



Natural England
Complaint Resolution Team
Foss House
Kings Pool
1-2 Peasholme Green
York
YO1 7PX

Andrew Gilruth

Date: 6 October 2026

By email only:

agilruth@moorlandassociation.org

Dear Mr Gilruth,

Natural England Complaint CMPT22026/11745 Tier 2 Response

Thank you for your email of 4 September 2026 addressed to Natural England (NE) expressing your dissatisfaction to our Tier 1 response (CMPT12026/09639) of 28 August. As a result, your complaint was escalated to Tier 2, the final stage of NE's complaint procedure.

I have reviewed our Tier 1 response alongside your concerns raised within your email of 4 September. My investigation has concluded, I now write to you to outline the findings at Tier 2.

I am sorry to learn you are unhappy with our Tier 1 response as you feel we did not address all the issues previously raised. I would like to assure you that we aim to provide full and accurate responses to all contact with us. Please accept my apology for any inconvenience our actions may have caused, this was certainly not our intention.

I have undertaken a full review of the complaint, including:

- your original complaint and subsequent correspondence;
- the response provided by NE on 31 July 2026;
- the letter sent by Ruth Waters on 14 August 2026;
- the Tier 1 complaint response issued on 28 August 2026; and
- the grounds for review set out in your request of 4 September 2026.

Outcome of the Tier 2 Review

I have concluded that the complaint should be partially upheld.

This finding relates to aspects of the customer service provided by NE in responding to your enquiry and complaint. It does not constitute a determination of the wider legal and policy issues you have raised regarding the interpretation of Section 25 of

the Countryside and Rights of Way Act 2000, the Fire Severity Index, or the Relevant Authority Guidance, which fall outside the scope of the complaints process.

This review has considered whether NE provided a reasonable and complete response to your enquiry and complaint and whether the complaint was investigated appropriately. It has not considered, and cannot determine, the correctness of NE's interpretation of legislation, statutory guidance or government policy. Those matters fall outside the scope of NE's complaints procedure and are therefore not addressed in this review.

1. Provision of incomplete information

I agree with the finding at Tier 1 that NE's response of 23 July 2026 did not provide all of the information necessary to answer your enquiry fully.

In particular, the response did not explain:

- how a person with a legal interest in land may make an application for a fire-prevention direction;
- the information and evidence that may be considered when determining such an application; or
- the circumstances in which a Relevant Authority may act on its own initiative.

I therefore uphold this aspect of your complaint.

The omission arose because the response was intended to explain the arrangements relating to the activation of existing outline fire-prevention directions. While the information provided was factually correct, it did not fully address all aspects of the enquiry that you had raised regarding individual applications and the wider operation of section 25.

On behalf of NE, I apologise that the original response did not provide all the information you were seeking.

I am satisfied that NE subsequently provided additional information on 31 July 2026 regarding applications by persons with a legal interest in land, third-party representations, the ability of a Relevant Authority to act on its own initiative, and the operational arrangements for handling requests for fire-prevention directions.

2. Adequacy of the corrective response

You argue that subsequent correspondence did not fully correct the original omission.

I acknowledge that the 31 July response and subsequent correspondence did not address every substantive concern raised in your letter of 3 August. However, the purpose of those responses was to clarify NE's position and provide additional information regarding the administration of fire-prevention restrictions rather than to provide a comprehensive review of all policy, legal and operational matters raised.

I am satisfied that NE subsequently provided significant additional information regarding applications, third-party representations, outline directions and operational arrangements.

You also raised concerns regarding urgent case handling and out-of-hours arrangements. As part of this review, I have considered the operational information available regarding the administration of fire prevention directions outside normal office hours. The Open Access Contact Centre operates during office hours Monday to Friday. Where the Fire Severity Index is forecasting exceptional conditions over a weekend in areas covered by outline fire-prevention directions, NE publishes warnings on the Open Access website explaining that, should the Fire Severity Index reach level 5 in the relevant area, access restrictions will take legal effect.

If exceptional conditions do occur during a weekend, the Open Access Contact Centre issues the formal notifications and site notices on the next working day and the website is updated accordingly. The Fire Severity Index always remains publicly available. While I recognise that you remain concerned about the adequacy of these arrangements, I am satisfied that information regarding the operational handling of such situations has been provided and considered during this review.

I recognise that you remain dissatisfied with NE's position on several wider legal, policy and operational matters. However, having reviewed the complaint and the subsequent correspondence, I am satisfied that NE subsequently provided substantial additional information addressing the principal omissions identified in the original response and that the Tier 1 review reached a reasonable conclusion on the matters that fall within the scope of the complaints process. I accept that neither the 31 July nor the Tier 1 responses clearly explained which matters were being addressed through the complaints process and which were being considered separately. This contributed to understandable confusion regarding the scope and status of your concerns.

Accordingly, I partially uphold this aspect of your complaint.

3. Distinction between complaints and policy matters

A significant proportion of your correspondence concerns broader questions about:

- the legal interpretation of Section 25;
- the role of the Fire Severity Index;
- the operation and status of the Relevant Authority Guidance;
- future policy development; and
- possible changes to national operational arrangements.

The purpose of NE's complaints procedure is to investigate service failures, administrative errors, unreasonable delay or poor customer experience. It is not intended to determine the legality or merits of statutory guidance, Government policy, or substantive regulatory interpretation. The complaints procedure is therefore

not a mechanism for determining disputed interpretations of legislation, statutory guidance or government policy.

I therefore agree with the Tier 1 finding that these wider matters cannot be resolved through the complaints procedure itself.

However, I agree with your observation that some aspects of your complaint relate not to policy but to how information was communicated and how customer enquiries were handled. Those issues properly fall within the complaints process and have been considered in this review.

4. Investigation and explanation

You expressed concern that the Tier 1 response did not explain how the investigation had been carried out or how conclusions had been reached.

I agree that the Tier 1 response could have provided a fuller explanation of:

- the matters investigated;
- evidence considered;
- the basis for its findings; and
- the reasons for distinguishing customer service issues from wider policy concerns.

While this does not alter the substantive outcome, I accept that the explanation provided was insufficiently detailed.

5. Referral to Ruth Waters

You also raised concerns regarding the referral of wider issues to Ruth Waters.

I am satisfied that referral of the broader issues to the Director responsible for this area of work was an appropriate step. However, I accept that NE did not clearly explain:

- the purpose of that engagement;
- the matters being considered;
- how that work related to the complaint process; or
- what outcome could reasonably be expected.

I apologise for that lack of clarity.

For avoidance of doubt, the engagement with myself was intended to facilitate discussion of the wider issues raised by the Moorland Association and did not replace investigation of the complaint itself.

Corrective Actions

As a result of this review, NE will:

- record that the complaint regarding incomplete information provided in the original response has been upheld;
- remind relevant staff of the importance of clearly distinguishing between customer service matters and wider policy issues when responding to enquiries and complaints;
- ensure that future complaint responses provide clearer explanations of findings and outcomes; and
- share the findings of this review with relevant teams to support learning and improve the clarity of future responses to enquiries and complaints.

Conclusion

In summary:

- I uphold the complaint as the response of 23 July 2026 did not provide all of the information necessary to answer your enquiry fully.
- I partially uphold the complaint regarding the clarity of the Tier 1 response and its explanation of the findings reached.
- I do not uphold the complaint insofar as it seeks a determination through the complaints process of NE's interpretation of section 25, the Relevant Authority Guidance or the Fire Severity Index.

It is clear that you have not received the level of service you should expect from NE. I would like to take this opportunity to apologise for this. Please let me reassure you that it is never our intention to cause any inconvenience or distress.

I hope this response clarifies NE's position and provides a clearer explanation of the outcome of your complaint.

This investigation at Tier 2 now concludes NE's internal complaints procedure.

If you require any further information regarding the content of this letter, please contact us at Customer.Feedback@naturalengland.org.uk and we will be pleased to help.

If you require any further information not related to this response, please see our website at www.gov.uk/government/organisations/natural-england or you can email us at enquiries@naturalengland.org.uk or call 0300 060 3900 and we will be happy to help.

If you are not happy with how we have dealt with your complaint, and you would like to take the matter further, you can ask your MP to refer the matter to the Public Service Ombudsman. The Ombudsman service is free for everyone. There is a time limit for making your complaint, so you should refer your complaint to your MP as soon as possible. To find out more about the Ombudsman's service visit www.ombudsman.org.uk or call [0345 015 4033](tel:03450154033).

Should your complaint relate to NE's alleged failure to implement or comply with environmental law, you can refer your complaint to the Office for Environmental Protection (OEP) or you can call 0330 041 6581. The timeframe in which this must be done will depend on when the alleged breach of environmental law occurred.

If the alleged breach was less than nine months before the date of this letter, any complaint to the OEP must be made within a year of the alleged breach of environmental law. If the alleged breach occurred more than nine months ago, any complaint to the OEP must be raised within three months of this letter.

Yours sincerely,



Ruth Waters
Director for the North of England
Natural England