Link response to Heather and Grass Burning in England consultation

May 2025

Summary

Wildlife and Countryside Link thank Defra for publishing this consultation and are pleased to have the opportunity to respond with broad positivity and agreement for the proposals. Link however recommends the proposals go further and extend the regulations of burning to include all peatlands, no matter the depth, and to include the entire protected area network within the LFA, including SSSIs. We also hope this workstream will continue with a ban on sales of peat in horticultural compost.

A1. Do you agree with the proposal to change the boundaries of the Regulations to LFA to protect more upland peatlands? Please provide reasons why. (Please limit your response to 250 words)

Yes.

Link are very supportive of including all known upland peat within the regulations of burning. The science is very clear as the latest evidence review from Natural England '*suggests that burning impacts peatlands, and the ecosystem services they provide, via multiple mechanisms, and though recovery is often observed in the short to medium term, repeated burning risks a sustained departure from the characteristic structure and function of these habitats.*'[1] Burning heather and grass in important upland peat habitats creates bare, dry ground which may persist for several years, releases up to 80% of above ground carbon stock, and negatively alters the biodiversity composition.

At the time when Link called for this change in 2021, Natural England had underestimated the amount of upland peat to be 355,000 hectares of upland deep peatland habitat.[2] We are pleased to see that new mapping efforts have led to the inclusion of over 368,000 hectares of upland deep peat. As our understanding of complex habitats in England continues to grow,

[1] https://publications.naturalengland.org.uk/publication/4548741850464256

[2] https://www.wcl.org.uk/docs/The%20Heather%20and%20Grass%20etc.%20Burning%20(England)%20Regulations%202021%20-%20Link%20Policy%20Briefing.pdf

Link recommends that the LFA boundary be reviewed periodically to bring any new identified areas of deep peat into the regulation.

A2. Please use the box below to provide your thoughts, if any, on the proposal to remove protection from those SSSIs that fall outside of the LFA. Please provide comments. (Please limit your response to 250 words)

We would not agree with removing protections from any protected sites. The expansion of the less favoured area must not be at the expense of other habitat protections, particularly blanket bog, raised bog, lowland fen and wet heath. The SSSI status has been awarded to a particular site for a reason, and this must be protected.

In the latest evidence review Natural England concluded *'there is strong evidence that burning in SSSIs, SACs and SPAs occurs at a similar or greater frequency as non-designated areas in the same regions/areas and nationally*'.[1] This shows that not only should all protections remain in place, but they must work better to stop the continued degradation of these habitats by burning. Enforcement has not featured in this consultation but is a primary concern of Link. A lack of enforcement of the regulations and miniscule punishments for non-compliance will create a mockery of the system and undermine all of the good work from the Government and its agencies to develop these improvements.

All protected land (SSSI, SAC and SPA) must remain under full legal protection to meet the Governments 30 by 30 commitment and should be restored to a favourable condition.

A3. Do you agree with the proposed change of the prohibition of burning on peat 'over 40cm deep' to peat 'over 30cm deep'? Please provide reasons why. (Please limit your response to 250 words)

Yes. This is a positive step to include and protect a greater range of peatlands. The carbon benefits of this change will be significant as one hectare of 30cm deep peat holds as much carbon as one hectare of primary rainforest.[3]

Link maintain concerns that this will still exclude important and declining habitats with even shallower peat, such as wet heath, which are often mistaken for other habitats and managed inappropriately. Link ask for consideration to bring all peatlands into protection with

[3] Lindsay, R., Ifo, A., Cole, L., Montanarella, L. and Nuutinen, M., 2019. Peatlands: the challenge of mapping the world's invisible stores of carbon and water. *Unasylva 251: Forests: nature-based solutions for water*, *251*(1), p.46. https://repository.uel.ac.uk/item/8775w

Regulations, no matter the depth. When protected from degradation by burning, these areas may recover and form deeper peat.

As Natural England have concluded, '*there is strong evidence that burning over deep peat occurs at a similar frequency as on other soil types in the same regions/areas and nationally'*[1], we again raise the significance of needing stronger enforcement of the regulations and upscaling the penalties for non-compliance so that they serve as a deterrent.

A5. Do you agree that ground '(d) because the specified vegetation is inaccessible to mechanical cutting equipment and any other method of management is impracticable' should be removed?

Yes. This loophole, amongst the others, has been allowing landowners to continue to burn and preventing the 2021 Regulations from having a meaningful contribution to restoring peatlands.

Management is not a necessary practice for tough to reach, old heather. While they present no harm, these plant species are not often given the space to flourish due to normalised burning. When left alone they can provide important refuges for reptiles and small mammals and are often used as breeding habitat by species like hen harrier, merlin and stonechat,[4] which in itself is sometimes a reason they are deliberately burnt to discourage these birds from settling.

If management is required alternate forms of moorland management in addition to cutting are available and provide longer-term and natural solutions to burning. In particular, blocking up drains and restoring water to natural levels to return to wetter sphagnum rich habitats and prevent wildfires. This is entirely possible as land managers such as the RSPB have been managing blanket bog reserves through a mixture of cutting and re-wetting for decades. Evidence from studies in the EU shows that peatland rewetting and restoration is the most profitable thing to do over time, with long-term economic benefits.[5] On top of natural flood protection, restoring dry, heather and sedge dominated peatlands with characteristic and wet natural features of peat-forming sphagnum moss brings a heap of benefits for biodiversity and carbon storage, in line with the intentions of the England Peat Action Plan.

[4] Wilson, M.W., Fletcher, K., Ludwig, S.C. and Leech, D.I., 2021. Nesting Dates of Moorland Birds in the English, Welsh and Scottish Uplands. *BTO Research Report*, *741*.
https://www.bto.org/sites/default/files/publications/rr741_wilson_et_al_2021_timing_of_breeding_web.pdf
[5] https://globalpeatlands.org/sites/default/files/2023-07/QA-peatland-rewetting_fin.pdf

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

As it stands, the current proposal to add research is far too broad and risks adding an additional loophole for land managers to continue to harmfully burn. Link would support this proposal for research to continue to expand scientific understanding of valuable peatland ecosystems, but stress that there must be rigorous criteria to apply for this, with thorough monitoring and regulating of the applications to protect against misuse and exploitation.

In general, Link would like to see much tighter definitions of the exception criteria and to see them very clearly defined and published alongside the Statutory Instrument implementing the ban. For example, 'for conservation purpose' would not include many activities at all in an ecological sense in all but exceptional circumstances as a one-off to allow blanket bog to recover and re-wet.

A7. Would you support a move to link the revised Heather & Grass Management Code to the Regulations, making it compulsory to follow rather than advisable?

Yes. This is a welcome move to promote best practice of peatland management and to align with Scotland and the soon to be compulsory Muirburn Code. Compulsory compliance is the best way forward to bring these habitats into better management and improved condition. While the regulations are 'advisable' they are easily and largely ignored. The voluntary approach introduced by Natural England has failed to stop estates burning in the uplands, with only a minority of estates rescinding the burning of blanket bog. For example, a 2018-19 Friends of the Earth investigation revealed landowners continuing to burn on protected blanket bogs despite signing a voluntary agreement not to.[6]

However, monitoring and enforcement will again be a significant challenge for Natural England at the scale of the proposed LFA without an appropriate uplift in their resources. Increasing the penalties for landowners who violate the Code would also aid in deterring non-compliance. For example, the fine for offences in SSSIs under the Wildlife and Countryside Act varies between £200 at level 1, and £5000 at level 5 in the Magistrate Court, but offences for The Heather and Grass etc. Burning (England) Regulations 2021 are only triable summarily in the Magistrates Court within 6 months of the offence being committed, and fines are limited

[6] https://friendsoftheearth.uk/climate/friends-earth-sparks-moorland-burning-investigation

to £1000 at level 3 on the standard scale or to level 2 where an officer exercising his powers of entry is obstructed.[7]

A8. Would you support a move to make it a requirement to complete an accredited training course prior to burning under a licence granted under the Regulations?

Yes, for all practitioners. The reason for most wildfires in the UK is human action, either arson or accidental.[8] Fire is a force not to be underestimated with the potential to quickly spread, placing the safety and wellbeing of communities, landscapes and species, particularly reptiles, bog specialist invertebrates, amphibians and ground nesting birds, at risk. Natural England recently updated the definition of Favourable Conservation Status for heathland, recognising fire as an unnatural process in the UK occurring in systems which are not fire-dependent, and the importance of using natural processes to replace this management.[9]

D1. Do you have concerns about the impacts of burning on the environment?

Yes. Whilst the aim of rotational burning is to remove heather, fire is a destructive and carbon-releasing activity which affects every part of the upland peat habitat. Naturally these habitats should be very wet, waterlogged and mossy but this is now the case for just 1% of peatlands.[10] The unnatural changing of the ecosystem composition to cater to human activity of shooting red grouse has led to an overgrowth of heather and grasses in three quarters of peatlands. Burning to manage the heather is a continued direct threat to unique peatland ecosystems, the wider environment and in turn, the planet in the midst of the climate and biodiversity crisis. In 2019 the Office for National Statistics reported only 22% of peatlands were in a near natural or re-wetted condition which has turned them into a carbon source rather than the carbon sink they should be[11], with 75% of this a direct result of burning.

Natural England concludes, '*UK peatlands where burning occurs are often degraded due to past and current stressors including fire, suboptimal grazing and atmospheric pollution, and*

[7] https://assets.publishing.service.gov.uk/media/5a7d9cd6e5274a676d53317c/annex-1-enforcement-guidance.pdf#:~:text=This%20annex%20outlines%20the%20key%20features%20of%20the,start%20of%20each%20section%20and%20in%20Annex%205 For either way offences the penalty in the Magistrates Court is £20,000 or an unlimited fine in the Crown Court.

[8] Glaves, D. J., Crowle, A. J. W., Bruemmer, C., and Lenaghan, S. A. 2020. The causes and prevention of wildfire on heathlands and peatlands in England. Natural England Evidence Review NEER014. Peterborough: Natural England. https://publications.naturalengland.org.uk/publication/4741162353295360

[9] https://publications.naturalengland.org.uk/publication/6212544182878208

[10] https://www.gov.uk/government/news/englands-peatlands-mapped-for-first-time-in-major-step-towards-their-recovery

[11] https://www.ons.gov.uk/economy/environmentalaccounts/bulletins/uknaturalcapitalforpeatlands/naturalcapitalaccounts

continued burning may inhibit recovery or restoration.'[1] When peatlands are burnt, greater levels of carbon is released and biodiversity is negatively impacted, leaving just 11% of England's blanket bog in favourable condition in SSSIs.

Healthy peatland landscapes slow the flow of rainwater and streams, but burnt, dried, disturbed and flattened peatlands increase the volume and speed of surface runoff, increasing the flood risk for communities. This can also result in higher sediment concentrations in streams and rivers. Salmonids require clean, oxygenated gravels to spawn and for eggs and fry to survive. Sediment released after burning can clog spawning gravels and smother the eggs of the endangered Atlantic salmon.[12] Macroinvertebrates play a vital role in aquatic food webs by feeding on algae, microbes and detritus at the base of food chains before they themselves are consumed by birds, fish and amphibians. River macroinvertebrate population diversity is generally reduced in burned sites.[13]

Peatlands are protected sites that must be just that - protected. Managing and protecting these habitats will be essential to support the Government's goal of meeting net-zero carbon by 2050.

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

The management or mismanagement of peatlands is significant for all residents in the UK as it accounts for 12% of the land area, and in a global context as Earth is one shared resource. When human activity destroys irreplaceable habitat and unnecessarily releases stored carbon it impacts all corners of the globe, turning a carbon sink into a carbon source. The Seventh Carbon Budget reports peatlands to have been a net source of emissions in 2022.[14] Globally the burning or draining of peatlands releases around two billion tonnes of CO_2, which accounts for up to five percent of all emissions caused by human activity.[15] This is significant when in 2022 three quarters of UK adults aged over 16 reported feeling (very or somewhat) worried about climate change.[16] Recent research from the University of Cambridge finds

[12] Greig, S.M., Sear, D.A. and Carling, P.A., 2005. The impact of fine sediment accumulation on the survival of incubating salmon progeny: implications for sediment management. *Science of the total environment,* 344(1-3), pp.241-258. https://doi.org/10.1016/j.scitotenv.2005.02.010

[13] https://water.leeds.ac.uk/wp-content/uploads/sites/36/2017/06/EMBER_2-page_exec_summary.pdf

[14] https://www.theccc.org.uk/publication/the-seventh-carbon-budget/

[15] https://www.unep.org/topics/ocean-seas-and-coasts/blue-ecosystems/protecting-peatlands-people-and-planet

[16] https://www.ons.gov.uk/peoplepopulationandcommunity/wellbeing/articles/worriesaboutclimatechangegreatbritain/septembertooctober2022

wildfires that burn peat to have caused up to 90% of UK fire-driven carbon emissions since 2001, and advise that "we need to focus on preventing that peat from burning in the first place, by re-wetting peatlands".[17]

The UK holds 10-15% of the world's entire resource of blanket bog, a quarter of which is in England. In a more local context, burning directly impacts the health and wellbeing of the communities who live around the peatlands. In addition to the disturbing sight, burning directly impacts the local air quality, water quality, of which 43% of the UK population are reliant on, and increasing the flood risk for communities.[18,19] Researchers found the June 2018 Saddleworth Moor fires to have emitted large quantities of smoke, trace gases, aerosols and as much CO and CO_2 as a medium sized power station across Manchester and Liverpool.[20] The best way to protect communities from wildfire is not by burning, but by restoring natural peatland hydrology and moving away from heather dominated landscapes managed for red grouse shooting.

Wildlife and Countryside Link (Link) is the largest nature coalition in England, bringing together 89 organisations to campaign for nature, climate, animal welfare and a healthy environment for everyone. Wildlife and Countryside Link is a registered charity number 1107460 and a company limited by guarantee registered in England and Wales number 3889519.

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The following organisations have inputted into this briefing and support the response:

RSPB
Buglife
Plantlife

[17] https://www.cam.ac.uk/research/news/uk-peatland-fires-are-supercharging-carbon-emissions-as-climate-change-causes-hotter-drier-summers
[18] https://www.catchmentbasedapproach.org/wp-content/uploads/2020/04/Peatland_CaBA_report_FINAL1.pdf
[19] https://www.nature.com/articles/s41893-018-0064-6
[20] https://iopscience.iop.org/article/10.1088/2515-7620/ab7b92

Wild Justice
The Wildlife Trusts
The Mammal Society
Naturewatch Foundation
Amphibian and Reptile Conservation
Institute of Fisheries Management
League Against Cruel Sports
Bumblebee Conservation Trust
Campaign for National Parks
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RSPCA
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