Department
for Environment,
Food & Rural Affairs

Heather and Grass Burning in England

Consultation Document

March 2025

We are responsible for improving and protecting the environment. We aim to grow a green economy and sustain thriving rural communities. We also support our world-leading food, farming and fishing industries.

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Any enquiries regarding this publication should be sent to us at HGBConsultation@defra.gov.uk.

Contents

Introduction

England’s peatlands are of huge international importance, and it is vital that we protect these sites for future generations. However, 80% of England's peatlands are degraded, with rotational burning being a contributory factor in upland regions.

Protecting peat from further damage is crucial to its restoration and recovery. In the uplands, protection is provided by The Heather and Grass etc. Burning (England) Regulations 2021 (the Regulations) which were introduced to prevent unnecessary burning on peatlands. Repeated burning risks permanently altering the species composition and hydrology of peatland habitats.

In a wetter, healthy-functioning state peatlands provide a wealth of environmental benefits including improved biodiversity, high quality drinking water, carbon storage, flood mitigation and havens for wildlife. Peat that is wet is less likely to burn during a wildfire, builds new peat and loses less carbon through oxidation, protecting the stored carbon of old peat in line with the net zero mission and ensuring that the habitat persists[1].

The government recognises that prescribed burning may be a necessary management tool in very limited circumstances, for example where there is an evidenced wildfire risk and where absolutely no feasible alternatives exist. Under the Regulations, burning vegetation on Sites of Special Scientific Interest (SSSIs) that are also Special Areas of Conservation (SACs) or Special Protection Areas (SPAs) requires a licence if the peat depth exceeds 40cm.

We are reviewing the existing Regulations and considering the potential benefits of extending them to a broader area of upland peat, whilst maintaining an effective licencing scheme.

This consultation seeks your views on the following potential amendments to the Regulations. These potential amendments would bring England’s regulations more into line with Scotland.

- The geographical area protected by regulations
- The depth of peat protected
- The grounds under which to apply for a licence to burn
- Mandatory compliance with the Heather and Grass Management Code
- Mandatory prescribed fire and wildfire training

If implemented, these changes will increase the area currently protected from 222,000 hectares to over 368,000 hectares of England’s total 677,250 hectares of deep peat (around half of England’s deep peat is in lowland areas). The entire area of upland deep peat that is potentially subject to burning will be protected.

[1] Blanket-bog-land-manager-guidance-FAQs-Report.pdf

Further details on these proposals, consultation questions and how to provide your response, can be found in the consultation section of this document.

How and why we're consulting

The Secretary of State is now seeking representations from anyone who may be affected by or has an interest in the proposals via this consultation. This is to ensure the best outcomes for any new regulations and a workable licencing process.

How to respond

If you require a copy of this consultation, please address your request to:

Peatland Protection Team, Defra
Seacole Building
2 Marsham Street
London
SW1P 4DF
United Kingdom

Or email: HGBConsultation@defra.gov.uk

Please submit your consultation response using the online survey provided on Citizen Space (Citizen Space is an online consultation tool).

Alternatively, please email your response to:
HGBConsultation@defra.gov.uk

Peatland Protection Team, Defra
Seacole Building
2 Marsham Street
London
SW1P 4DF
United Kingdom

This is an eight-week consultation opening 31 March 2025 and closing 25 May 2025. Defra will analyse all returns, which will inform any future policy in this area.

Consultation

Confidentiality Question

1. Would you like your response to be confidential?

☐ Yes
☒ No

If you answered Yes to this question, please give your reason(s).

Using and sharing your information

1. How we use your personal data is set out in the consultation and call for evidence exercise privacy notice which can be found here https://www.gov.uk/government/publications/defras-consultations-and-call-forevidence-exercises-privacy-notice

2. This consultation is being conducted in line with the Cabinet Office “Consultation Principles” and be found at: Consultation Principles

3. If you have any comments or complaints about the consultation process, please email: consultation.coordinator@defra.gov.uk

About you

We are asking you to provide your contact details so that we can contact you if we have any queries about your response or if we wish to ask you to provide further information to add to the response that you have given. You must complete this section so that we can consider the views and information submitted.

1. What is your name?
   Natural England

2. What is your contact email or postal address?
   uplandnetwork@naturalengland.org.uk

3. In what capacity are you responding to this consultation? (Select all that apply)

   ☐Landowner
   ☐Land manager (Farmer/private/estate)
   ☐Land manager (eNGO / Charity)*
   ☐Member of the public
   ☐Organisation*
   ☒Public Body*
   ☐Other*

   *Please specify - Natural England

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

What we are proposing

The Regulations currently protect peat over 40cms within SSSIs that are also designated as a SAC or SPA. The proposed change would use Less Favoured Areas (LFA) instead of SSSI, SAC or SPA to define the regulated area. This would encompass all areas of upland peat, offer increased protection for these habitats and help us reduce carbon emissions in line with the net zero mission.

Please see Annex A for area maps showing the land covered by the Regulations and the proposed amendments.

Why we are proposing this

Upland peatland habitats are particularly vulnerable to the impacts of burning. Whilst winter burns tend to burn mainly surface vegetation rather than the peat itself, rotational burning makes it difficult to restore blanket bog to its natural hydrology and impossible to return it to its natural state.[2]

This change in hydrology prevents the variation of plant species typically found in healthy blanket bogs (known as indicator species). In favourable condition, peatland and blanket bogs will have more than 6 plant indicator species, which might include a healthy balance of heather, cotton grasses, feather mosses and Sphagnum species.[3] Peatland that is burned may only have two indicator species detected, often with a dominance of heather or Molinia. Whilst heather is a normal component of blanket bog vegetation, in an active bog it does not assume dominance. Too much heather will shade more sensitive vegetation and, because of its extensive root structure, will contribute to drying out the peat underneath[4] – hampering the delivery of the full suite of environmental benefits that these peatlands are capable of when in a healthy, natural state. Damaged peatlands also release tonnes of carbon into the atmosphere each year rather than absorbing and storing it, preventing us from achieving our net zero mission.[5] They are also more susceptible to the effects of wildfire, which can damage the peat itself, exacerbating carbon loss.

A further impact of large scale burning of vegetation including heather, is the release of smoke into the air. Huge plumes can travel long distances impacting air quality across communities. The smoke contains harmful pollutants like particulate matter (PM2.5 and PM10). PM2.5 is considered the most serious pollutant for human health because the tiny particles can penetrate deeply into the human body, blood stream and major organs. PM2.5 is strongly associated with strokes, cardiovascular disease, asthma, and some lung cancers.

Burning also negatively impacts water quality by increasing dissolved organic carbon (DOC) and causing water discoloration due to the release of peat and other organic matter into watercourses. The changes in water quality can negatively affect aquatic ecosystems and the organisms that live in them. Removal of colour from water represents one of the

[2] England Peat Action Plan

[3] Blanket-Bog-Guidance-Outcomes-and-Improvements-Factsheet.pdf

[4] Blanket-bog-land-manager-guidance-FAQs-Report.pdf

[5] iucn_issues_brief_peatlands_and_climate_change_final_nov21.pdf

major operational costs of any treatment plant and can run into millions of pounds per annum.[6]

Burning is only one option available to land managers trying to manage heather on peat. Overgrowth of woody heather can be managed through the restoration of wet bog. In its natural state, heather is naturally limited on peatland and is just one of many species present. Prior to peatland restoration, overgrowth of heather can also be managed by cutting. Burning should be seen as a last resort, where no sustainable alternatives exist.

A1: Do you agree with the proposal to change the boundaries of the Regulations to LFA to protect more upland peatlands?

☐Yes
☐No

Please provide reasons why. (Please limit your response to 250 words)

Our comprehensive Evidence Review on 'The effects of managed burning on upland peatland biodiversity, carbon and water' (2025) concludes that managed burning can influence characteristic peatland flora and fauna, water chemistry and the functions of carbon cycling and water regulation. Natural England agrees that extending the boundaries to all upland areas, using the LFA, will bring further protection to peatland habitats at an ecosystem scale – regardless of their status as a protected site (SSSI and/or SAC/SPA). It will also extend protection to historic environment features beyond those found within protected sites. We agree that burning should be seen as a last resort, on those sites where other means of vegetation management (where such management is proven necessary), are not feasible or appropriate. Our view is that blanket bog and other peatland habitats should require little to no long-term management if they are in good ecological condition.

Our 2023 Review on The Impacts of Vegetation Cutting on Peatlands and Heathlands (NEER028) identified that although the practice of cutting vegetation is becoming more widespread, relatively little is known about its effects. In addition, there are known incidences of damage and disturbance to finite archaeological remains and it may cause peat compaction. We would therefore caution against promoting cutting as a universally suitable alternative to burning.

Although we support these proposals in providing greater protection for upland peat, there are areas of lowland peat (including areas of 30cm or more in depth) that are routinely burned. See further our response to A2.

[6] Martin-Ortega, J., Allott, T.E.H., Glenk, K., Schaafsm, M., (2014). Valuing water quality improvement from peatland restoration: Evidence and challenges. Ecosystem Services, 9, 34-43

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)

Healthy, functioning peatlands provide multiple benefits to nature and society and are critical assets in our rapidly changing climate. Around 80% of UK peatlands are modified or degraded (IUCN, 2019) – with burning recognised as a key factor in the deterioration of our peatland ecosystems.

Analysis of England Peat Map (EPM) data shows that there are 44,000 hectares of peat (of 30cm or deeper) within SSSIs outside the LFA. Due to recognised limitations of the current data, this is likely to be an underestimation.

Some of this area – which includes nationally and internationally important raised bogs, lowland fens and wet heaths – is currently managed through burning, e.g. the New Forest. Whilst we support the proposal to extend geographic coverage to the uplands by using the LFA boundary (and removing the SSSI+ SAC/SPA criterion), this may leave valued lowland peatland habitats vulnerable to damage through burning.

Depth of peat protected

What we are proposing

We are proposing to change the prohibition of burning on peat over 40cm deep to peat over 30cm deep. This will allow shallower peatlands to also be protected.

Why we are proposing this

Licencing regulations currently apply to peat depths exceeding 40cm.This has been used as a definition following that used by the Soil Survey of England. Whilst we know that damage from burning can occur at any depth, evidence shows that at 30cm, peatlands are capable of sustaining blanket bog habitat.[7] Lowering the regulatory threshold to include peat deeper than 30cm, will increase the amount of peat being protected from further damage, making it more likely to be able to deliver the significant environmental benefits that healthy peatlands offer. The precise extent of this increase will be determined by the ongoing England Peat Map Project.

[7] Alistair Crowle, Iain Diack, David Glaves, David Key and Richard Lindsay. 2023. Definition of Favourable Conservation Status for blanket bog. RP2967. Natural England

We are proposing a definition of peat over 30cm deep for “deep peat” because, at depths shallower than this, other non-peat soils are more likely to be present.

Whilst the primary driver for this proposed change is to maximise the ecological benefits of protecting peat, this adjustment would also bring our regulations in line with broader European and international standards.

A3: Do you agree with the proposed change of the prohibition of burning on peat *over 40cm deep* to peat *over 30cm deep*?

☒Yes
☐No

Please provide reasons why. (Please limit your response to 250 words)

Our Definition of Favourable Conservation Status for Blanket Bog (March 2025), used as evidence to support this consultation question, provides a full explanation behind the 30cm definition. In summary, evidence to justify a definition of peat of 30cm or more (which supports blanket bog habitat) is widely adopted across Europe. This depth is based on ecological factors rather than the previous post-war 40cm definition (used in the 2021 regs) which was based on the exploitation potential of peat. Peat forms wherever waterlogging prevents complete decomposition of dead plant matter. As such, any accumulation of such waterlogged material can be classed as ‘peat’. A thickness of 30cm or more is also recognised as a useful threshold for blanket bog plant species. We agree that – by lowering the regulatory threshold to include peat deeper than 30cm – this will increase the amount of peat and associated habitats protected from burning and enable their hydrological function to be restored. Once restored to a healthy functioning state, peatland habitats will make a vital contribution to the Government’s Net Zero and EIP targets – storing carbon, improving water quality and helping protect communities from flooding.

For simplicity for those interpreting and applying the regulations, we suggest wording of ‘30cm or deeper’ rather than ‘over 30cm deep’.

Grounds to apply for a licence to burn under the Regulations

Defra recognises that burning may be the right tool in exceptional circumstances where there is no practicable alternative. Burning should be a last resort when more sustainable methods prove to be unfeasible.

What we are proposing

Under the Regulations a person may apply for a licence under the following grounds:

(a)for the conservation, enhancement or management of the natural environment for the benefit of present and future generations;

(b)for the safety of any person;

(c)to reduce the risk of wildfire; or

(d)because the specified vegetation is inaccessible to mechanical cutting equipment and any other method of management is impracticable.

We propose amending these grounds to remove:

(d)because the specified vegetation is inaccessible to mechanical cutting equipment and any other method of management is impracticable.

We propose to introduce a new ground:

'for research purposes'.

Why we are proposing this

Removing the ground: (d) because the specified vegetation is inaccessible to mechanical cutting equipment and any other method of management is impracticable.

In all cases, burning should be a last resort, used only when more sustainable methods are not feasible. Applicants are therefore required to provide a comprehensive explanation of why all other management alternatives are unsuitable. This includes a detailed evaluation of accessibility and other relevant factors, rendering the current 'ground (d)' redundant.

Adding a new ground: for research purposes

We recommend the inclusion of research as a permissible ground for applications under the Regulations to ensure that future research projects are not unduly constrained.

However, to safeguard sensitive peatland ecosystems, licences will be contingent upon robust justification and demonstration of why the research must be conducted on deep peat within the LFA.

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

(Please limit your response to 250 words)

Ceasing burning on peatlands is necessary to restore condition and maximise the full suite of ecosystem services provided by a naturally functioning habitat. Natural England is only likely to consider a licence application on land it owns (National Nature Reserves) under the ground (a). This will only be in situations where there is evidence that, having considered all other alternative management interventions, it will accelerate habitat restoration efforts. In such cases we would also need to conclude

that the burn is directly connected with or necessary for the management of the habitat for which the site has been designated.

A5: Do you agree that ground *(d) <u>because the specified vegetation is inaccessible to mechanical cutting equipment and any other method of management is impracticable</u>* should be removed?

☒Yes
☐No

Please provide reasons why. (Please limit your response to 250 words)

We agree that burning should be a last resort, used only when more sustainable methods are not feasible. When ecological function is restored, peatland habitats such as blanket bog should require very little or no management – this applies to burning as well as other practices.

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

☐Yes
☐No

Please provide reasons why. (Please limit your response to 250 words)

There is already a significant evidence base on the topic of burning. Our recent Evidence Review (NEER115, 2025) considered over 200 separate studies. We believe that there should be a presumption against burning for research purposes. Therefore, any applications submitted on this ground would need to be very carefully assessed in terms of the benefits of the research versus the impacts of the burning on the site(s) in question.

Mandatory compliance with the Heather and Grass Management Code (2025)

Defra will soon publish the Heather & Grass Management Code, a revised document updating and replacing the now archived Heather & Grass Burning Code (2007).

What we are proposing

The archived Heather & Grass Burning Code (2007) is good practice guidance to support practitioners to burn safely and responsibly. Although recognised by many organisations, it was a voluntary code with no obligation to follow.

We are now proposing to make it mandatory to comply with the Heather & Grass Management Code when published. This is in line with Scottish requirements around the 'Muirburn Code'.

Why we are proposing this

Mandatory compliance with the Heather & Grass Management Code will require practitioners to have read and understood the code prior to acting under any licence granted under the Regulations, and to follow the guidance within the code.

This will ensure prescribed burns are carried out in accordance with good practice recognised by the sector.

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
☐No

Please provide reasons why. (Please limit your response to 250 words)

If adherence to the Code became mandatory, Defra would need to consider means of enforcement or ensuring compliance. Consideration would also be needed around how the Code would still be applied to the breadth of areas that would fall outside the scope of the Regulations.

Mandatory prescribed fire and wildfire training

What are we proposing

Under the Wildlife Management and Muirburn (Scotland) Act 2024, any person intending to burn under licence must complete the accredited online and practical training covering the Muirburn Code and safe fire application techniques.

We are proposing to make it mandatory for one or more people carrying out a burn under the Regulations to have previously completed similar training courses.

Why we are proposing this

This will ensure the level of competency required to burn safely under licence.

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
☒Yes, for supervisory practitioners only
☐No

Please provide reasons why. (Please limit your response to 250 words)

Natural England helped co-design the LANTRA vegetation fire training modules led and delivered by Forestry Commission. We would support the use of this accredited training, and any other appropriate accredited training, as standard for supervisory practitioners to ensure safe and sustainable practices.

Part B Application process

The following questions aim to look at understanding the effectiveness of the current application process under the Regulations, and any possible improvements.

B1: Are you aware of the Regulations and what they cover?

☒Yes
☐No

Please provide any relevant details. (Please limit your response to 250 words)

As the Government's adviser for the natural environment, Natural England provides advice to Defra on the implementation of the Regulations and the associated guidance. We are also one of the consultees on licence applications.

B2: Do you know where to access the guidance and application form to apply for a heather and grass burning licence from Defra?

☒Yes
☐No

Please provide any relevant details. (Please limit your response to 250 words)

B3: Have you attempted to or considered making an application for a Heather and Grass burning licence under the Regulations?

☐Yes
☐No
☒N/A

If Yes, please give details of your experience. (Please limit your response to 250 words)

B4: If you have attempted or considered applying for a licence but didn't submit one, what prevented you from doing so?

☐Didn't have the necessary documentation / evidence required
☐Didn't understand the process
☐Didn't have the time
☐Wasn't sure how to demonstrate my proposals
☐Other

Please give further details. (Please limit your response to 250 words)

B5: Would you find it helpful to have a combined Restoration / Wildfire Mitigation Plan template provided to support your application? This could provide a structure for applicants to follow, to help ensure that the necessary information required to assess their proposals was included in a single document.

☐Yes
☐No
☒N/A

Please provide any relevant details. (Please limit your response to 250 words)

We can see this would be very helpful for other applicants, but this would not be necessary for Natural England in the unlikely event of us applying for a licence to burn on our National Nature Reserves (NNRs). Natural England already has Management Plans in place for all our NNRs which incorporate wildfire risk reduction measures. Our plans also set out the management benefits and impacts of practices on site features and how these will be mitigated. We suggest that any template should include mapping which identifies site constraints and sensitive areas, as well as proposed mitigation actions (aligning with the Code).

B6: In your specific situation, if applying for a licence, who would be responsible for preparing and submitting the application?

☐Gamekeeper / Head keeper
☒Estate Manager / Landowner
☐Land agent
☐Other

(Please limit your response to 250 words)

National Nature Reserve managers would be responsible if we were to apply for a licence.

Part C Economic Impacts

This section considers the likely impacts of the proposed amendments to the Regulations on users and wider interested parties. ***It is only relevant for those respondents who will be eligible for a licence under the Regulations.***

C1: Do you currently use burning as a land management tool?

☒Yes
☐No

If you answered yes to C1, please continue answering C2 & C3. If you answered no to C1, please continue to Part D.

C2: Where do you currently burn? (Tick all that apply)

☒On a SSSI that is also a SAC/SPA
☒Land designated as SSSI only
☐On land which is not designated as a SSSI
☐None of the above

Please provide any relevant details, including peat depth if known (Please limit your response to 250 words)

Burning is practiced on a small number of our National Nature Reserves (five out of the 107 we manage ourselves) for habitat management, in line with site Management Plans and relevant consents.

C3: Using the table below, please indicate whether the proposed amendments to the Regulations would impact on your operations and what changes might you need to make.

Proposed amendment	Would you need to adjust how you manage your land in the future with this change?	What would you need to change?	How much would these changes cost?	Could you adapt your operations to eliminate burning on your site?	Would you apply for a licence?
The area protected under the Regulations changed to cover LFA.					
The depth of peat protected under the Regulations changed to deeper than 30cm.					

Grounds to apply for a licence to burn changed under the Regulations.					

Part D Further questions

Impacts of burning

These questions aim to understand the wider impacts of burning as a land management method.

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

☒Yes
☐No

Please provide details below. (Please limit your response to 250 words)

The evidence reviewed in NEER155 indicated a range of impacts of burning, broadly relating to:
•A move away from characteristic species composition of upland peatland vegetation and faunal assemblages;
•Changes to natural functions of carbon cycling and water regulation;
•The potential for managed burns to provide an ignition source for wildfire.

It also found evidence to indicate that the burning season overlaps with the first egg-laying of some moorland birds. A gradual advancement of mean egg laying dates may also be further influenced by climate change. We therefore suggest moving the end date back to 31 March (as in Wales) or align with Countryside Stewardship's mandatory prescription for CUP3 (P441). This uses a 5th March date, after which operations with potential to disturb birds are prohibited.

Evidence (e.g. ADAS, 2011, Yorkshire Moorlands Assessment Project (2010)) also shows that burning on peat can cause upstanding stone archaeological features to shatter and become unstable. In addition, subsurface burning can affect buried archaeology and paleoecology. Vehicle access in an emergency (e.g. wildfire response) is another potential cause of

archaeological damage. We recommend that amended regulations include reference to the historic environment, in line with the Code.

In the last burning season we received several letters from members of the public concerned about the air pollution impacts of moorland burning. Many upland areas that are routinely burned fall within nationally designated protected landscapes – where the visual effects of geometric burning plots and plumes of smoke can impact on their special qualities.

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

☒Yes

☐No

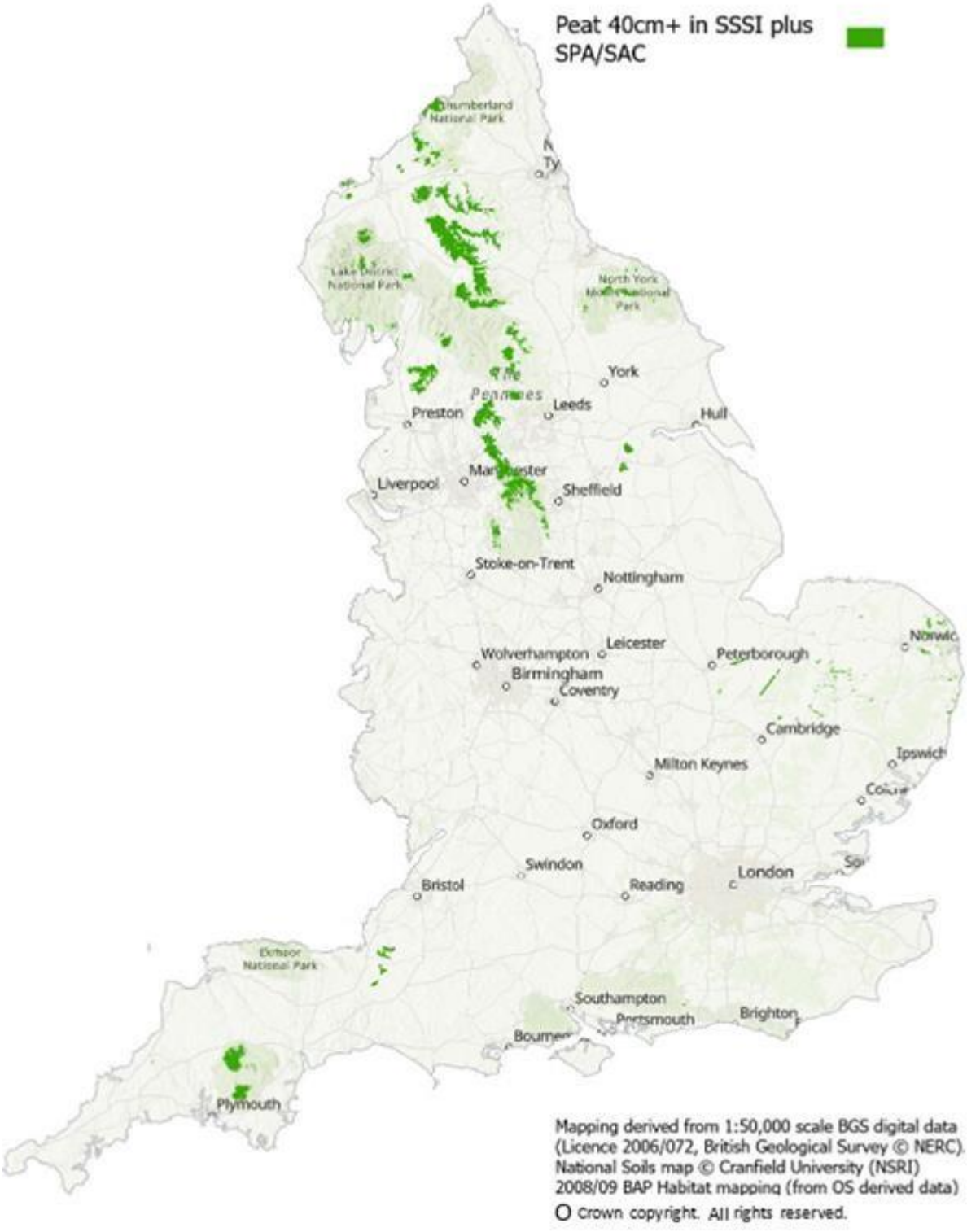
Please provide details below. (Please limit your response to 250 words)

Natural England is responsible for advising on and enabling the good management of the very best wildlife sites. At present, burning is listed as a 'Pressure' (a recorded activity that is having a detrimental impact) on 25 Sites of Special Scientific Interest. Extended Regulation may decrease the number of burning pressures on our protected sites.

Burning has negative effects on the hydrology of blanket peat and areas subject to burning are at risk of not recovering good structure and function.

Annex A: Maps

Map 1: Peat covered by current Regulations



Esri, CGIAR USGS, Esri UK, Esri, TomTom, Gamin, FAO, NOAA, USGS

Map 2: Peat covered by Less Favoured Areas (LFA)