



The Moorland Association

Briefing Note

Statutory Instrument on heather burning

Introduction

This note suggests special attention is made to the Heather and Grass etc. Burning (England) (Amendment) Regulations 2025 (SI 2025/1000). [1] It was made on 8 September with an objection period running to 10 November. The measure and accompanying subsidy arrangements would effectively eliminate prescribed 'winter burns' of vegetation. Defra's stated policy objective is the protection of England's peatlands.

Defra currently still plans to go ahead with this ban despite the announcement on 9 October (yesterday) from the Scottish Government that it is delaying similar restrictions due its fears that they could "adversely affect our ability to prevent and respond to wildfires." [2]

The note is submitted on behalf of the Moorland Association whose members manage one million acres in England and Wales. They employ farmers and gamekeepers who are profoundly motivated to prevent wildfires not least because they are typically at the front line of fighting them.

We explain how key players have taken the opposite view to Defra. This year, the White House, the G7 and the EU Commission have all actively encouraged the use of winter burns to reduce fuel loads, seeing them as an essential tool as we adapt to climate change.

We also analyse the drivers of the contrarian thinking within Defra and note that it has gone ahead with the ban despite strong written objections from our National Fire Chiefs Council (NFCC), our top wildfire scientists and our largest land managers.

What is beyond doubt is the seriousness of the threat from wildfires. In 2018, the Saddleworth Moor fire exposed five million people in the Manchester area to dangerous smoke pollution resulting in 28 lives being shortened. [3]

In this year's North York Moors blaze, firefighters did not just face fierce flames but also 18 explosions as the fire set off buried WW2 shells. [4] So far we have escaped direct fatalities, unlike the rest of the Europe where wildfires killed 20 this summer and Los Angeles where 30 died back in January. [5] [6]

The problem

Officials at Defra and Natural England are using a combination of regulations and subsidies to restrict not just precautionary burning, but also mowing and grazing. The ensuing growth in vegetation is ratcheting up the risk of intense wildfires. Even more so, as it comes as the sharp fall in relative humidity makes plants tinder dry for longer each year. [7]

These factors are prime suspects for why we have just endured our worst ever wildfire season. EU satellite data shows that this year's UK wildfires produced around ten times more pollutants than

Moorland Association members are proud to maintain over a million acres of open heather moorland across England and Wales - some of the rarest habitat on earth. Through a combination of innovation and research our members have proven they are best at protecting and maintaining it.



The Moorland Association

the previous year. These included black soot, carbon monoxide, nitrogen oxides and sulphur dioxide. [8]

Copernicus Data	2024 UK Wildfire Emissions (Tonnes)	2025 UK Wildfire Emissions (Tonnes)	% Increase
Black carbon (soot)	52	442	750%
Carbon dioxide	177,000	1,312,000	641%
Carbon monoxide	8,000	79,000	888%
Nitrogen oxides	249	2,964	1,090%
Sulphur dioxide	45	660	1,367%

In the wake of this escalating crisis, Defra's statutory instrument substantially increases the proportion of England's uplands where preventative burns of vegetation require exceptional permission. It is the latest move from a Department which has been steadily restricting these burns throughout the last decade. Its 2021 it effectively banned winter burns on 222,000 hectares. The new measure trebles that to 676,628 hectares. [9]

It does this by extending the 2021 ban on burns where the peat is over 40cm deep to peat that is merely over 30cm. The measure came into effect on 30 September - the day before the winter burning season started.

In a further move that will all but end winter burns, on 10 September the Department announced new subsidy rules. These ban recipients from creating "fire and fuel breaks" in vegetation where the peat is more than 10 cm deep. [10]

Radical change

The Department used to think very differently. In a 2007 impact assessment, it spelt out the dangers that "if burning were to cease on traditionally burned heather moorland [the young heather] would be replaced by swathes of old, woody heather... [with] a much increased risk that if a wildfire were to start, it could be very destructive over a large area". [11]

The assessment went on to warn that "[s]evere wildfires can damage habitats and soil on a far worse scale than controlled burns... land may take many decades to recover economically and environmentally, a wildfire on Bleaklow Dark Peak in 1957 resulted in bare peat which endured for nearly fifty years."

That was remarkably prescient given what happened at Saddleworth Moor in 2018. That fire started on a moor where controlled burns had been banned. [12] Huge amounts of deep peat was lost. History repeated itself during this year's major fire in the North York Moors. That also burnt through to the peat, except in an area where prescribed burns had been allowed to reduce the fuel load.

Peatland choices

While officials in 2007 focused on the threat to peatland posed by wildfires, today's officials believe that it is winter burns which are the problem, arguing that they could set these carbon stores alight. Moorland communities say that this risk is minimal because they are conducted when the ground is

Moorland Association members are proud to maintain over a million acres of open heather moorland across England and Wales - some of the rarest habitat on earth. Through a combination of innovation and research our members have proven they are best at protecting and maintaining it.



The Moorland Association

wet enough for the fire not to transmit through plant roots. They demonstrate how a Mars bar placed in the moss does not melt during controlled burns. [13]

They contend that winter burns, by both reducing fuel loads and by creating firebreaks in the vegetation, minimise the risks of intense wildfires in the spring and summer. This is when the deep peat is much more likely to catch fire and then burn for weeks as ‘zombie’ fires repeatedly emerge. This is what occurred in North Yorkshire.

Officials claim that this risk can be mitigated by rewetting the land. Upland communities support such rewetting as a means of peatland restoration. (It is done through blocking ditches which were dug in response to an earlier policy.) However, they point out that rewetting is often impractical, for instance on steep slopes where water drains away. They also contend that there is no evidence to show that, even where it can be carried out, that rewetting is better than prescribed burning at reducing wildfire risk.

The officials assert that fires can be avoided by minimising heather. Their critics counter that heather is naturally occurring and that, in association with winter burns, is a boon to the development of peat. They also maintain it is a much loved feature of our landscape.

At a philosophical level, this dispute over winter burns is the fault-line between advocates of traditional countryside management and believers in rewilding who prefer a less kempt landscape. Many in the latter group are also energised by an animus towards grouse shooting.

Global perspective

The practice of winter burns has its roots in indigenous communities around the globe. Evidence suggest Aborigines were using the technique 120,000 years ago. [14]

This ancient practice has been endorsed by today’s world leaders in their response to this year’s wildfire disasters:

- USA: in June the White House issued an executive order calling for more “preventative prescribed fires” [15]
- G7: a week later, in a specific communique on wildfires, the G7 leaders advocated the use of “controlled burning” [16]
- EU: in September, the European Commission said “controlled burning... can greatly reduce the risk of future fires” [17]

Meanwhile, China says its policy of increasing “planned burns of combustible materials” had been followed by a sharp reduction in the “frequency, scope, and intensity” of wildfires. [18]

These political powerhouses recognise that climate change is exacerbating wildfires as wetter winters accelerate the growth of vegetation and drier summers make it more flammable.

Their concerted response reflects insights from this year’s scientific research. This includes one paper which found that wildfires are causing “tens of thousands of deaths” from smoke inhalation, another which concluded that “prescribed burning will be crucial in mitigating and reducing the risk of large wildfires” and a third which showed that prescribed burning in peatlands was boosting carbon sequestration. [19] [20] [21]

Moorland Association members are proud to maintain over a million acres of open heather moorland across England and Wales - some of the rarest habitat on earth. Through a combination of innovation and research our members have proven they are best at protecting and maintaining it.



The Moorland Association

UK experts

Here in the UK, the Natural Environment Research Council has funded a £2.5 million five-year study by our top academic specialists on wildfires which will shortly publish its findings about winter burns on UK peatlands. These scientists sent a submission to the Defra consultation on the current SI in which they politely pointed out that, ahead of this research, there was not “sufficient evidence” for the ban and that “it would be more timely to reach a final decision... after this government funded research has been completed.” [22]

The NFCC’s response was blunter: “We are increasingly concerned that policy decisions... could inadvertently lead to increased fire loads and the risk of larger, more intense wildfires... We are particularly concerned that further restricting land managers’ ability to use prescribed burning as a wildfire prevention tool [would result in] increasing the danger to firefighters and the public... Responding to wildfires requires a significant amount of FRS [Fire and Rescue Services] resources... Any changes to regulations [could] further stretch already limited resources.” [23]

Firefighting

The NFCC points out that the cost of tackling wildfires comes out of FRS general funding and so undermines the response to other fires. The strain on resources is reflected in how intense wildfires are increasingly left to burn out because they are too dangerous to tackle.

Public sector firefighters are concerned that, because of Defra policies, wildfires are not only getting even worse but that the firefighting support they have had from farmers and gamekeepers is being eroded. This is in part because rewilding policy is undermining the economics of farming and gamebird management, meaning that there are less private sector workers to come to the aid of FRS firefighters.

Farmers are often the first responders to wildfires and the NFU says Defra’s policy will “significantly increase the risk of wildfires breaking out in iconic upland areas, putting people, livestock and the environment in danger”. [24]

Gamekeepers also risk their lives fighting wildfires. To help them, shooting estates have historically invested millions in specialist firefighting PPE, ATVs and water bowzers. This was to ensure winter burns did not get out of control and that that summer wildfires could be extinguished quickly. However, with it now almost impossible to get permission for winter burns, big estates can no longer justify these investments.

It was the risk of losing this huge grassroots firefighting effort that was pivotal in the Scottish Government’s decision to postpone its restrictions. The minister had seen how important it was in controlling the 11,827 hectare Carrbridge and Dava wildfire in June.

But in England we are set to continue to lose our capacity to defend our countryside against the growing threat to life. This is not just a concern for rural areas. The NFCC has warned that our wildfires are starting to cross the “rural-urban interface” – posing a direct threat not just to firefighters but to people in their beds. [25]

Moorland Association members are proud to maintain over a million acres of open heather moorland across England and Wales - some of the rarest habitat on earth. Through a combination of innovation and research our members have proven they are best at protecting and maintaining it.



The Moorland Association

Inconvenient truths

The policy being pursued by Defra officials is ever more isolated from the international expert consensus. And yet in their response to the consultation officials claim that they have received “broad support” for their policy. [26] How do we square this circle?

Astonishingly, neither Defra and Natural England have had any in-house wildfire experts. That may be why officials appear to have given no thought to how their policies affect fuel loads. For instance, in pursuit of rewilding, they have used subsidies to reduce sheep numbers by 11% in just the last three years. [27] Less sheep and cattle means more vegetation is left on our hillsides.

Yet, through the consultation process, Defra has had access to the views of the external experts who expressed deep concerns. It seems that this inconvenient evidence is being concealed.

For instance, in their response to the consultation, officials decided not to mention the National Fire Chiefs Council’s criticism of their policy. They further declined to publish any of the FRS responses. We note that these are public sector colleagues highlighting hugely consequential risks on a matter in which they are the nation’s top experts.

The scientific community has also been ignored. Officials refused to either consider the consultation response by the team doing the NERC study or refer to it in the Department’s response. This team includes the country’s top wildfire expert, Professor Clare Belcher at Exeter University. Other senior academics expressing misgivings come from Oxford, York and Birmingham Universities. [28]

This suppression of uncomfortable critiques was compounded by officials deciding in their consultation not to even ask for views regarding the principle objective of prescribed burns – to reduce wildfires.

Alternative Evidence

Officials have their own sources of evidence. They use public money to fund a think tank called the IUCN Peatland Programme which provides papers used to justify Defra’s policies. [29] These articles are not peer-reviewed and are written by a team whose credentials might charitably be described as less robust than the academics.

The Department also relies on Natural England’s March 2025 policy review on the subject. It is so densely written that no minister would dream of spending a weekend reading its 322 pages. It does though manage to pithily dismiss all the international scientific evidence supportive of winter burns with the line that such “findings may not necessarily be applicable to UK upland peatlands”. [30]

Would it be overly cynical to suggest that the intention is to bamboozle ministers? The civil servants do seem to have strong personal views. The official in charge of the issue at Natural England denounced winter burns as “so-called moorland management” and dismissed international wildfire experts supporting them as exponents of “brute force machismo”. [31] So much for Nolan Principles.

Despite the 2007 warnings from Defra colleagues and this year’s remonstrations from our top scientists and fire chiefs, Defra officials are convinced they are right. So much so that they have

Moorland Association members are proud to maintain over a million acres of open heather moorland across England and Wales - some of the rarest habitat on earth. Through a combination of innovation and research our members have proven they are best at protecting and maintaining it.



The Moorland Association

decided that their ban on winter burns does not merit an impact assessment, claiming that it would, have “no significant... impact on the private, voluntary or public sector”. [32]

This assessment of negligible risk comes in a year in which England suffered record levels of wildfires and the Climate Change Committee concluded that there is “now unequivocal evidence that climate change is making extreme weather in the UK [including] wildfire-conducive conditions, more likely and more extreme”. [33] Why do officials think world leaders are spending time encouraging winter burns if the issue is so insignificant?

Here is another concern: a critical part of the legislation before your Lordship’s House was, at the last minute, amended without explanation. Officials changed the expressed intention of the measure from reducing the “risk of wildfire” to instead reducing the “impact of wildfire”. [34] These are two very different concepts, yet, despite the Department consultation response saying that this clause would not change, the text as tabled has made this substantive change. [35]

Finally, the instrument does not give proper time to adapt. The ban came into effect only three weeks after it was made. It will be all but impossible for landowners to be granted exceptional permission to conduct winter burns this season because i) they could not be applied for before the measure came into force on 1 October and ii) would take three months to process on SSSIs. It amounts to a complete ban on preventative burns for this year.

Conclusion

The media senses a growing scandal and has already written damning critiques of the policy. Kinder souls suggest that the core issue is coordination within Government. Wildfire policy is spread between the MHCLG, Defra and Natural England and the NFCC has called for officials to “improve joint-working.”

Yet the suppression of inconvenient evidence at a time of escalating threat from wildfires is troubling. UK policy on vegetation management is isolated from science and international best practice. It may not be a coincidence that our escalating ban on preventative burns has been accompanied by our wildfires surging far faster than those in the rest of Europe.

Perhaps this issue is a microcosm of a dying democracy. One in which, according to YouGov, even senior civil servants feel that their departments are badly led. [36]

Such broader considerations aside, a month remains for Parliament to object to this disastrous SI which officials have saddled on their new Secretary of State.

Sources

- [1] The Heather and Grass Burning statutory instrument: <https://statutoryinstruments.parliament.uk/instrument/rOj57WyN/timeline/Hqa7p0Ly>
- [2] Scottish Government is delaying similar restrictions due its fears that they could “adversely affect our ability to prevent and respond to wildfires”: <https://www.scottishlandandestates.co.uk/news/evidence-based-postponement-muirburn-licensing-following-record-wildfires-welcomed-scottish>
- [3] Saddleworth fire exposed 5 million to dangerous pollution: <https://www.bbc.co.uk/news/uk-england-manchester-52208610> and the pollution included lead and cadmium: “because of

Moorland Association members are proud to maintain over a million acres of open heather moorland across England and Wales - some of the rarest habitat on earth. Through a combination of innovation and research our members have proven they are best at protecting and maintaining it.



The Moorland Association

extensive toxic fallout from factories a century ago... “There’s 100 years’ of pollution buried along with the peat as it formed,” says [Professor Hugh] Coe.” See New Scientist: <https://www.newscientist.com/article/mg23931853-300-smoke-from-moorland-wildfires-may-hold-toxic-blast-from-the-past/> and the result was 28 premature deaths: “over the 7-day period 28 (95% CI: 14.1-42.1) deaths were brought forward, with a mean daily excess mortality of 3.5 deaths per day”: <https://iopscience.iop.org/article/10.1088/1748-9326/ab8496>

- [4] 18 unexploded shells detonated during North York Moors wildfire: <https://www.bbc.co.uk/news/articles/cn47591kgi0o>
- [5] 20 died in Europe from wildfires this year: <https://www.independent.co.uk/climate-change/news/europe-wildfire-greece-turkey-cyprus-b2815581.html>
- [6] 30 died in the Los Angeles fires <https://www.theguardian.com/us-news/2025/apr/03/los-angeles-wildfires-death-toll>
- [7] Relative humidity has “decreased sharply since 2000”: <https://climate.metoffice.cloud/humidity.html>
- [8] EU Copernicus data shows huge increase in emissions from UK wildfires:

Copernicus Data	2024 UK Wildfire Emissions (Tonnes)	2025 UK Wildfire Emissions (Tonnes)	% Increase
Black carbon (soot)	52	442	750%
Carbon dioxide	177,000	1,312,000	641%
Carbon monoxide	8,000	79,000	888%
Nitrogen oxide	249	2,964	1,090%
Sulphur dioxide	45	660	1,367%

To find the data, look for the fourth graph entitled “EFFIS Weekly Cumulative Emissions” and then use the drop down box to select the emission type. The year and countries can be selected from the menu on top left hand side. <https://forest-fire.emergency.copernicus.eu/apps/effis.statistics/seasonaltrend>

- [9] The Government’s explanation of the measure: <https://www.gov.uk/government/news/burning-banned-on-englands-deep-peat-to-protect-wildlife>
- [10] On 10 September 2025 Defra announced wildfire management subsidy rules that do not allow recipients to create “fire and fuel breaks” in vegetation “on peat soils more than 10 centimetres (cm) in depth.”: <https://www.gov.uk/find-funding-for-land-or-farms/cup18-manage-features-for-wildfire-management-fire-and-fuel-breaks-supplement>
- [11] Defra 2007 Impact Assessment on winter burns. See page 13: https://www.legislation.gov.uk/ukxi/2007/2003/pdfs/ukxiem_20072003_en.pdf
- [12] Natural England said that the Saddleworth fire started at <https://w3w.co/grub.slams.dart> . The headkeeper said it started nearby at <https://w3w.co/violinist.circular.speakers> . Both spots are in an area which Natural England only allowed to be burnt once every 23 years. This Natural England ban is documented under the agency’s 2014 Higher Level Stewardship plan for this moor.
- [13] The Mars bar test – see video here: <https://www.gwct.org.uk/blogs/news/2020/october/latest-call-from-rspb-seems-to-confuse-controlled-and-uncontrolled-burning/>
- [14] Aborigines are believed to have started “firestick” burns around 120,000 years ago: https://en.wikipedia.org/wiki/Fire-stick_farming
- [15] June 2025: White House executive order advocates “preventative prescribed fires”: <https://www.whitehouse.gov/presidential-actions/2025/06/empowering-commonsense-wildfire-prevention-and-response/>

Moorland Association members are proud to maintain over a million acres of open heather moorland across England and Wales - some of the rarest habitat on earth. Through a combination of innovation and research our members have proven they are best at protecting and maintaining it.



The Moorland Association

- [16] June 2025: G7 statement on wildfires calls for use of “controlled burning”: <https://www.pm.gc.ca/en/news/statements/2025/06/17/kananaskis-wildfire-chart>
- [17] September 2025: EU Commissioner responsible for crisis management advocated for “controlled burning” https://ec.europa.eu/commission/presscorner/detail/en/speech_25_2056
- [18] China’s review of winter burns: “implement planned burns of combustible materials to effectively reduce forest fire hazards.” See page 46: <https://www.gov.cn/xinwen/2016-12/29/5154054/files/cef58688e51843a8b4d17ef5d01d9577.pdf> Following this policy: “The frequency, scope, and intensity of forest fires have all decreased”: <http://lyj.gxzf.gov.cn/ztlm/slcyfhhagqsc/slfh/t9567667.shtml>
- [22] Response by UK’s top wildfire scientists to Defra consultation – available on request
- [23] Response by UK National Fire Chiefs Council to Defra consultation – <https://nfcc.org.uk/wp-content/uploads/2025/05/250523-Heather-and-Grass-Burning-in-England-Consultation-Response-FINAL.pdf>
- [24] NFU says Defra’s policy will “significantly increase the risk of wildfires breaking out in iconic upland areas, putting people, livestock and the environment in danger”: <https://www.nfuonline.com/updates-and-information/heather-and-grass-burning-consultation/>
- [25] NFCC concerns about fires leaping “rural-urban interface”: <https://nfcc.org.uk/nfcc-urges-public-caution-as-amber-wildfire-alert-issued/>
- [26] Defra claims “broad support” from consultation respondents to its proposals to effectively ban winter burns over most of England: <https://www.gov.uk/government/consultations/heather-and-grass-burning-in-england/outcome/summary-of-responses-and-government-response>
- [27] Over the last three years the number of sheep in England has fallen 11% due to changes in subsidy regimes: <https://www.gov.uk/government/statistics/livestock-populations-in-england/livestock-populations-in-england-at-1-june-2025>
- [28] Along with the NERC team, other scientists criticising Defra’s policy on burning come from Oxford and York Universities: <https://www.futurelandscapesforum.com/controlled-burning>
- [29] The IUCN Peatland Programme is partly funded by Defra grants and statutory levies: <https://www.iucn-uk-peatlandprogramme.org/about-us>
- [30] Natural England Evidence Review dismisses international scientific research on winter burns as not being useful: <https://publications.naturalengland.org.uk/publication/4548741850464256>
- [31] Social media posts by Natural England official - available on request
- [32] Defra explanatory note claims the ban on winter burns would have “no, or no significant impact”: <https://www.legislation.gov.uk/uksi/2025/1000/made>
- [33] “Unequivocal evidence”, Climate Change Committee: <https://www.theccc.org.uk/wp-content/uploads/2025/04/Progress-in-adapting-to-climate-change-2025-1.pdf>
- [34] Regulation 5(b) of the 2025 Regulations amended regulation 4(4) from: “The Secretary of State may grant a licence... (c) to reduce the risk of wildfire” to “to reduce the impact of wildfire”. There is a significant difference between a reduction of risk – i.e. preventing wildfires from breaking out in the first place – and a reduction of impact – i.e. accepting that wildfires may break out <https://www.legislation.gov.uk/uksi/2025/1000/made>
- [35] The amendment of regulation 4(4)(c) was not consulted on at all, and appears to have been an unexplained afterthought: see p.11 of the Consultation Document, which did not propose any changes to regulation 4(4)(c) of the 2021 Regulations. Not only was it not consulted on, in its press release announcing the proposed expansion to the ban, DEFRA expressly assured stakeholders that “[o]ne of the grounds to apply for a licence to burn will be to reduce the risk of wildfire” The change was not even foreshadowed in the Consultation Response, which stated that regulation 4(4)(c) of the 2021 Regulations would remain as drafted. The Response said that ground (c) “to reduce the risk of wildfire” would remain. It has not.

Moorland Association members are proud to maintain over a million acres of open heather moorland across England and Wales - some of the rarest habitat on earth. Through a combination of innovation and research our members have proven they are best at protecting and maintaining it.



The Moorland Association

<https://www.gov.uk/government/consultations/heather-and-grass-burning-in-england/outcome/summary-of-responses-and-government-response>

[36] NFCC calls for Government to “improve joint-working” on wildfire risks:

<https://nfcc.org.uk/our-services/position-statements/wildfires-position-statement/>

[37] YouGov found that 43% of senior civil servants believe that “Leadership within the Whitehall civil service is very poor” with only 19% disagreeing: <https://yougov.co.uk/politics/articles/52662-what-do-civil-servants-think-of-whitehall>

Moorland Association members are proud to maintain over a million acres of open heather moorland across England and Wales - some of the rarest habitat on earth. Through a combination of innovation and research our members have proven they are best at protecting and maintaining it.