



The Moorland Association

Annex A: Red Flag Phrases and Drafting Triggers (for the Red Flag Scan)

This annex provides common drafting phrases/patterns that reliably create avoidable consultation churn, including: implied “policy creep”; requirement-like language without clear basis; unfunded or ownerless commitments; aspiration without delivery mechanisms; and default framing that risks implied presumptions against lawful land management.

How to use

During Part A, the Red Flag Scan, record any triggers you find into a Red Flag Register with:

- the phrase / pattern,
- where it appears (section/page),
- why it matters (one line), and
- which Gateway item and/or Part C category it affects.

These phrases are not “gotchas”. They are signals of wording patterns that tend to create ambiguity, drift, or implementation uncertainty — and are usually quick to fix with clearer drafting.

Red flag phrase / pattern	Why it matters (risk)	What “good” looks like (how to fix)	Usually affects
“This Plan is only guidance / not binding” signalling it is being used as a shield.	Plans are routinely relied on downstream; “not binding” doesn’t prevent influence/drift by others.	State the plans status and intended decision-use, boundaries, and “no new tests/presumptions” safeguards.	G1; C1 (Status/scope)
“We expect / will require / must / should” with no basis	Reads as quasi-policy; triggers defensiveness and legal/procedural risk.	Use “may / could / support” or cite the statutory / funding / policy basis explicitly.	G1; C1; C5
“In line with the strengthened duty...” without boundaries	Can be read as blanket constraint; invites policy-creep.	Explain duty requires case-by-case judgement, does not override plans/policy.	G1; C1
“Will ensure / will deliver” without delivery route	Creates unfunded/ownerless commitments	Tie each commitment to owner, funding route, sequencing, monitoring.	G4; C4–C6
“Partners will...” with no named lead	Diffuse responsibility; nobody owns the obligation	Name lead partner(s), decision route, dependencies	G4; C5; C6

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“Subject to funding” used repeatedly with no realism	Signals wish-list; invites churn	Provide credible funding assumptions/options; show prioritisation	G4; C5
“Encourage / support / promote” everywhere, no mechanism	Aspirational text can’t be implemented or monitored	Convert to actions/measures , triggers, KPIs, ownership	G2; C4; C19
Risks/pressures listed, but no linked actions	Breaks risk-to-action traceability	Add a simple risk to measure matrix; show maintenance/owners	G2; C4
Actions listed, but no link to identified risks	“Action soup” with no rationale	State the risk/pressure each measure addresses	G2; C4
“Pilot / explore / consider” as the main “action”	Avoids decisions; consultation becomes circular	Define decision points, timelines, what evidence triggers change	G4; C4–C6
“We will monitor” with no indicators or frequency	Non-auditable; undermines transparency	Specify indicators, cadence, responsibility, publication	C19
“Adaptive management” without triggers	“Adaptive” becomes rhetorical cover	Define trigger thresholds, review cycle, who convenes	C6; C19
SEA/HRA mentioned but hard to find / not summarised	Legal vulnerability + confusion for stakeholders	Make screening outcomes easy to locate; add plain-language summary; pathways/in-combination	G3; C7
“No likely significant effects” stated without pathways	Looks unsupported; invites challenge	Explain pathways, assumptions, in-combination, what’s deferred to project-level	G3; C7
“Assessed at project level” used as a blanket deferral	Can conceal strategic risks; creates uncertainty	Say what is deferred and how risks are controlled meanwhile	G3; C7
Wildfire treated as a footnote	Misses strategic climate/public safety risk	Treat wildfire as core risk; commit to operational measures	G5; C8
“Improve wildfire resilience” with no operational detail	Unimplementable; doesn’t reduce risk	Fuel continuity/load, access, water, maintenance responsibilities, review triggers	G5; C8–C10

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“Access/infrastructure will be minimised/avoided” (blanket)	Implies presumption against essential ops/safety	Compatibility statement: essential access can be consistent with landscape purposes with design safeguards	C10 (Ops infrastructure)
Tracks/bridges/drainage/water points mentioned but no ownership	Long-term liability gap; conflict later	State who maintains, who pays, consents/standards	G4; C5; C10
“Peatland restoration” used as umbrella for everything	Erases heather moorland management realities	Include a dedicated heather moorland management section; discuss trade-offs and monitoring	C11 (Heather moorland)
Default negative framing of lawful management	Triggers mistrust; policy drift	Neutral, factual language; separate evidence from value judgement	G1; C15; C12
Land managers referenced vaguely (“stakeholders”)	De-personalises delivery workforce	Use concrete groups (farmers, graziers, keepers, commoners, contractors) where relevant	C2; C14
No evidence of co-design prior to consultation	Consultation used as first engagement; increases churn	Show who was involved, when, representation, what changed	C2
“Plain English summary” absent	Operators can’t interpret implications; churn increases	Provide “What this means for you”: voluntary vs expected vs statutory; funding routes; contacts	G6; C3
“Rural economy / viability” mentioned only aspirationally	Ignores delivery constraint	Identify likely impacts and mitigations/resourcing; avoid unfunded expectations	C13; C5
Consents/property rights ignored (“we will deliver X”)	Practical infeasibility; legal risk	Acknowledge consent pathways; feasible routes to agreement	C16
“Predator control” referenced as inherently problematic (by default)	Polarises; ignores evidence pathways	Frame as lawful, proportionate, targeted, monitored, outcomes-driven	C12; C21
Gamekeepers not mentioned where delivery implies keeper skills	Missing delivery partners; mistrust	Explicit, neutral recognition of keepers as delivery workforce where relevant	C12

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“Working landscape” absent; “rewilding-by-default” tone	Misstates baseline; increases conflict	State uplands are living, working landscapes shaped by management and communities	C15

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