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Heather and Grass Burning in England Consultation

Attached at Annex A is the response from the Countryside Alliance to the Consultation on Heather and Grass Burning in England.

We have serious concerns with the Consultation as it is based on a number of assumptions that are fundamentally flawed. The rigorous science and evidence required when looking at making policy decisions also appear to have either been overlooked, or ignored, with the most recent research having not been considered. As a result, some of the proposals lack the evidence-base necessary to justify changes to the existing Regulations. Rather than protecting the entire area of upland deep peat, they can be expected to result in significant damage to the environment and livelihoods. Given the proposed changes could be expected to increase the number of wildfires and subsequent calls on fire services and other public bodies, what, if any, discussions have been had with the Home Office and Treasury?

We have not used the online survey as it provides insufficient space to provide the necessary detail to answer three of the questions in the Consultation properly. Our response is not confidential.

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Annex:

A. Heather and Grass Burning in England Consultation – Countryside Alliance response

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Annex A: Heather and Grass Burning in England Consultation – Countryside Alliance response

Part A – Proposed amendments to The Heather and Grass etc. Burning (England) Regulations 2021

Area protected under the Regulations – amending the statutory boundaries used for the purpose of the 2021 Regulations

A1: Do you agree with the proposals to change the boundaries of the Regulations to LFA to protect more upland peatlands? **No**.

It is stated that 'burning may be a necessary management tool in very limited circumstances', 'where absolutely no feasible alternatives exist', and 'burning should be seen as a last resort, where no sustainable alternatives exist'. The proposal to use LFA instead of SSSI, SPA, or SAC would therefore result in the cessation of burning as a management tool on all areas of upland peat, given there could be no guarantee a licence would be issued. This is a proposal that ignores the latest research and evidence, reveals a total misunderstanding of moorland areas, and one that could be expected to have significant negative consequences for the environment and livelihoods.

Blanket bog and deep peat are not synonymous. Whilst blanket bog may also be deep peat, not all deep peat is blanket bog. Areas of moorland have different characteristics depending on their elevation, orientation / aspect, topography and hydrology. Not all moorland can retain water and therefore regardless of peat depth, the conditions required for blanket bog may not be present, or achievable. Management techniques therefore have to vary according to the characteristics of a certain area of moorland.

Researchers at the University of York are undertaking a 20-year study to compare the impacts of burning, cutting, and leaving vegetation unmanaged as management options in relation to mitigating climate change, increasing water storage and quality, and increasing biodiversity. Their key findings after 10 years of that study which were published in January 2023 were significant, and they have been overlooked in this Consultation. They included:

- There is no 'one size fits all' approach that land managers should use, so heather burning, mowing and leaving vegetation unmanaged should all be available as management tools.
- When compared with unmanaged plots, both burning and mowing heather support an increased diversity of vegetation, with higher levels of sphagnum moss that supports peat formation.
- Concerns around burning often focus on emissions from the fire. The study found that while carbon loss from burnt areas was higher than from mowing in the short term, as the vegetation regrew it fell, and new vegetation took up considerably more carbon in the long term. Burnt plots absorbed more than twice the carbon of mown areas.

- Unmanaged plots were found to have a lower water table than those managed by burning or mowing. This could prove relevant to ongoing carbon storage projects, which employ significant resources to raise water tables on moorland areas to capture and retain more carbon.
- Unmanaged areas were also found to be drier, allowing microbes to decompose peat. This can present a fire risk. Unlike controlled cool burns carried out by grouse moor managers, wildfires can result in huge carbon losses due to the fire burning into the underlying peat.

Although there are almost another 7 years remaining of this project, these interim findings are extremely important both for policy makers and moorland managers. Answers on how heather burning compares with mowing or leaving vegetation uncut are finally being given. No two moors are the same, and given the right conditions burning, cutting and leaving heather unmanaged should all be available management tools, depending on which is most appropriate for a particular piece of ground. Cutting is also not possible on many areas due to access, the ground and/or gradient, and unless the brash is removed, it remains a fire risk. All these factors must be taken into consideration when looking at making changes to the existing Regulations.

Leaving heather unmanaged on blanket bog does not mean it will cease to be susceptible to wildfires, as has been implied. Scotland's Flow Country is widely considered the most outstanding example of a blanket bog ecosystem in the world, but 22 square miles of this UNESCO world heritage site was severely damaged by a wildfire in 2019 due to the vegetation becoming overgrown. This resulted in 700,000 tonnes of CO_2 equivalent being released into the atmosphere, doubling the country's greenhouse gas emissions for the six days it burned.

In August 2023, The Future Landscapes Forum, a group of academics and experts with specialist knowledge of the management, ecology, functioning, and fire risk associated with heather-dominated landscapes in the UK, published a Position Statement in which they expressed their growing concern that the debate about managing heather moorlands, including on peatlands, is neither properly informed nor evidence-based. As a result, dangerous policy decisions were being made that ignored the positive social and ecological effects of controlled burning. These decisions disregarded a large body of evidence showing that burning can support wildfire prevention, carbon capture, and improve biodiversity. This appears to continue to be the case.

The Future Landscapes Forum also argued that the risks and impacts of alternatives such as cutting or no vegetation management remain largely unknown and are often ignored. There is *"no clear scientific consensus to support a blanket ban against controlled vegetation burning on heather moorland"*, and *"policy decisions are being influenced by special interest groups who regularly ignore or distort evidence in order to outlaw the practice"*. This is unacceptable.

Wildfires are increasing with climate change, and in the first four months of 2025 over 113 square miles of the UK was burnt, according to figures from the Global Wildfire Information System. This was more than the total for any year in more than a decade. Almost without exception, all those that took place in upland areas were on unmanaged moorland.

A Scottish Government study of the controlled burning of moorland vegetation and wildfires which was undertaken by the James Hutton Institute and released in early 2025 also looked at the correlation between wildfires and managed moorland. This found evidence of wildfires

over 107 square miles of Scotland's moorlands during a five-year period, with 96% of those occurring outside those areas where controlled burning was carried out.

The claim that burning negatively impacts water quality by increasing dissolved organic carbon and causing discolouration can certainly apply to wildfires, but that is not the case with the cool controlled burns undertaken on managed moorland, which encourages the growth of peat forming sphagnum moss which filters and absorbs water. To imply otherwise is both incorrect, and misleading

A2: Please provide your thoughts, if any, on the proposal to remove protection from those SSSIs that fall outside the LFA.

Despite the maps provided, the consultation lacks sufficient detail as to the number, size or location of those SSSIs that fall outside the LFA and whether burning currently takes place as part of the management of those sites. It is hard to judge the impact of the proposed change on those SSSIs that are currently covered by the Regulations but fall outside the LFA. Without that information it is not possible to give a considered opinion.

Depth of peat protected

A3: Do you agree with the proposed change of the prohibition of burning on peat over 40cm deep to peat over 30cm deep? **No**

Whilst a peat depth of 30cm may be capable of sustaining blanket bog habitat, there also need to be the necessary conditions present to make it possible to sustain that habitat. Blanket bog and deep peat are not synonymous. Whilst blanket bog may have a peat depth exceeding 40cm, or as now being proposed 30cm, not all peat over either those depths will, or could be, blanket bog. No two areas of moorland are the same, and a one size fits all approach does not apply. Elevation, orientation / aspect, topography and hydrology all impact on a moorland's characteristics, with not all moorland being able to retain water. Therefore, regardless of peat depth, the conditions required for blanket bog are not present throughout the uplands.

There is no evidence provided to support this proposed change, or how prohibiting burning on shallower peatlands will allow it to be protected. The most recent available science and evidence has shown that given the right conditions burning, cutting and leaving heather unmanaged should all be available management tools, depending on which is most appropriate for a particular piece of ground. Extending the scope of the regulations as proposed would seem to deliver no environmental benefit while increasing the administrative burden on land managers and the regulator. There would also be the increased costs associated with more wildfires.

Grounds to apply for a licence to burn under the Regulations

A4: Under what ground(s) would you be most likely to apply for a licence to burn?

It is clearly stated that 'burning may be a necessary management tool in very limited circumstances', 'where absolutely no feasible alternatives exist', and that 'burning should be seen as a last resort, where no sustainable alternatives exist'. This approach ignores the

findings of the most recent and in-depth research which has found that given the right conditions, burning, cutting and leaving heather unmanaged should all be available management tools, depending on which is most appropriate for a particular piece of ground.

The Heather and Grass etc. Burning (England) Regulations 2021 recognised that neglecting to manage moorland risked significant damage from wildfires. These are increasing due to climate change. The Regulations therefore allow applications for a licence permitting to burn on blanket bog where otherwise prohibited and these may be granted where it is either beneficial or necessary for the purposes of conservation, enhancement or management of the natural environment; human safety; to reduce the risk of wildfire; or because the specified vegetation is inaccessible to mechanical cutting equipment, and any other method of management is impracticable. All these should remain as valid reasons for allowing applications to burn areas of upland peat.

A5: Do you agree that ground (d) <u>because the specified vegetation is inaccessible to</u> <u>mechanical cutting equipment and any other method of management that is impracticable</u> should be removed? **No**

If vegetation is inaccessible to, or inappropriate for, mechanical cutting and needs managing for any of the reasons listed in the 2021 Regulations, then burning remains the only feasible alternative and needs to be retained as a management tool for which an application for a licence can be made.

A6: Do you agree with adding 'research' as a ground to apply for a licence under the Regulations?

Yes

The need to undertake research is essential if existing evidence gaps are to be filled. Although the interim findings by the University of York at the 10-year point of their study to compare the impacts of burning, cutting, and leaving vegetation unmanaged as management options in relation to mitigating climate change, increasing water storage and quality, and increasing biodiversity were significant, a further seven years of that study remain to be undertaken. The ability to apply for a licence, and for that licence to be granted, is a necessary requirement.

Mandatory compliance with the Heather and Grass Management Code 2025

A7: Would you support a move to link the revised Heather and Management Code to the Regulations, making it compulsory to follow rather than advisable? **No**

The Heather and Grass Management Code (2025) has not yet been published, and without studying its contents it is not possible to determine whether compliance with the revised Code should become mandatory.

We are unaware of there being problems with practitioners following the archived Heather & Grass Management Code (2007). The licensed burning of vegetation on peatland SSSIs that are also SACs and SPAs is already subject to compulsory conditions. Therefore, there should be no need to also make it obligatory to follow a revised Code when it is published.

Mandatory prescribed fire and wildfire training

A8: Would you support a move to make it a requirement to complete an accredited training course prior to burning under a license granted under the Regulations? **Yes, for supervisory practitioners only**

Working safely and carrying out a risk assessment for all practical land management activities, including burning, is one of the skills covered in the Underkeeper (Level 2) Apprenticeship Standard approved by the Institute for Apprenticeships & Technical Education. We agree that those responsible for supervising burns should undertake the appropriate, accredited, training, but we do not believe it is practical for all those that may be supporting a burn to be trained to the same level.

Cool, low-intensity, controlled burning is only undertaken between October to mid-April when the ground is cooler and damper, and then only when the conditions allow. Taking advantage of an opportunity to burn may be at short notice, and other than employees, it will not always be possible to plan ahead and know who is going to be involved on a more casual basis.

Part B – Application process

We are not qualified to comment on this part of the consultation

Part C – Economic Impacts Not relevant as ineligible for a licence under the Regulations

Part D – Further questions Impacts of burning

D1: Do you have concerns about burning on the environment? **Yes**

Wildfires are increasing with climate change, and in the first four months of 2025 over 113 square miles of the UK was burnt, according to figures from the Global Wildfire Information System; more than the total for any year in more than a decade. The cool, low intensity controlled burning of vegetation on peatland, as carried out on moorland managed for grouse, reduces the fuel load and helps reduce the risk of wildfires that burn with greater intensity and can cause considerable environmental damage by burning into the peat.

We are extremely concerned that any further restrictions on the use of controlled burning as a management tool can be expected to result in large areas of our uplands having increasing fuel loads, making them more susceptible to damaging wildfires. Although damage to the underlying peat can be reduced on areas of wetter moorland, that does not prevent the vegetation from being vulnerable to wildfire. Scotland's Flow Country, which is widely considered the most outstanding example of a blanket bog ecosystem in the world, was severely damaged by a wildfire in 2019 due to the vegetation becoming overgrown. This resulted in 700,000 tonnes of CO₂ equivalent being released into the atmosphere, doubling the country's greenhouse gas emissions during the six days it burned.

Despite claims to the contrary, further restricting areas of moorland where the use of cool controlled burning is permitted will not protect them. Neither will it help prevent smoke emissions and improve air quality, the impacts on which are considerably greater from uncontrolled wildfires.

D2: Have you ever been impacted in any way (positive or negative) by the use of burning as a land management method? **Yes**

The positive impacts of controlled cool burning of vegetation, as undertaken on managed moorland are considerable. It has played a key role in creating and maintaining our upland landscape, preserving and improving heather habitat and peatland - a landscape of international importance - and sustaining some of our rarest plants and wildlife. It is because of this management that more than 60 percent of England's upland SSSI are managed grouse moors, and over 40 percent have also been designated as SPAs for rare birds and SACs for rare vegetation under the EU Birds and Habitats Directives.

The cool controlled burns of small areas of heather ensures a mixture of older heather for protection and nesting, and younger heather for feeding, which benefits many species of ground nesting birds. These include those that are red-listed such as lapwing and curlew which are amongst our species of highest conservation concern. Both are 3.5 times more likely to raise chicks successfully as a result of that management, and their densities, along with those of golden plover and redshank, can be up to five times greater than on unmanaged moorland.

In addition to reducing the fuel load, the controlled burning of vegetation can also act as a fire break, helping prevent the spread of uncontrolled wildfires such as that which started in Galloway in the South of Scotland on 3 April 2025 and spread into East Ayrshire with a fire front several miles wide at one stage. It was finally brought 'under control' four days later on 7 April.