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NatureScot Consultation draft – Muirburn Code guidance

Fisheries Management Scotland is the representative body for Scotland's District Salmon Fishery Boards, the River Tweed Commission and charitable Rivers and Fisheries Trusts. Our members work to conserve Scotland's valuable and iconic wild salmon and freshwater fish and fisheries and the aquatic environment on which they depend.

Scotland's nature crisis, and the associated wild salmon crisis, are now well-understood. The Scottish Government have published a Wild Salmon Strategy and associated Implementation Plan, and in 2023 the IUCN reclassified wild Atlantic salmon to 'endangered' in GB. In addition to salmon, the freshwater environment is home to a number of important species including trout, three species of lamprey and critically endangered eels and freshwater pearl mussels. All of these species rely on a health river environment, which includes the riparian zone, and many of our members are actively working to ensure that riverside planting and restoration provides crucial shade to our rivers to help mitigate climate-induced warming. It is vital that these efforts are not compromised by inappropriate use of muirburn.

Having reviewed the consultation draft, we wish to provide the following feedback to the consultation draft of the revised Muirburn Code.

Overarching Comments

Scotland's River Temperature Monitoring Network allows river managers to identify the parts of rivers that are most at risk of climate-induced warming. Many of these areas are in upper catchments and are often associated with moorlands. There is significant scope for changes in management to support meaningful change, including enhancing the potential to retain water in the landscape, by facilitating peatland restoration and allowing

vegetation to recover to a more natural structure. Provision of dappled shade, through planting and restoration of native woodland in riparian zones is a proven means of providing climate resilience and is actively being pursued by river and fisheries managers across Scotland. We are therefore extremely disappointed by the lack of consideration of watercourses and wetlands in the consultation draft.

How will compliance be monitored?

We were surprised to see the following statement in the consultation guidance: "All those who make muirburn must have regard to the Muirburn Code." Given that muirburn will be a licensed activity, we would expect adherence to the code to be a condition of licence. We would also expect compliance to be linked to the Basic Payment Scheme and GAEC, and there should be clear communication between RPID and NatureScot to this effect.

Protected Areas and Species

We believe that there should be specific mention of aquatic species, particularly those mentioned above, which are highly sensitive to climate change and land-management practices. In the light of the drive by Scottish Government (as evidenced in the Wild Salmon Strategy) to mitigate climate-induced impacts on wild salmon via planting and restoration of native trees and vegetation in the riparian zone, we believe that this needs far greater consideration in the code.

Fire Free Areas

These should include a suitable 'buffer zone' which prevents muirburn in the vicinity of water courses, and specific reference to protection of native riparian woodland and vegetation should be included. The fire free zone specified in the code is not wide enough and does not specify if the distance back from the watercourse is taken from the wet width or the bank top. As with agricultural buffers for watercourses, It should be clear that buffer zones start at bank top. The buffer width for the Muirburn code should be set in line with SEPA's "Recommended Riparian Corridor" as found on the Scottish Governments Environment hub. *The Riparian Corridor GIS layer is a buffer zone that extends from the banks of all natural watercourses in Scotland. The Riparian Corridor buffer has 3 size categories: 10 m 15 m, and 30 m. The size of buffer is determined by the width of each watercourse; channels less than 2 m wide having a corridor of 10m, 2 m to 15 m wide, 15 m and greater than 15 m wide, 30 m applied to each bank. In total, the riparian corridor buffer zone adds 20 m, 30 m or 60 m to the width of each river channel.*

Flooding and water resources

Many river catchments are increasingly subject to flooding, leading to considerable damage to property and the wider river environment. Complex riparian vegetation and tree cover in the riparian zone, can play an important role in mitigating these impacts, and therefore it is vital that these features are protected from fire damage at all times.

We have received reports from members that riparian woodland regeneration has been lost due to poorly controlled burns. In addition, burning of dry heath on steep banks adjacent to water courses can leave sandy soils very vulnerable to erosion. The impact of such sediment impact on spawning tributaries and important habitat for freshwater pearl mussels, and the destabilisation effect from loss of vegetation, appears to have been overlooked in the draft code.

Conclusion

As detailed above, we do not believe that the draft code goes far enough to protect our rivers, and the species that rely on them. We would welcome an opportunity to discuss the issues we have raised in more detail.