that any new regulatory framework for muirburn must also include an outright prohibition of burning on peatlands².

A General Licence covering muirburn does represent an additional regulatory lever, but experience from other General Licences suggests that it is a weak regulatory tool. If non-adherence to the Muirburn Code (by burning on peatlands) could be shown, a licence to undertake muirburn could be removed. But this raises questions about how long a licence restriction would apply and whether land managers could find ways around it by applying for individual licences.

As such, we believe that a stronger deterrent is also required and that the government should specifically prohibit burning on peatlands and introduce additional measures to tackle the reckless setting of fires that have a likelihood of spreading to peatland areas. This would require legislation to be amended and an offence to be created with an appropriate penalty. The importance of this issue has recently been raised by the Scottish Government's own climate advisory body, the Committee on Climate Change, which is itself calling for a ban.

If the government were to consider making this step, it does raise the question about where such a prohibition would apply. At present, the Muirburn Code states that burning should not take place on peatland (defined as being areas of peat over 50cm deep). However, we believe that there is a strong case that burning should also not take place on shallower peat. We have extensive areas of shallower peat, which is itself a large carbon store. Consequently, at the same time as banning burning on peatlands (taken as >50 cm), we believe that the government should also consider reducing the depth of peat over which burning is prohibited to 30cm (although this depth should be amendable so that it can reflect the latest science). This would send the very strong message about the importance of our peatland areas and that the government takes the protection of peatlands seriously.

¹ Douglas D.J.T., Buchanan G.M., Thompson P., Amar A., Fielding D.A., Redpath S.M., Wilson J.D., (2015) Vegetation burning for game management in the UK uplands is increasing and overlaps spatially with soil carbon and protected areas, *Biological Conservation*, 191, 243-250.

² Our organisations will respond individually to the report of the Grouse Moor Management Review Group; we write collectively here because of the common concern about the specific issue of burning on peatlands.

We very much welcome the fact that the government appears to be embracing our peatlands. The government has a very positive role to play in helping protect and enhance these important areas and we would encourage you to take the earliest legislative opportunity to prohibit burning on peatlands.

We would also highlight, however, that prohibiting burning is only part of the picture and that there is a wider set of issues that need to be addressed in a coherent way. We believe that in this year, when you are updating the Climate Change Plan and hosting important international biodiversity and climate meetings, the government should take the opportunity to develop a fully coherent, updated approach to peatland management. This wider set of issues includes: developing a stable, multi-annual platform for funding peatland restoration; halting commercial peat extraction; revisiting the 50cm threshold for deep peat to ensure it is based on the most recent science; addressing the issue of invasive non-native tree establishment on peatlands; reducing the loss of peatland through development and restoring areas of peatland that have been planted with trees.

We know that we need to tackle the nature and climate emergencies at the same time and that peatlands have a vital role to play. We urge your government to start by banning burning on peatlands at the earliest opportunity and move to develop a fully coherent approach to peatlands as soon as possible.

Yours sincerely,

Badenoch and Strathspey Conservation Group
Buglife
Butterfly Conservation Scotland
Cairngorms Campaign
Friends of the Earth Scotland
Froglife
John Muir Trust
National Trust for Scotland
North East Mountain Trust
Plantlife Scotland
Ramblers Scotland
RSPB Scotland
Scottish Badgers
ScotFWAG
Scottish Raptor Study Group
Scottish Wild Land Group
Scottish Wildlife Trust
Trees for Life
WWF Scotland