



## The Moorland Association

### **Moorland Association guidance note: making a complaint to Defra about burning licence handling**

This note explains how to complain to Defra where you believe your burning licence application has been mishandled, delayed, inconsistently assessed or poorly communicated. This is not a substitute for legal advice but is practical guidance on using Defra's own complaints process.

#### **At a glance**

Use Defra's complaints process where the problem is about the handling of a burning licence application, such as delay, poor communication, unclear evidence requirements or inconsistent treatment.

Keep the complaint focused on how your application has been handled, not on general disagreement with the policy. Attach a short timeline and the key emails. Say clearly what you want Defra to do next, for example explain the delay, give a timetable, name a contact, or confirm exactly what evidence is still needed.

The process is:

- Stage 1 - complaint to Defra's Service Standards Adjudicator
- Stage 2 - escalation of the complaint within Defra
- Stage 3 - escalation to the Parliamentary Ombudsman (you do this through your MP)

Important: making a complaint does not pause any legal requirement, extend the burning season, or guarantee a different decision. Members should continue to comply with the law and should consider professional or legal advice where the issue is urgent, time-sensitive or may affect legal rights. Members should submit a complaint only where they have specific concerns about the handling of their own application and can support those concerns with evidence.

#### **I. When should you complain?**

You should consider a complaint where the issue is about **Defra's handling of your application**, rather than simply disagreement with the policy.

Examples of suitable complaint grounds include:

- unreasonable delay in processing or determining a burning licence application
- delay that means the practical purpose of the application has been lost, for example because the burning season has passed
- unclear or changing evidence requirements
- failure to explain what information Defra needs and why
- poor communication or failure to respond to correspondence
- inconsistent treatment compared with other applicants
- duplication of information already held by Defra, Natural England or other public bodies
- failure to provide a named contact or clear process
- administrative handling that has caused uncertainty or practical difficulty for the applicant

Defra says its complaints process is for the way Defra, or an individual within Defra, has provided a service. It uses a two-stage process.

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### 2. What should the complaint not be about?

The complaint should **not** be framed mainly as a challenge to the policy itself.

Defra states that, once a policy has been implemented, it cannot change that policy through the complaints procedure. Defra also says the complaints procedure cannot run in parallel where an issue is already being dealt with through a court decision, an ongoing tribunal or a separate appeal process.

That does **not** mean members cannot complain. It means the complaint should be carefully focused on **administration, process and service failure**, rather than asking Defra to reverse the policy.

A good formulation is: "This is not a complaint about the existence of the burning licensing regime. It is a complaint about the way Defra has administered my application under that regime."

### 3. Legal context: what is "maladministration"?

The complaints process is not the same as judicial review. A decision may be lawful but still badly administered.

Relevant concepts include:

- **maladministration** - poor administration by a public authority
- **failure to act** - delay or inaction can itself be the problem
- **injustice** - the practical prejudice caused to the applicant, such as loss of opportunity to burn in season, increased management risk, financial cost, wasted professional time, or uncertainty

In the context of burning licence applications, maladministration may include avoidable delay, failure to answer correspondence, failure to explain evidence requirements, repeated requests for the same information, inconsistent treatment between applicants, failure to provide reasons, failure to provide a clear timetable, or failure to recognise the seasonal nature of the activity.

The Ombudsman will usually be interested in two questions: did the public body get something wrong, and did that cause an injustice? Remedies can include an explanation, an apology, changes to the way a service is run, or other steps to put matters right where possible.

For members, the key point is this: do not simply say "Defra was wrong." **Explain what Defra did or failed to do, why that was poor administration, and what practical harm resulted.**

### 4. Before submitting: prepare your evidence

Before sending a complaint, assemble a short evidence pack.

Include:

- applicant name, holding/estate name and contact details
- Defra application reference number
- date the application was submitted
- date of any acknowledgement
- all requests for further information

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- dates on which you replied
- unanswered emails or calls
- any changes in Defra’s requirements
- any evidence of inconsistent handling compared with other applications
- the practical consequences of delay
- any costs incurred
- any impact on habitat, vegetation, wildfire risk management, grazing, keeping or planned land management

Note: If you are referring to other applications, avoid naming those estates or applicants unless you have their permission. Keep the points factual and ask Defra to explain how consistency between applications is being maintained.

Prepare a simple chronology. For example:

Date	Event	Evidence
1 October 2025	Application submitted	Application email / portal receipt
15 November 2025	Chased Defra	Email
3 December 2025	Defra asked for further information	Defra email
10 December 2025	Information supplied	Reply email
31 March 2026	Burning season effectively lost	Management plan / estate note

Keep the complaint concise. The formal guidance advises complainants to keep the complaint clear and short, state what they want to achieve, include contact details and reference numbers, and keep copies of correspondence.

### 5. Stage I: complain to the Defra Service Standards Adjudicator

Send by email: [service-standards.adjudicator@defra.gov.uk](mailto:service-standards.adjudicator@defra.gov.uk)

**Or by post:**

Service Standards Adjudicator  
 Department for Environment, Food and Rural Affairs  
 Seacole Building  
 2 Marsham Street  
 London SW1P 4DF

Defra says that, if it accepts the complaint, it will respond within **20 working days**.

**Suggested subject line:** Stage I service standards complaint: delay and handling of burning licence application [reference number]

**What to ask for:** Members should ask for practical remedies. These might include:

- a written explanation of why the application was delayed

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- a full chronology of Defra's handling of the application
- confirmation of what evidence was required, when, and why
- confirmation of whether Defra used information already held by Defra, Natural England or other public bodies
- an explanation of any change in evidence requirements
- a named case officer for future correspondence
- a clear timetable for determination
- an apology where appropriate
- confirmation of lessons learned for future seasonal applications
- reimbursement or recognition of wasted costs where there is clear evidence of avoidable administrative failure

### **Suggested Stage 1 complaint wording**

Members can adapt the following wording to suit their situation.

Dear Service Standards Adjudicator,

### **Re: Stage 1 service standards complaint: burning licence application [reference]**

I am writing to make a Stage 1 service standards complaint about Defra's handling of my burning licence application.

This is not a complaint about the existence of the burning licensing regime. It is a complaint about how my application has been handled, including delay, poor communication, unclear evidence requirements and the practical consequences for land management.

My application was submitted on [date]. The application reference is [reference]. The land concerned is [estate/holding/location].

The complaint is as follows:

1. Defra has failed to determine the application within a reasonable period.
2. The delay has caused practical prejudice because burning is seasonal and the opportunity to carry out planned management has been lost or materially reduced.
3. Defra has not provided adequate clarity about the evidence required, the basis for those requirements, or whether information already held by Defra or Natural England has been taken into account.
4. Communication has been inadequate, including [unanswered emails / lack of named contact / unclear requests / repeated requests for information].
5. Where relevant: I am concerned that similar applications may not be receiving the same level of engagement, information requests or timetable. Please explain how Defra is checking consistency between applications.
6. The handling of the application has caused [practical impact: loss of burning window, land management uncertainty, professional costs, wildfire risk management concerns, impact on vegetation plan, etc.].

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I attach a chronology and copies of relevant correspondence.

I ask Defra to provide:

- a written explanation for the delay.
- a chronology of Defra's handling of the application.
- confirmation of what evidence Defra considers necessary and why.
- confirmation of what information Defra has obtained or considered from Natural England or other public sources.
- a clear timetable for determination.
- a named contact for future correspondence.
- an apology and appropriate remedy for any avoidable delay or maladministration.
- confirmation of what steps Defra will take to prevent similar problems in future seasonal applications.

Please confirm that this complaint has been accepted under Defra's Stage 1 service standards complaints process. Defra's published complaints procedure states that accepted complaints will receive a response within 20 working days.

Yours faithfully,

[Name]

### **6. Stage 2: escalate if the Stage 1 response is unsatisfactory**

If the Stage 1 response does not resolve the complaint, you can ask Defra to escalate it to **Stage 2**. Defra says you have **28 days** from the Stage 1 response to ask for escalation. You should reply to the Adjudicator in writing and explain why you want the complaint escalated. The complaint will then be reviewed by a senior manager, who aims to respond within **20 working days**.

#### **When to escalate**

Escalate if Defra:

- does not answer the substance of the complaint.
- gives only a generic explanation.
- fails to address delay.
- fails to address the seasonal consequences.
- does not explain evidence requirements.
- does not provide a timetable or remedy.
- mischaracterises the complaint as a policy objection when it is actually about service failure.
- misses its own response deadline.

If Defra has not responded within the expected timeframe, members should send a short chasing email asking when a response will be provided. If there is still no substantive response, members should ask for the complaint to be escalated to Stage 2 on the basis that the Stage 1 response deadline has been missed.

#### **Suggested Stage 2 escalation wording.**

Members should adapt the following wording to reflect their own situation.

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Dear Service Standards Adjudicator,

### **Request for Stage 2 escalation: burning licence complaint [reference]**

Thank you for the Stage 1 response dated [date]. I am not satisfied that the response resolves my complaint, and I ask for it to be escalated to Stage 2.

The Stage 1 response has not adequately addressed the following points:

1. [Defra has not explained the reason for the delay.]
2. [Defra has not addressed the fact that the delay defeated the practical purpose of the application because burning is seasonal.]
3. [Defra has not explained what evidence was required, why, and whether the requirement changed during the process.]
4. [Defra has not provided a clear timetable for determination.]
5. [Defra has not explained what it will do to put the matter right or prevent the same problem happening again.]

I ask the senior manager reviewing this complaint to address each of these points and to provide the remedies requested in my original complaint.

Yours faithfully,

[Name]

## **7. Stage 3: Parliamentary and Health Service Ombudsman**

If Stage 2 does not resolve the complaint, you can ask an MP to refer the matter to the **Parliamentary and Health Service Ombudsman**.

Defra's own complaints page says that, if you are not satisfied with the senior manager's Stage 2 decision, you can ask any MP to refer the complaint to the PHSO.

The PHSO says that, by law, it can only look at complaints about UK government departments and other UK public organisations if an MP refers the complaint. The House of Commons Library also notes that a complainant must normally first put the grievance to the department and that the PHSO will usually consider cases brought within a year of the person first becoming aware of the problem.

### **What to send to your MP**

Send:

- your original Stage 1 complaint
- Defra's Stage 1 response
- your Stage 2 escalation
- Defra's Stage 2 response
- the chronology
- key supporting emails
- a short covering note explaining why you believe maladministration has caused injustice.

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Ask the MP to refer the complaint to the PHSO. MPs' offices have limited administrative support, so members should make the referral request easy to follow. Provide a concise covering note, a short chronology, Defra's Stage 1 and Stage 2 responses, and a clearly labelled bundle of key documents. Do not attach every document unless necessary. Attach the key emails and documents that prove the main points, and keep a full bundle available in case Defra, an MP or the Ombudsman asks for it.

The covering note should explain in plain English what went wrong, why it amounts to maladministration and what injustice or practical prejudice resulted.

### **8. Complaints involving Freedom of Information Requests**

If your complaint is about Defra's handling of an FOI request, Environmental Information Regulations request, or data protection issue, there are separate routes. Defra says access-to-information complaints should go to its Information Rights Team and must be received within 40 working days of the date you believe Defra failed to comply. Defra aims to respond to such complaints within 20 working days, after which a complaint to the Information Commissioner may become relevant. Do not mix an information rights complaint with a burning licence service complaint unless the same facts genuinely overlap. Keep the routes clear.

### **9. Practical tips for MA members**

The strongest complaints are:

- factual
- chronological
- evidenced
- focused on service failure
- clear about practical consequences
- realistic about remedy

Avoid:

- long political arguments
- generalised criticism of Defra
- unsupported allegations of bad faith
- confusing the complaint with a legal challenge to the regulations
- sending large volumes of documents without a summary

Use phrases such as:

- "unreasonable administrative delay"
- "failure to provide clear evidence requirements"
- "lack of timely communication"
- "delay defeating the practical purpose of the application"
- "seasonal prejudice"
- "inconsistent handling"
- "failure to provide reasons"
- "failure to provide a clear timetable"

### **10. Suggested checklist before sending**

Before submitting, make sure you have included:

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- application reference
- date submitted
- name and contact details
- clear statement that this is a **service standards complaint**
- short summary of what went wrong
- chronology
- evidence
- explanation of practical impact
- remedy requested
- request for response within 20 working days

Members who would like the MA to understand the pattern of complaints being submitted should consider copying the MA into correspondence or sending the MA a short summary of the issues raised.

11 May 2026

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