Annex 1: How this submission answers the Committee's questions

The Moorland Association has structured its main submission thematically rather than as a question-by-question response. This is because the issues facing the uplands are interconnected. Food production, nature recovery, peatland restoration, wildfire resilience, water management, public access, rural employment and protected-site regulation cannot be separated into administrative silos.

This annex is therefore a route map. It shows where each of the Committee's questions is answered in the main submission, which supporting annexes provide the evidence, and which principal recommendation follows.

Delivery context

The scale of the issue is practical, not theoretical. Moorland Association members are responsible for over one million acres of moorland in England and Wales, including about 860,000 acres of upland heather. These landscapes are not passive assets. They are managed by farmers, commoners, graziers, gamekeepers, estate teams, contractors, wallers, peatland workers and wildfire responders.

The uplands also matter beyond moorland. Around 70% of the UK's drinking water comes from upland areas. Grouse moor management is associated with over 1,500 full-time jobs and 42,500 workdays, and grouse shooting is estimated to generate £67m annually. Moorland Association material also identifies £52.5m of annual spend on moorland conservation. These figures help explain why upland policy must protect the delivery capacity, private investment, skills and local knowledge on which environmental outcomes depend.

Committee question	Where in the main submission	Supporting annexes	Principal MA recommendation
1. How should upland areas balance food production, nature recovery, climate mitigation, water management and public access?	Sections 1, 2, 4, 6, 7, 8	Annex 2, Annex 3, Annex 4, Annex 7, Annex 9, Annex 10	Defra should treat uplands as living, working landscapes and establish regional upland delivery boards to balance competing objectives through place-based plans. Those plans should integrate food, peat, water, wildfire resilience, access, species, protected sites and rural economic viability.
2. What impact have changes to agricultural policy and the transition from direct payments had on upland areas?	Sections 2, 4, 7, 8	Annex 2, Annex 7, Annex 9, Annex 10	Defra should assess the cumulative impact of agricultural transition, regulatory change, protected landscape policy and Natural England decision-making on upland business viability, commoning systems, skills, private investment and delivery capacity.

Committee question	Where in the main submission	Supporting annexes	Principal MA recommendation
3. To what extent do ELM and Farming in Protected Landscapes support sustainable upland management?	Sections 4, 7, 8	Annex 2, Annex 7, Annex 9, Annex 10	Funding schemes should support practical delivery, long-term maintenance, monitoring, staff capacity and private investment, not merely capital works or short-term projects. Funding should make clear who leads, who pays, who maintains and who carries liability after grant periods end.
4. What impact do legal protections and designations have on upland management?	Sections 3, 5, 6, 7	Annex 4, Annex 5, Annex 6, Annex 7, Annex 8, Annex 10	Natural England and Defra should apply a workability and outcomes test to licences, consents, protected-site decisions, survey protocols and scheme conditions. A permission that cannot be used within the relevant operational window is not meaningful permission.
5. How can land-use data, mapping, modelling and local knowledge be improved to support upland management?	Sections 3, 4, 7	Annex 2, Annex 6, Annex 7, Annex 8, Annex 10	Maps, models, evidence reviews and survey data should be transparent, auditable and ground-truthed with land managers before they influence funding, consents, regulatory expectations, protected landscape policy or species-condition assessment.
6. What are the main pressures facing rural upland communities?	Sections 1, 2, 6, 8	Annex 2, Annex 3, Annex 7, Annex 9, Annex 10	Defra should recognise farmers, commoners, gamekeepers, shepherds, contractors, estate staff and wildfire responders as essential environmental delivery capacity. Policy should be tested for its effect on employment, skills retention, private investment, rural supply chains, mental health and community resilience.
7. How can rural communities benefit from upland policy?	Sections 4, 7, 8	Annex 2, Annex 3, Annex 7, Annex 9, Annex 10	Upland policy should protect viable land-based businesses, reward practical delivery, support earned recognition, fund local participation and give land managers and local authorities a formal role in long-term decision-making.

Cross-cutting themes
The submission makes six cross-cutting points relevant to all the Committee's questions.

1) Defra's upland policy needs a delivery reset. The issue is not lack of environmental ambition, but a delivery model that too often relies on central policy design, late consultation, restrictive guidance and fragmented regulation.

2) Land managers should be treated as delivery partners. Landowners, tenant farmers, commoners, gamekeepers, graziers, shepherds, contractors and estate teams hold much of the practical knowledge, equipment, private investment and long-term responsibility needed to deliver upland outcomes.

3) Delivery structures must respect legal responsibility for the land. Regional upland delivery boards should align delivery, funding and consents, but they should not override property rights, tenancy arrangements, common rights or sporting rights. Their purpose should be to align action where those with legal responsibility for the land agree the delivery route.

4) Wildfire resilience must be central to upland policy. Decisions on peatland, vegetation, access, protected sites, grazing, burning, infrastructure, public engagement and funding all affect wildfire severity. The test should be whether a decision increases or reduces fuel load, fuel continuity, fire intensity, peat ignition risk, smoke exposure, firefighter risk and harm to rural communities.

5) Regulation must be workable. A licence, consent or scheme condition that cannot be used within the operational window is not meaningful permission. Defra and Natural England should be accountable for the environmental and public-safety consequences of delay, refusal or impracticable conditions, as well as for the risks of permitting action.

6) Public money should be judged by delivery on the ground. Funding should support the people, skills, equipment, monitoring, maintenance and adaptive management needed to deliver long-term outcomes, not merely plans, processes or short-term capital works.

Summary
The MA's answer to the Committee is that the uplands should be managed through locally accountable, evidence-led and outcome-focused delivery. Defra should move from a model based on central design and regulatory control to one based on co-design, regional upland delivery boards, land-manager-led 25-year management plans, workability tests, transparent evidence assurance and earned recognition for competent land managers.

The central message is simple: upland outcomes depend on people with the authority, confidence, tools and resources to act. Defra should trust land managers with responsibility, not burden them with disconnected compliance.

Annex 2: Regional upland delivery boards and 25-year estate-led management plans

Purpose of this annex
This annex sets out the Moorland Association's proposed delivery model for upland policy reform. It expands on the main submission's recommendation that Defra should establish regional upland delivery boards and create a route for land-manager-led 25-year upland management plans.

The purpose of these proposals is not to weaken environmental safeguards. It is to make them more effective by aligning regulation, funding, evidence and local delivery around long-term outcomes. The uplands require decisions that are practical, place-based and capable of being implemented by those who manage the land. The current model too often separates policy design from practical delivery. Regional boards and land-manager-led plans would help close that gap.

The scale is significant. Moorland Association members manage over one million acres of moorland in England and Wales. Grouse moor management is associated with over 1,500 full-time jobs and 42,500 workdays, and grouse shooting is estimated to generate £67m annually for rural upland economies. Around 70% of the UK's drinking water originates from upland areas. These figures illustrate why upland policy is not an abstract land-use exercise. Decisions about regulation, funding, wildfire resilience, water, access and protected sites affect real businesses, communities, workers, public goods and public safety.

1. The problem this model is intended to solve
Upland land management is affected by many overlapping systems: SSSI consent, agri-environment agreements, protected landscape plans, species licensing, burning regulation, access duties, planning controls, water-company schemes, peatland grants, Local Nature Recovery Strategies and wider Defra policy. These systems are often designed and administered separately, even though they affect the same land, businesses, habitats, people and risks.

This creates several practical problems:

1.1 Objectives can conflict. A protected landscape plan may encourage hydrological restoration, woodland expansion or reduced intervention, while wildfire planning requires access, fuel breaks, water points and active vegetation management. Species objectives may require habitat mosaics and predator management, while other policy language may imply reduced management by default. Access objectives may increase visitor pressure and ignition risk without funding the people, signage, path maintenance and enforcement needed to manage that pressure.

1.2 Funding streams are often misaligned. ELM, Countryside Stewardship, Farming in Protected Landscapes, Landscape Recovery, peatland restoration grants, water-company funding and private investment may all support useful work, but they are not always coordinated around a single place-based delivery plan. Funding may pay for capital works without funding the people, monitoring, maintenance and liability arrangements needed to keep those works functioning after the grant period ends.

1.3 Consents can delay delivery. A land manager may be funded or encouraged to undertake environmental work, but then face complex, slow or uncertain permissions for routine activity on designated land. Where the work is seasonal, such as vegetation management, wildfire mitigation, infrastructure repair or species work, delay may mean the opportunity is lost.
Fourth, accountability is diffused. When many bodies influence outcomes, but no single place-based mechanism owns delivery, it becomes difficult to know who is responsible when

objectives are not met. If a project fails because funding was short-term, consent was delayed, maintenance was unfunded, monitoring was unclear or trade-offs were avoided, the current system often leaves responsibility spread across multiple bodies.

1.4 local expertise is underused. Landowners, tenant farmers, commoners, gamekeepers, shepherds, graziers, estate staff and contractors often hold the most detailed knowledge of hydrology, vegetation, access, fire risk, grazing, species use, infrastructure and seasonal constraints. Yet they are too often treated as consultees rather than as core delivery partners.

2. Regional upland delivery boards

The MA recommends that Defra establish regional upland delivery boards for England's principal upland areas. These boards should be practical delivery bodies, not discussion forums. Their function should be to turn national objectives into workable, locally agreed delivery plans.

The boards should be established in a way that reflects natural and operational geographies, rather than simply administrative boundaries. Relevant areas might include, for example, the North Pennines, Yorkshire Dales, Forest of Bowland, Peak District, North York Moors, South Pennines and other upland landscapes where similar issues arise.

Each regional upland delivery board should be constituted around those with direct land-management responsibility and democratic accountability. Core decision-making membership should therefore comprise land managers and relevant local authorities.

Land-manager representation should include, as appropriate, landowners, tenant farmers, commoners, graziers, gamekeepers, estate managers and others with direct responsibility for managing upland land. Local authority representation should include the relevant county, unitary, district, National Park or National Landscape authority where appropriate.

Other bodies should participate as statutory, technical or delivery advisers rather than as controlling members. This should include Natural England, Defra, the Environment Agency, Fire and Rescue Services, Local Resilience Forums, water companies, conservation bodies, local delivery partnerships and specialist advisers.

Their expertise is important, but the purpose of the boards is to restore local accountability and practical delivery, not to recreate existing centralised or agency-led decision-making under a new name. The boards should be led by land managers and local authorities because they combine practical responsibility for the land, democratic accountability, local knowledge and long-term stewardship. Public agencies and specialist bodies should advise, scrutinise and support delivery, but they should not dominate the board or displace those who carry the practical and financial consequences of decisions.

3. Safeguard for rights and legal responsibility

Regional upland delivery boards should align delivery. They should not override property rights, tenancy arrangements, common rights or sporting rights. Their purpose should be to help those with legal responsibility for the land, together with relevant public bodies, agree what can be delivered, by whom, with what funding, under what permissions and against what outcomes.

This distinction is essential. A board should not become a route through which third parties impose land-use change on those who carry the legal, operational and financial responsibility for the land. It should instead provide a structured way to align action where those with responsibility agree the delivery route.

The same principle should apply to 25-year management plans. Plans should be prepared by those with responsibility for the land, with tenants, commoners, graziers, sporting tenants and others involved where their rights or operational responsibilities are affected.

4. Functions of regional upland delivery boards

Regional boards should have seven core functions, exercised by the land-manager and local-authority members with advice from statutory agencies and technical partners.

4.1 Co-design place-based upland plans. Boards should co-design place-based plans that balance food production, nature recovery, peatland condition, grazing, wildfire resilience, water quality, access, species recovery, protected-site condition, landscape character and rural economic viability.

These plans should identify trade-offs openly rather than allowing each body to pursue its own objective in isolation. For example, peatland restoration, access promotion, woodland expansion, fuel-load management, grazing, predator control and species conservation may all be legitimate objectives, but they need to be assessed together, not in separate policy silos.

4.2 Align funding streams. Boards should align ELM, Countryside Stewardship, Farming in Protected Landscapes, Landscape Recovery, water-company programmes, peatland grants and private investment. The objective should be to ensure that funding supports agreed local priorities, long-term maintenance and practical delivery, rather than fragmented projects or short-term capital works.

For each major funding stream or project, the board should ask:

- who leads;
- who pays;
- who delivers;
- who maintains;
- who monitors;
- who carries liability;
- what permissions are needed;
- how the work will be funded after any grant period ends;
- how the project supports, rather than displaces, private investment.

4.3 Coordinate consents and permissions. Boards should identify at the outset which permissions are needed for agreed work. That should include SSSI consent, HRA requirements, planning permissions, burning licences, species licences, access consents and water-related approvals. Early identification would reduce delay, duplication and uncertainty.

A regional board should not replace statutory decision-making where statute requires a decision by a competent authority. However, it should ensure that statutory bodies engage early, identify concerns clearly, and avoid creating late-stage barriers to agreed delivery.

4.4 Embed wildfire resilience. Every regional upland plan should include a wildfire resilience component. This should map fuel continuity, fuel load, access, water points, visitor ignition pressure, rural-urban interface risk, critical infrastructure, firefighting constraints and areas where active vegetation management would reduce severity.

Fire and Rescue Services should be formal partners in this work. Wildfire resilience cannot be treated only as a nature, access or emergency-response issue. It is a land-management and public-safety issue, and decisions about vegetation, tracks, water points, fuel breaks, visitor management and burning all affect whether an ignition becomes a controllable incident or a major emergency.

4.5 Align water and catchment delivery. Regional boards should give explicit attention to water. Upland management affects drinking-water quality, peat erosion, discolouration, flood attenuation, reservoir catchments, post-fire recovery costs and water-company investment.

Water-company programmes should therefore be aligned with ELM, Countryside Stewardship, peatland grants, protected-site objectives and private investment. Catchment projects should not be treated as isolated capital works. They should specify how restoration, vegetation management, access, wildfire prevention, monitoring and maintenance will be delivered over time.

4.6 Maintain delivery logs. For each significant objective or project, the board should maintain a delivery log. This should record:

- the action proposed;
- the lead land manager or delivery body;
- the funding source;
- permissions required;
- maintenance responsibility;
- monitoring indicators;
- review date;
- known risks or trade-offs;
- action if the intervention fails or creates unintended consequences.

No upland target should be adopted unless it is accompanied by a delivery log.

4.7 Resolve disputes and escalate barriers. Boards should provide an early mechanism for resolving disagreement between public bodies, land managers and delivery partners. Where a dispute cannot be resolved locally, there should be a defined escalation route to Defra or ministerial review, particularly where delay or refusal may increase wildfire risk, undermine protected-site outcomes, prevent funded work from proceeding or transfer long-term costs to land managers without agreement.

5. Funding participation and delivery capacity

If Defra wants land managers to participate in boards, plans, monitoring, co-design and long-term delivery, that participation must be funded. Public bodies and NGOs often have salaried staff, policy teams, technical advisers and project budgets. Land managers may be asked to attend the same meetings and shape the same plans while running businesses, managing stock, employing staff, maintaining infrastructure and delivering practical work.

Funding should therefore support:

- land-manager participation in regional boards;
- preparation of 25-year management plans;
- ecological, hydrological, wildfire and technical advice;
- monitoring and reporting;
- data provision and verification;
- scheme administration;
- collaboration between neighbours;
- dispute resolution;
- adaptive review;
- training and succession.

Without this, co-design will not be genuine. It will favour organisations with administrative capacity over those carrying practical delivery responsibility.

6. Land-manager-led 25-year upland management plans
The MA also recommends that Defra create a route for land-manager-led 25-year upland management plans. These plans would allow estates, commons associations and land-management partnerships to take long-term responsibility for integrated delivery on the land they manage.

A 25-year plan could cover:

- peatland condition and restoration;
- grazing and stocking;
- heather and vegetation management;
- wildfire resilience;
- water quality and catchment management;
- access management;
- species conservation;
- predator control where lawful and evidence-led;
- bracken and scrub control;
- woodland and tree management where appropriate;
- tracks, water points and operational infrastructure;
- monitoring and reporting;
- adaptive review.

The purpose is to replace repeated short-term permissions with long-term accountability. A land manager who is willing to commit to agreed outcomes, monitoring, reporting and review should be given a clearer, more stable route through regulation.

7. Preparing and approving 25-year plans
Plans should be prepared by the land manager or land-management partnership. Where relevant, tenants, commoners, graziers, sporting tenants and others with rights or operational responsibilities should be involved in preparation.

The plan should then be reviewed through the regional upland delivery board. Natural England should approve the protected-site components and confirm how the plan relates to SSSI, SAC and SPA requirements. Other public bodies should identify any planning, water, access, species or licence requirements at the same stage.

This would replace piecemeal decision-making with a single integrated process. It would also allow statutory bodies to understand the whole management context before imposing restrictions on individual activities.

8. Streamlined consent for routine works
Once a 25-year plan is approved, routine works carried out within the plan should be pre-consented, deemed consented or fast-tracked. This should apply only within agreed parameters and subject to reporting requirements, but it would significantly reduce unnecessary administrative burden.

Examples might include:

- fence and wall repair;
- maintenance of access tracks used for land management or emergency response;
- maintenance of fire ponds and water points;
- agreed cutting, mowing or vegetation management;

- bracken and scrub control;
- maintenance of grip-blocking or peatland restoration works;
- signage and access management;
- agreed predator-control infrastructure;
- firebreak maintenance;
- routine monitoring and survey access by estate staff or agreed specialists;
- maintenance of agreed water and catchment works.

This approach would allow Natural England to focus on genuinely novel, high-risk or disputed activities, rather than repeatedly approving routine works by competent land managers operating within an agreed long-term framework.

9. Outcome monitoring and accountability

Land-manager-led plans should be subject to monitoring and audit. The purpose should be to test whether the plan is delivering agreed outcomes, not merely whether every activity has followed a rigid prescription.

Indicators should be site-specific, but may include:

- peat condition;
- vegetation structure and fuel load;
- hydrological function;
- wildfire risk reduction;
- wader productivity;
- raptor use and breeding outcomes;
- grazing condition;
- water quality;
- access impacts;
- condition of operational infrastructure;
- completion of agreed works;
- evidence of adaptive management;
- delivery of agreed maintenance;
- retention of skills and land-management capacity.

Where outcomes are being delivered, land managers should benefit from earned recognition, lighter-touch reporting and faster consent routes. Where outcomes are not being delivered, the plan should be reviewed and amended. Where there is serious non-compliance, Natural England should retain enforcement powers.

10. Relationship with earned recognition

The 25-year plan model should sit alongside earned recognition. Land managers with a strong track record of compliance, monitoring and delivery should receive greater trust and faster permissions. This would allow regulatory effort to be focused on higher-risk cases and poor performers.

Earned recognition could include:

- reduced duplication of reporting;
- faster consent for routine works;
- longer agreement periods;
- single annual reporting rather than multiple separate returns;
- recognition of land-manager-held survey data;
- eligibility for pilot schemes and innovation trials;
- priority access to wildfire resilience or habitat delivery funding;
- pre-consented routine works within approved plans.

This is not deregulation. It is risk-based regulation, focused on outcomes and proportionality.

11. Benefits of the proposed model

Regional upland delivery boards and 25-year land-manager-led plans would deliver several benefits. They would:

a) improve trust by involving land managers at the start of decision-making;

b) improve delivery by identifying funding, permissions, maintenance and monitoring before plans are adopted;

c) reduce conflict by making trade-offs explicit and providing a local mechanism for resolving disputes;

d) improve environmental outcomes by focusing on long-term management rather than repeated short-term permissions;

e) improve wildfire resilience by embedding fuel-load management, access, water points and Fire and Rescue Service input in place-based plans;

f) improve water and catchment outcomes by aligning water-company programmes, peatland work, vegetation management, wildfire planning and long-term maintenance;

g) improve value for money by reducing duplication, aligning funding streams and ensuring that public money supports delivery on the ground;

h) improve accountability by making clear who is responsible for delivering each outcome;

i) protect rural skills and private investment by recognising land managers as part of the delivery infrastructure;

j) change the relationship between government and land managers. Instead of treating upland estates, farms and commons as risks to be controlled, the system would recognise them as delivery partners with responsibilities, expertise and long-term accountability.

12. Recommendation

The MA asks the Committee to recommend that Defra pilot regional upland delivery boards and land-manager-led 25-year upland management plans in at least three upland areas.

The boards should have land managers and relevant local authorities as their core decision-making members, with Natural England, the Environment Agency, Fire and Rescue Services, Local Resilience Forums, water companies, conservation bodies and other relevant organisations acting as advisers and delivery partners.

The pilots should be funded sufficiently to allow genuine land-manager participation, technical support, plan preparation, monitoring and independent evaluation.

They should be evaluated against:

- delivery speed;
- environmental outcomes;
- wildfire resilience;

- water and catchment outcomes;
- land-manager participation;
- regulatory burden;
- consent timescales;
- funding alignment;
- maintenance responsibility;
- local accountability;
- protection of rights;
- value for money.

If successful, this locally led model should become the standard framework for upland delivery in England.

The central principle is simple: national targets will not deliver themselves. They need people, permissions, funding, maintenance, monitoring and accountability. Regional upland delivery boards and 25-year land-manager-led plans would give Defra a practical mechanism for turning ambition into delivery.

Annex 3: Wildfire resilience, fuel-load management and public safety
Purpose of this annex

Purpose of this annex
This annex expands on the Moorland Association's recommendation that wildfire resilience should be treated as a core upland policy objective. It explains why wildfire cannot be managed by emergency response alone, why fuel-load management is essential, and why land managers, Fire and Rescue Services and local authorities should be directly involved in regional wildfire planning.

The MA's central submission is that wildfire policy must shift from suppressing fires after ignition to reducing their severity before ignition. Climate change is increasing fire weather, but land management determines whether an ignition becomes a controllable surface fire or an incident affecting peat, biodiversity, water, roads, homes, public health and rural communities.

This is a practical issue, not an abstract policy debate. MA members manage over one million acres of moorland in England and Wales, including about 860,000 acres of heather moorland. Grouse moor management supports over 1,500 full-time posts and 42,500 workdays, and MA material identifies £52.5m of annual spend on moorland conservation. Around 70% of the UK's drinking water originates from upland areas. When wildfire policy fails, the consequences reach beyond the hill: peat carbon, water catchments, roads, homes, farms, businesses, public health, rural employment and Fire and Rescue Service capacity are all affected.

The need for change is urgent. The Peak District Moorland Group has reported that the recent Snake Moors wildfire devastated approximately 1,500 acres and was estimated to be around the twentieth wildfire recorded in the Peak District by the first week of May. That example illustrates why wildfire policy must focus on prevention, fuel, access, early response and public safety before ignition becomes a landscape-scale emergency.

1. Wildfire is a land-management and public-safety issue
Wildfire is sometimes treated as a fire-service issue, an access issue, a peatland issue or a climate issue. In upland landscapes it is all of these. It connects:

- peat carbon;
- biodiversity;
- water quality;
- drinking-water catchments;
- smoke and public health;
- rural businesses;
- agriculture;
- public access;
- emergency response;
- roads and transport disruption;
- infrastructure;
- rural-urban interface risk;
- Fire and Rescue Service capacity;
- land-manager safety and community resilience.

A policy decision taken in one silo may increase risk in another. Restricting vegetation management may be presented as peatland protection, but if it increases fuel continuity and fire intensity it may increase the risk of severe peat ignition. Encouraging public access without effective visitor-risk

management may increase ignition pressure. Restoring hydrology without maintaining access and fuel breaks may make emergency response more difficult. Installing restoration infrastructure without considering access and egress for firefighting vehicles may create operational problems during incidents.

Defra's upland policy therefore needs an explicit wildfire-resilience test. Public bodies should be required to ask whether a decision increases or reduces fuel load, fuel continuity, fire intensity, peat ignition risk, smoke exposure, firefighter risk and harm to rural communities.

2. The policy objective should be severity reduction

Not every ignition can be prevented. In many upland areas, ignition risk is strongly affected by human behaviour, visitor pressure, accidental fires, illegal campfires, discarded barbecues, cigarettes, machinery, deliberate fire-setting and extreme weather. Public engagement and enforcement are important, but they will not remove all ignitions.

The key policy question is therefore: what happens when an ignition occurs? Does it remain small and controllable, or does it spread rapidly through continuous fuel into a landscape-scale emergency? Defra should adopt wildfire severity reduction as a core policy objective. This means managing the conditions that determine fire behaviour before ignition. These include:

- vegetation height, age and structure;
- fuel load and fuel continuity;
- presence or absence of managed breaks;
- bracken, scrub and rank grass;
- grazing pressure;
- moisture and hydrological condition;
- slope, wind exposure and terrain;
- access for responders;
- availability of water points;
- location of homes, roads, reservoirs, utilities and other infrastructure;
- local land-manager capacity and equipment.

A severe wildfire can undo years of peatland restoration, damage protected habitats, kill wildlife, release carbon, degrade water quality, close roads, create smoke exposure and place firefighters and land managers at risk. Prevention policy should therefore be judged by whether it reduces severity, not merely by whether it avoids particular management tools.

3. Fuel-load management requires a toolbox approach

There is no single intervention that will manage wildfire risk across all upland conditions. Upland sites differ in peat depth, slope, vegetation, hydrology, access, grazing systems, designations, visitor pressure and firefighting constraints. Defra should therefore support a toolbox approach.

Relevant tools include:

- grazing and shepherding;
- cutting and mowing;
- removal of cut material where practicable;
- bracken and scrub control;
- targeted tree and scrub management where these increase fire spread or alter open moorland habitat;

- grip and gully blocking where appropriate;
- rewetting where feasible;
- sphagnum establishment where appropriate;
- maintenance of tracks, access routes and turning areas;
- fire ponds, water points and water-storage infrastructure;
- strategic firebreaks;
- visitor-risk management;
- public warnings and temporary restrictions during extreme fire weather;
- prescribed winter burning where appropriate and properly controlled.

These tools should be selected according to site conditions and expected outcomes. The question should not be whether a tool is ideologically preferred or disfavoured, but whether it reduces risk while protecting peat, biodiversity, water, public safety and rural livelihoods.

4. Rewetting is important but not sufficient

The MA supports peatland restoration and rewetting where they are practical, evidence-led and compatible with wildfire resilience. Restoring hydrology can improve peat condition and reduce vulnerability in some circumstances. However, rewetting should not be treated as a complete wildfire strategy.

Some land cannot be rewetted sufficiently because of slope, geology, historic drainage, infrastructure, landform or climate conditions. In other cases, rewetting may improve water tables but not remove above-ground fuel loads. Wetter conditions may also increase vegetation growth, meaning fuel load still requires active management. During severe fire weather, vegetation that is normally wet can dry and burn.

A policy that assumes rewetting alone will solve wildfire risk is therefore unsafe. Rewetting should be integrated with vegetation management, access planning, monitoring and emergency response. This point is particularly important during restoration transition. Restoration may improve long-term resilience, but it can also create periods during which vegetation structure, access, water movement, machinery routes or firefighting logistics change. Every restoration plan should therefore include a wildfire transition assessment: how risk will be managed while the site changes, who will maintain access and water points, and what action will be taken if fuel load or fuel continuity increases.

5. Prescribed winter burning should remain available where justified

Controlled prescribed burning should not be used everywhere. It should be carefully planned, seasonally restricted, properly trained, risk assessed and subject to environmental safeguards. However, it should remain available as one tool in the wildfire-resilience toolbox where site-specific evidence shows that it is the most practical or proportionate way to reduce fuel load, create breaks, manage vegetation structure or protect high-risk areas.

The distinction between routine rotational burning and targeted wildfire-mitigation burning is important. Burning proposed for a defined public-safety or fuel-reduction purpose within an integrated plan should not be treated as inherently incompatible with peatland protection. The relevant test should be whether the proposed intervention reduces overall risk compared with the alternatives available on that site.

Alternatives should be assessed practically, not assumed. If cutting, mowing, grazing, bracken control, rewetting or non-intervention is proposed instead of burning, the responsible public body should identify:

- who will deliver it;
- who will pay for it;
- whether access and machinery are available;
- whether permissions are in place;
- whether arisings can be removed without damage;
- whether it can be delivered in the same season;
- whether it delivers equivalent fuel reduction;
- how it will be monitored and maintained.

If no equivalent alternative is available in the same timescale, refusal or delay may increase risk.

6. Regional wildfire resilience planning

Wildfire planning should be undertaken at regional and landscape scale. Regional upland delivery boards should prepare wildfire resilience plans with land managers, local authorities, Fire and Rescue Services, Local Resilience Forums, Natural England, the Environment Agency, water companies and relevant protected landscape bodies.

These plans should map:

- continuous fuel;
- vegetation height, age and structure;
- bracken, scrub and rank grass;
- peat depth and peat condition;
- slope and wind exposure;
- access routes, gates, bridges and turning areas;
- fire ponds, reservoirs, hydrants and water supplies;
- visitor pressure and likely ignition points;
- high-risk access locations and car parks;
- public rights of way and open-access areas;
- rural-urban interface risk;
- homes, roads, utilities, reservoirs and other critical infrastructure;
- areas where fuel reduction would create containment opportunities;
- locations where restoration infrastructure may affect access or firefighting.

Fire and Rescue Services should have a formal role in these plans, but delivery should be led locally through regional upland delivery boards, land managers and local authorities. The objective should be to prevent severe incidents before they require emergency response at scale.

7. Land managers are part of wildfire resilience infrastructure

In remote uplands, the earliest effective response often comes from farmers, gamekeepers, shepherds, estate staff, contractors and volunteers. They know the ground, hold keys, understand access routes, maintain tracks and water points, operate machinery, own or access suitable vehicles, and often have practical fire experience.

This privately funded capacity is sustained by active land management. If policy makes farming, gamekeeping, moorland management or estate employment uneconomic or impracticable, the public sector will lose more than income. It will lose people, knowledge, access, equipment and early-response capability.

The recent Peak District experience shows this clearly. Sector responders have supported firefighting efforts repeatedly, often while their own families and communities experience smoke, road closures, anxiety and disruption. Wildfire policy should recognise this human dimension. Land-manager capacity is not a free public resource that can be assumed to exist regardless of policy choices.

Defra should therefore treat land-manager capacity as part of national wildfire resilience. This means supporting:

- accredited land-manager wildfire training;
- joint exercises with Fire and Rescue Services;
- clear protocols for land-manager support during incidents;
- insurance and liability arrangements;
- safe communications;
- use of private equipment;
- access agreements;
- post-fire recovery roles.

Land managers should not be expected to take personal risk without proper recognition, training or support. Nor should policy remove the active management systems that sustain that capacity and then expect Fire and Rescue Services to fill the gap.

8. Access and visitor management

Most upland wildfires are linked to human activity, whether accidental or deliberate. Public access is an important public good, but it must be managed responsibly during high-risk periods.
Defra should support a clearer national approach to wildfire warnings and prevention. This should include:

- consistent public messaging during high-risk periods;
- clear warnings against barbecues, campfires, discarded cigarettes, fireworks and parking on dry grass;
- visible signage at car parks, access points, visitor centres and popular routes;
- use of digital channels, weather apps and local alerts;
- rapid local communications during high-risk periods;
- temporary access restrictions where public safety or firefighter safety requires them;
- enforcement of existing powers where necessary;
- parking controls where vehicles create ignition or access risks;
- rapid correction of misleading public narratives about wildfire causes or risks.

Public access should not be framed as cost-free. Visitor management requires people, signage, monitoring, enforcement, communications and rapid local decision-making. Where public bodies encourage access, they should also fund the risk-management infrastructure needed to make that access safe.

9. Monitoring should distinguish ignition, spread and severity

Wildfire monitoring should not record only the date, location and area burned. To inform policy, monitoring must distinguish between ignition, spread and severity.

The Fire Severity Index is useful for identifying exceptional fire-weather conditions and triggering open-access restrictions, but it is not a substitute for practical wildfire-risk management. It does not

remove dangerous fuel corridors, maintain access routes, secure water points, integrate land-manager capability or decide whether delayed fuel-reduction work should proceed.
Defra should establish a statutory wildfire monitoring protocol. This should record:

- suspected ignition source;
- weather conditions;
- vegetation type and structure;
- fuel load;
- fuel continuity;
- peat condition;
- hydrological condition;
- grazing and cutting history;
- burning history;
- access routes;
- water availability;
- suppression constraints;
- burn severity;
- peat involvement;
- smoke impacts;
- carbon loss;
- biodiversity effects;
- water-quality impacts;
- economic and agricultural losses;
- road closures and infrastructure disruption;
- response costs;
- recovery time;
- whether prior land-management restrictions affected fuel load, access or suppression.

This matters because a fire may be caused by human action, but its severity is shaped by land condition, fuel, weather, access and response. Policy that focuses only on ignition will fail to address why fires become severe.

Near-miss incidents should also be recorded. They can reveal fuel-load problems, access issues, visitor hotspots, restoration-infrastructure conflicts and response constraints before a major incident occurs.

10. Funding for wildfire resilience
Defra funding schemes should support wildfire resilience explicitly. This should not be limited to capital works. It should include management capacity, monitoring, training, maintenance and coordination.

A dedicated Wildfire Resilience Option should support:

- fuel-load assessment;
- grazing and vegetation management;
- cutting and removal where practicable;
- bracken and scrub control;
- maintenance of firebreaks;
- access tracks and turning areas;
- water points and fire ponds;

- land-manager training;
- joint planning with Fire and Rescue Services;
- visitor-risk management;
- monitoring and reporting;
- post-fire recovery planning;
- maintenance of agreed infrastructure.

Funding should be long enough to maintain outcomes. A firebreak, access route or water point is only useful if it is maintained. Short-term project funding that creates infrastructure but leaves no maintenance responsibility can create false confidence.

Every wildfire-resilience project should therefore state:

- who leads;
- who pays;
- who maintains;
- who monitors;
- who carries liability;
- what happens when the grant ends;
- how the project links to regional wildfire planning.

11. A fast public-safety consent route

Where land managers, Fire and Rescue Services, Local Resilience Forums or regional upland delivery boards identify a wildfire public-safety risk, there should be a fast consent route for urgent fuel-reduction work.

This route should be:

- time-limited;
- locally informed;
- evidence-based;
- proportionate;
- subject to environmental safeguards;
- clear about appeal or escalation;
- capable of being used within the relevant management window.

If Natural England or another public body refuses, delays or conditions a proposed wildfire-mitigation measure, it should be required to record the wildfire-risk consequences and identify an alternative capable of delivering equivalent risk reduction within the same timescale.

This would ensure that public bodies are accountable not only for the risks of action, but also for the risks of inaction.

12. Proposed wildfire resilience test

The MA recommends that Defra apply a wildfire resilience test across upland policy.
Before adopting a policy, approving a plan, restricting a tool, funding a scheme or imposing a consent condition, the decision-maker should ask whether the decision is likely to increase or reduce:

- fuel load;
- fuel continuity;

- fire intensity;
- speed of spread;
- peat ignition risk;
- smoke exposure;
- firefighter risk;
- risk to homes, roads, reservoirs and infrastructure;
- access for emergency response;
- availability of water;
- land-manager first-response capacity;
- post-fire recovery costs;
- rural business and community impacts.

Where a decision may increase wildfire risk, the responsible body should identify mitigation measures before the decision is implemented.

13. Recommendation

The MA asks the Committee to recommend that Defra make wildfire resilience a core objective of upland policy.

This should include:

1. a statutory Wildfire Severity Reduction Duty;
2. regional wildfire resilience plans;
3. a statutory wildfire monitoring protocol;
4. fuel-load monitoring and near-miss reporting;
5. formal Fire and Rescue Service input into land-management decisions;
6. a dedicated Defra Wildfire Resilience Option;
7. a fast public-safety consent route for urgent fuel-reduction works;
8. recognition of land-manager first-response capacity;
9. accredited land-manager wildfire training and joint exercises with Fire and Rescue Services;
10. support for active fuel management through grazing, cutting, mowing, bracken and scrub control, rewetting where feasible and prescribed winter burning where appropriate;
11. a national wildfire warning and visitor-risk campaign;
12. accountability for the wildfire consequences of policy, licensing and consent decisions.

The central test should be simple: does the decision reduce or increase wildfire severity on the ground?

Conclusion

England should not wait for a fatal wildfire before treating prevention as a public-safety duty. Climate change is increasing fire weather, but policy choices determine whether fuel loads, access, training, monitoring and public behaviour make ignitions controllable or catastrophic.

Wildfire policy should therefore be severity-led, locally delivered and grounded in the practical realities of upland management. It should fund fuel reduction, maintain access and water, integrate land managers with Fire and Rescue Services, manage visitor ignition risk, improve monitoring and make public bodies accountable for the wildfire consequences of their decisions.

Annex 4: Heather burning regulation and practical prohibition

Purpose of this annex
This annex explains the Moorland Association's concern that heather and grass burning regulation in England is increasingly creating a practical prohibition on controlled burning, even where the tool remains formally available in law. It should be read alongside the main submission's wider argument that upland regulation must be judged by whether it enables delivery on the ground, not merely by whether a process exists on paper.

The MA does not argue that burning should be used everywhere. It should not. Controlled burning must be carefully planned, seasonally restricted, risk assessed, properly trained and subject to environmental safeguards. However, prescribed winter burning should remain available as one tool within an integrated upland management toolbox where site-specific conditions justify it for wildfire mitigation, vegetation structure, habitat mosaic management or public safety.

The scale of this issue is practical and significant. MA members manage over one million acres of moorland in England and Wales. Moorland management supports rural employment, private investment, wildfire response capacity, protected species, peatland restoration, water quality and access. Grouse shooting is estimated to generate £67m annually and support over 1,500 full-time jobs and 42,500 workdays. Around 70% of the UK's drinking water originates from upland areas. Regulation that disables a key vegetation-management tool therefore affects not only land managers, but also rural communities, public safety, water catchments, carbon stores, biodiversity and Fire and Rescue Service exposure.

1. The distinction between legal availability and practical availability

A licence route may exist in theory while being unusable in practice. This matters because Defra and Natural England may point to the existence of a formal licensing process as evidence that controlled burning has not been prohibited. For land managers, the relevant question is different: can a competent applicant obtain a timely, proportionate and workable permission within the operational window in which the work must be carried out?

A process is not meaningful if:

- the evidential burden is disproportionate;
- the guidance signals that permission is unlikely;
- the application process is complex or unclear;
- licence periods are too short;
- conditions cannot be discharged in time;
- decision-making is too slow for seasonal work;
- the practical consequences of refusal or delay are not assessed;
- alternatives are assumed to be available without site-specific evidence.

Where those features are present, the result may be a practical prohibition even if no formal ban has been enacted.

2. Why this matters for upland management

Heather and grass burning is not a single-purpose activity. In upland management it can be relevant to:

- reducing fuel load;
- breaking up continuous vegetation;
- creating or maintaining vegetation mosaics;
- protecting access routes and fire-response opportunities;
- managing mature or rank heather;

- supporting some open moorland habitats;
- maintaining experience and competence in the controlled use of fire;
- reducing the risk that unmanaged vegetation contributes to severe wildfire.

Controlled burning is not always the right tool. Cutting, mowing, grazing, bracken and scrub control, rewetting and non-intervention may all be appropriate in different circumstances. But it is a mistake to assume that these tools are interchangeable in all upland contexts.

Cutting may be impossible on steep, rocky or wet ground. Removal of cut material may be impractical, costly or damaging. Grazing may be constrained by agricultural economics, agri-environment prescriptions, vegetation type, weather and commoning systems. Rewetting may improve hydrology but not remove above-ground fuel. Non-intervention may allow vegetation to become tall, continuous and more difficult to suppress if ignited. In some areas, carefully controlled winter burning may be the most practical or proportionate option.

3. Consultation and process concerns

The MA's 2025 response to the heather and grass burning consultation urged Defra to pause the process. The MA's concern was that policy was being developed before the operational consequences had been properly understood.

The key concerns were:

- no draft regulations were available for scrutiny;
- the revised Heather and Grass Management Code was not available at the time of consultation;
- respondents were asked to comment on complex and consequential proposals through a process that did not allow adequate explanation of site-specific impacts;
- the Citizen Space response format imposed a 250-word limit on issues requiring detailed technical, legal and operational evidence;
- important evidence gaps, particularly on wildfire risk and different management techniques, were still being filled;
- there had been insufficient prior engagement with those who would have to operate under the regime;
- no adequate risk assessment or impact analysis had been provided;
- the proposals appeared to understate the practical and ecological consequences of restricting controlled burning across highly varied upland conditions.

This matters because consultation is not a formality. Where policy may affect wildfire risk, peatland condition, rural businesses, protected sites and Fire and Rescue Service exposure, land managers need to see the legal text, the guidance, the evidence base and the operational model before they can respond meaningfully.

The consultation also indicated a very significant increase in the area potentially within scope of the regime: from an estimated 222,000 ha currently to 677,000 ha if the proposals were taken forward. A change of that scale should not proceed without draft regulations, clear guidance, robust impact assessment and meaningful engagement with those who would have to operate under the system.

4. Evidence gaps and the need for caution

The MA supports evidence-led policy. However, evidence-led policy requires full recognition of uncertainty, context and contrary evidence. It is not enough to rely on selected evidence to justify restriction while treating practical wildfire concerns as secondary.

The impact of different vegetation-management techniques on wildfire behaviour in UK upland conditions remains a critical question. The relevant evidence is not simply whether burning has

short-term ecological effects. The policy question is comparative and risk-based: how do controlled burning, cutting, grazing, rewetting, mowing, bracken and scrub control, and management withdrawal affect fuel load, vegetation structure, fire intensity, peat ignition, biodiversity, carbon, water and long-term recovery?

That question must be answered across different upland conditions: deep peat, shallow peat, sloping ground, degraded peat, restored peat, wet heath, dry heath, heather moorland, grass-dominated moorland, bracken, scrub, areas with high visitor pressure and areas with limited emergency access.

The IDEAL UK FIRE project is directly relevant because it is examining the effect of different land-management techniques, including managed burning, mechanical cutting, rewilding and rewetting, on carbon balance, biodiversity, wildfire risk and habitat condition. Fieldwork has been under way since 2023 and the project is due for completion in 2027. Defra should not design restrictive national policy on the assumption that controlled burning can safely be removed from the practical toolbox before this evidence is available and properly considered.

5. Wildfire risk and fuel accumulation

The central operational concern is fuel accumulation. Where vegetation becomes tall, continuous and unmanaged, ignition can spread more rapidly, fires may become more intense, and suppression may become more difficult. Severe wildfire can damage peat, release carbon, harm biodiversity, affect water quality, produce smoke, threaten infrastructure and place firefighters, land managers and nearby communities at risk.

A policy that restricts controlled burning without securing an equally effective fuel-management alternative risks increasing the probability that future fires become more severe. This is not an argument for unmanaged or routine burning. It is an argument for active, site-specific fuel management using the full range of available tools.

Defra and Natural England should therefore assess not only the potential risks of controlled burning, but also the risks of not managing fuel. The baseline should not be assumed to be safe because no management takes place. Non-intervention can itself create risk.

6. Alternatives must be tested for practicality

Defra policy often assumes that alternatives to burning are available. In practice, alternatives may be unsuitable, insufficient or impracticable.

Cutting and mowing may be limited by terrain, ground conditions, machinery access, protected features, nesting birds, cost and the difficulty of removing cut material. Leaving cut material on site may create its own fuel or habitat issues. Grazing may not deliver the required vegetation structure in the required timescale, particularly where livestock numbers have already been reduced.

Rewetting may not be possible or sufficient everywhere. Bracken and scrub control may require repeated treatment and long-term funding. Mechanical intervention may also create disturbance, compaction or erosion risks if applied in unsuitable conditions.

Where a public body proposes an alternative to burning, it should be required to identify:

- who will deliver it;
- who will pay for it;
- whether machinery and access are available;
- whether permissions are in place;
- whether the work can be completed in the same season;
- whether cut material can be removed without damage;
- whether the alternative delivers equivalent fuel reduction;

- how it will be monitored;
- who will maintain the outcome;
- what happens if the alternative is not implemented.

The correct approach is therefore not to prefer one tool nationally. It is to require land managers to justify the tool proposed by reference to site conditions, objectives, alternatives and expected outcomes, and to require public bodies to test proposed alternatives with the same rigour.

7. Licence applications and barriers to participation

The existence of a licence application process is not enough if land managers are deterred from applying because they reasonably believe the process is too burdensome, uncertain or unlikely to succeed.

Barriers may include:

- uncertainty over the evidence required;
- uncertainty over how Natural England will assess applications;
- a perception that the policy direction is hostile to burning;
- cost and time required to prepare applications;
- difficulty gathering evidence within the relevant season;
- short duration of permissions;
- fear that conditions will make any permission unusable;
- lack of confidence that wildfire risk will be given equal weight.

The MA's 2025 consultation response illustrates the administrative reality. When members were asked who would be responsible for preparing and submitting a licence application, 55 responses were received. Nineteen said an agent, twelve said an agent and gamekeeper, fifteen said a landowner or estate manager, four said a landowner and gamekeeper, two said a landowner and agent, and one each said keeper only, shoot secretary and sporting tenant. This shows that burning applications are not simple paper exercises. They require land-manager time, local knowledge, professional advice, keeper input and coordination between those with legal and operational responsibility for the land.

If experienced land managers conclude that applying is not worthwhile, the system is not functioning. Defra should measure not only the number of licences granted or refused, but also whether the route is sufficiently clear, proportionate and trusted to be used.

8. Licence duration and operational windows

Heather and grass burning is a seasonal activity. Weather windows can be short. Safe burning depends on vegetation condition, wind, humidity, ground conditions, staff availability, equipment, training and coordination with neighbouring land managers. A licence granted too late, too narrowly or subject to unresolved conditions may have no practical value.

This is especially important where burning is proposed for wildfire mitigation. Delay is not neutral. Fuel continues to accumulate. Weather windows close. Staff availability changes. Visitor pressure and ignition risk may increase. If a permission cannot be used within the operational window, it should not be treated as evidence that the system works.

A meaningful licence must therefore be:

- determined in time;
- long enough to be usable;
- clear about permitted works;
- clear about conditions;

- compatible with safe weather windows;
- capable of being implemented by trained staff;
- capable of being monitored proportionately;
- adaptable where weather prevents use within a narrow period.

9. Training, competence and practical fire experience

Controlled burning should be undertaken only by competent people under proper supervision. The MA supports good practice, training and appropriate accreditation for supervisory practitioners. The consultation response noted that, in a recent member survey, two-thirds said the person responsible for supervising burning on their moor had completed a relevant training course.

However, training policy must be practical. It should distinguish between the person supervising a burn and others assisting in supporting roles. Apprentices, junior staff, vehicle drivers, access marshals, researchers or observers may be present without needing the same accreditation as the supervising practitioner. Practical experience also matters. Upland fire competence is built through training, supervision, seasonal judgement and experience of vegetation fire behaviour.

This matters for wildfire resilience. If prescribed burning is practically removed, the countryside will lose not only a fuel-management tool but also a pathway through which gamekeepers, shepherds, estate staff and others learn controlled-fire behaviour, communication, safety, equipment use and teamwork. Those skills are relevant when supporting Fire and Rescue Services during wildfire incidents.

Regulation should therefore support competence rather than extinguish it. Defra should work with land managers, Fire and Rescue Services and suitable accredited training providers to maintain a skilled rural fire-management workforce.

10. Licence conditions should not defeat the licensed purpose

Conditions may be necessary to protect peat, water, habitats, species and public safety. The MA does not argue for uncontrolled discretion. However, a condition should not be imposed unless it is workable.

A public body may say that it has not banned the activity, and may even point to a granted licence. But if the conditions prevent use, the practical effect is the same as refusal. Meanwhile the land manager remains responsible for unmanaged fuel and the public body may not be accountable for the wildfire-risk consequences of the condition it imposed.

Defra should require Natural England to apply a licence-workability test to any proposed burning condition. A condition should be:

- necessary;
- evidence-based;
- proportionate;
- directed to a specific risk;
- site-specific;
- clear;
- capable of being discharged within the licence period;
- compatible with safe and practical delivery;
- accompanied by an assessment of the consequences of non-intervention.

11. Public bodies should be accountable for the risks of inaction

Current decision-making tends to focus on the potential environmental risk of allowing controlled burning. That is only half the assessment. Decision-makers should also assess the environmental and

public-safety risks of refusing, delaying or conditioning fuel-management work so that it cannot proceed.

Where a public body refuses or delays a proposed fuel-reduction measure, it should record:

- the wildfire-risk consequences of refusal or delay;
- the alternative measure expected to deliver equivalent risk reduction;
- the timescale within which that alternative will be delivered;
- who is responsible for delivering it;
- how success will be monitored;
- what happens if the alternative is not implemented.

This would not weaken environmental protection. It would make public bodies accountable for the consequences of both action and inaction.

12. Burning within approved long-term management plans

The MA's proposed 25-year land-manager-led upland management plans would provide a better framework for assessing controlled burning. Rather than dealing with burning as isolated annual applications, the plan would place any proposed burning within a wider management context.

A plan could identify:

- areas where burning is not appropriate;
- areas where cutting, grazing, rewetting or non-intervention are preferred;
- areas where prescribed burning may be justified for fuel reduction or habitat structure;
- firebreaks and fuel-management zones;
- access and water points;
- monitoring requirements;
- safeguards for peat, water, species and nesting birds;
- training and competence requirements;
- review points;
- alternatives if objectives are not met.

Within such a plan, routine or pre-agreed burning for defined purposes should be fast-tracked or pre-consented, subject to weather, safety and reporting requirements. This would be more transparent and more accountable than repeated short-term applications.

13. Relationship with wildfire resilience

Burning regulation cannot be separated from wildfire policy. If Defra restricts prescribed burning, it must show how wildfire severity will be managed instead. This requires integration with regional wildfire resilience plans, Fire and Rescue Service input, fuel-load monitoring and land-manager-led delivery.

The policy test should be:

- Does the restriction reduce or increase fuel continuity?
- Does it reduce or increase the risk of severe wildfire?
- Does it protect or expose peat carbon?
- Does it protect or expose drinking-water catchments?
- Does it improve or reduce Fire and Rescue Service access?
- Does it maintain or reduce land-manager competence and first-response capacity?
- Does it provide a practical alternative in the same timescale?
- Does it identify who pays, who delivers, who maintains and who carries liability?

A regulatory system that restricts controlled burning without answering these questions is not taking wildfire seriously.

14. Recommended reforms

The MA asks the Committee to recommend that Defra:

1. review whether heather and grass burning licensing in England has become a practical prohibition despite formal legal availability;
2. publish clear, workable guidance that recognises prescribed winter burning as one possible tool within an integrated upland management toolbox;
3. require Natural England to apply a licence-workability test to all burning applications and conditions;
4. require decision-makers to assess the wildfire-risk consequences of refusal, delay or impracticable conditions;
5. establish a fast public-safety consent route for urgent fuel-reduction work;
6. allow controlled burning to be assessed within approved 25-year land-manager-led upland management plans;
7. ensure alternatives to burning are assessed for practicality, cost, timescale, access, delivery responsibility, maintenance, liability and environmental effect in the specific local context;
8. require Fire and Rescue Service input where burning is proposed or refused for wildfire-mitigation reasons;
9. maintain and fund accredited training and practical competence in controlled fire and wildfire response;
10. ensure evidence used to restrict burning is transparent, auditable and open to Parliamentary scrutiny;
11. avoid treating rewetting, cutting or non-intervention as universally sufficient substitutes for active fuel management;
12. require any major regulatory expansion, including changes affecting hundreds of thousands of hectares, to be supported by draft regulations, clear guidance, full impact assessment, HRA where required, and meaningful consultation with land managers.

15. Conclusion

The MA's position is not that burning is always right. It is that removing or disabling a lawful management tool without practical, site-specific alternatives may increase environmental and public-safety risk. In upland landscapes, the consequences of fuel accumulation can be severe. A policy that prevents controlled, planned, seasonal fire may make uncontrolled wildfire more likely or more damaging.

Defra should therefore move from a presumption against tools to an assessment of outcomes. Controlled burning should remain available where it is justified, safeguarded, proportionate and capable of reducing risk within an integrated management plan. The test should not be whether a tool is fashionable or unfashionable. It should be whether the decision protects peat, biodiversity, water, people and rural communities in the real conditions of the uplands.

Annex 5: Hurst & Chunal case study - recognised wildfire risk, unusable licence

Purpose of this annex
This annex summarises the Hurst & Chunal case as an example of a wider regulatory problem. It does not ask the Committee to adjudicate an individual licensing dispute. Its purpose is to show how the current system can recognise wildfire risk in principle, while preventing proportionate mitigation in practice.

The case illustrates the MA's wider concern that upland regulation is too often judged by whether a formal process exists, rather than by whether that process enables timely and workable delivery on the ground. A licence that cannot be used within the relevant operational window is not meaningful permission. It is permission in form, but refusal in substance.

This matters beyond one moor. MA members manage around one million acres of upland moorland in England and Wales, including large areas of designated land. Many members maintain the tracks, water points, staff, equipment, vegetation structure and local knowledge on which rural wildfire prevention and response depend. Where regulation disables practical fuel management, the consequences may fall not only on land managers, but also on peat, biodiversity, water catchments, Fire and Rescue Services, local communities and public safety.

1. Background

Hurst & Chunal Moor forms part of a protected upland landscape. The estate has undertaken long-term environmental management and significant restoration work, including gully blocking, re-profiling and bare peat restoration. It supports peatland restoration where this is practical, evidence-led and compatible with wildfire-risk management.

During the most recent burning season, Hurst & Chunal held what is understood to have been the only licence in England permitting controlled burning on deep peat under the heather and grass burning regime. The licence was personally approved by the minister. In granting it, Defra accepted that there was a current wildfire risk and that the submitted management proposal was proportionate to mitigate that risk.

That point is important. The licence was not granted for routine moorland management. It was granted because wildfire risk had been recognised at ministerial level and because the proposed intervention was accepted as a proportionate response to that risk.

2. The problem

Although the licence was granted, it included an additional restoration-plan condition, Condition 6, which had to be discharged before any burning could take place. In practice, that condition was applied in a way that made the licence impossible to use within the licence period.

Hurst & Chunal submitted and revised restoration plans and invested considerable time and effort in seeking to satisfy the condition. However, it was not given a workable route through the gateway condition before the operational opportunity was lost.

The result was that an acknowledged wildfire risk remained unmanaged. The concern is not simply that a particular application process was difficult or frustrating. It is that a minister-approved wildfire-mitigation licence was rendered unusable by conditions that could not realistically be satisfied within the period for which the licence was granted.

3. Why this matters beyond one estate

The Hurst & Chunal case exposes a wider policy failure. A regulatory system can appear to allow activity in theory while preventing it in practice. Defra can say that a licence route exists. Natural

England can say that conditions were imposed to protect environmental interests. Yet the land manager is left unable to act, and the identified wildfire risk remains on the moor.

This is particularly serious where the risk concerns wildfire. Wildfire mitigation is seasonal, weather-dependent and operational. Safe controlled burning requires suitable conditions, trained staff, equipment, planning and a narrow management window. If permission is granted too late, or subject to conditions that cannot be discharged in time, the permission has no practical value.

Where the risk being managed is fuel load, delay is not neutral. Vegetation continues to grow. Fuel continuity may increase. Weather windows close. Staff availability changes. Fire risk can rise. A system that delays or disables mitigation may therefore increase the very environmental and public-safety risk that the licence was intended to reduce.

4. The regulatory circularity

The Hurst & Chunal experience also shows the risk of regulatory circularity. The sequence was, in substance:

1. wildfire risk was identified;
2. a proportionate mitigation proposal was submitted;
3. Defra accepted the risk and approved a licence;
4. a restoration-plan condition was imposed before the licence could be used;
5. the condition was applied in a way that prevented use within the licence period;
6. the wildfire risk remained unmanaged;
7. the fact that the licence had not been used could then be treated as relevant to future decisions.

That sequence is unfair and unsatisfactory. A land manager should not be placed in a position where permission is granted, made unusable by regulatory conditions, and then the non-use of the permission is treated as evidence against the need for continuation or extension.

This is not effective environmental regulation. It is a system that recognises risk in principle while failing to manage it in practice.

5. Restoration and wildfire mitigation should be integrated

The Hurst & Chunal case should not be misunderstood as an argument against peatland restoration. The estate itself has undertaken restoration work. The issue is whether restoration policy is being applied flexibly enough to recognise immediate wildfire risk.

Peatland restoration and wildfire mitigation should be integrated. Restoration work, including gully blocking, re-profiling and bare peat restoration, can be valuable. But restoration does not automatically remove immediate wildfire risk where mature vegetation creates heavy fuel loads. Nor does rewetting necessarily remove above-ground fuel or guarantee that vegetation will not burn during severe fire weather.

A restoration plan should therefore be assessed alongside a wildfire-risk plan, not treated as a gateway that prevents urgent mitigation. The relevant question should be: how will this site protect peat, water, biodiversity and public safety both through restoration and through fuel-load management?

6. The “reduce likelihood” problem

The Hurst & Chunal case also illustrates a specific policy risk. A requirement to “reduce the likelihood” of future burning may, in practice, become a requirement to prove that burning will never again be needed.

That is not a workable test. It may be realistic for a land manager to show that a package of restoration, grazing, cutting, monitoring and vegetation management will reduce future reliance on burning where practicable. It is not realistic to require a land manager to prove that burning will never again be required under future weather, vegetation, fuel-load and wildfire-risk conditions. Licence conditions should encourage reduced reliance on burning where safe and practical. They should not require the applicant to demonstrate that a lawful management tool will become permanently unnecessary.

7. The difference between safeguards and obstruction

The MA accepts that environmental safeguards are necessary. Licences for controlled burning on deep peat should not be granted without proper scrutiny. Conditions may be appropriate where they are necessary to protect peat, water, habitats, species or restoration objectives.

However, safeguards must be workable. A condition should not be imposed unless it is:

- necessary;
- evidence-based;
- directed to a specific risk;
- proportionate;
- clear;
- capable of being discharged within the licence period;
- compatible with the operational window for the activity;
- accompanied by a route for resolving disagreement quickly;
- assessed against the consequences of non-intervention.

A condition that cannot realistically be satisfied in time does not safeguard delivery. It prevents it. Where the licensed purpose is wildfire mitigation, that may leave peat, biodiversity, water, firefighters, land managers and local communities exposed to greater risk.

8. Operational windows and seasonal work

Wildfire-mitigation burning cannot be treated like an ordinary paper approval. It depends on weather, fuel condition, ground condition, staffing, equipment, neighbouring activity and safety. It must take place within a narrow seasonal and operational window.

That means a licence must be judged by whether it can actually be used. A permission granted too late, subject to unresolved gateway conditions, or dependent on further negotiations that cannot be completed in time should not be counted as meaningful permission.

The same principle applies more widely to upland consents. Where Defra or Natural England regulates seasonal land management, it must design its decisions around the operational calendar. A decision that arrives after the practical window has closed is not timely regulation. It is delay dressed as process.

9. Fire and Rescue Service involvement

The case also shows why wildfire mitigation should not be treated solely as a peatland or habitat-management question. Decisions about vegetation, fuel breaks, access routes and water points directly affect Fire and Rescue Service operations.

Where a licence is sought for wildfire-mitigation purposes, Fire and Rescue Services should have a formal role in assessing risk and practicality. Their view should inform whether proposed work is necessary, whether alternatives would provide equivalent risk reduction, and whether delay or refusal would increase operational risk.

Natural England's expertise in habitats and protected sites is important, but it should not be the only expertise applied to wildfire-mitigation decisions. Wildfire is a land-management and public-safety issue as well as an environmental issue.

10. What the case shows about evidence and monitoring

The Hurst & Chunal case also shows the need for better wildfire land-management evidence. Decisions should be based on site-specific information about:

- vegetation type, height, age and density;
- accumulated fuel load;
- fuel continuity;
- peat condition;
- hydrology;
- grazing history;
- cutting and burning history;
- access constraints;
- water availability;
- likely ignition points;
- likely fire spread;
- firefighting constraints;
- the expected effect of proposed interventions.

Without this information, licensing decisions risk being made on broad assumptions rather than the actual risk profile of the site.

Monitoring should also compare the outcomes of different interventions over time. The purpose should not be to prove that one technique is always right or wrong. It should be to understand which combinations of restoration, grazing, cutting, rewetting, strategic breaks, prescribed burning and access management reduce wildfire severity in particular upland conditions.

11. Accountability for the consequences of non-intervention

Where a public body refuses, delays or conditions a fuel-reduction measure so that it cannot proceed, it should record the consequences of non-intervention. This should include the likely effect on:

- fuel load;
- fuel continuity;
- fire intensity;
- peat ignition risk;
- smoke exposure;
- firefighter risk;
- access for emergency response;
- water quality;
- biodiversity;
- rural businesses;
- local communities.

The public body should also identify an alternative capable of delivering equivalent risk reduction in the same timescale. If no such alternative is available, that should be made explicit.
This would ensure that public bodies are accountable for both sides of the risk equation: the risks of allowing intervention and the risks of preventing it.

12. Lessons for upland regulation

The wider lesson from Hurst & Chunal is that regulation should be judged by outcomes, not by formal availability of process. A system is not working simply because an application form exists, a licence route exists, or a licence has technically been granted. It is working only if competent land managers can obtain timely, proportionate and usable permissions to deliver agreed outcomes.

The case supports the MA's wider recommendations that Defra should:

- apply a workability and outcomes test to Natural England licences, consents and scheme conditions;
- create a fast public-safety consent route for urgent wildfire-mitigation work;
- ensure Fire and Rescue Service expertise is included in wildfire-relevant land-management decisions;
- require public bodies to assess the consequences of refusal, delay or impracticable conditions;
- integrate restoration and wildfire mitigation within long-term land-manager-led plans;
- prevent conditions from turning formal permission into practical refusal.

13. Recommended reforms

The MA asks the Committee to recommend that Defra and Natural England review the Hurst & Chunal case not to determine the merits of the individual dispute, but to identify what it reveals about the design of the licensing system.

That review should ask:

1. how a minister-approved licence for recognised wildfire mitigation became unusable;
2. whether Condition 6 was necessary, proportionate, clear and dischargeable within the licence period;
3. whether the consequences of non-intervention were assessed;
4. whether Fire and Rescue Service expertise was sufficiently embedded in the decision;
5. whether the applicant was given a clear route for resolving disagreement before the operational window closed;
6. whether the non-use of an unusable licence should be treated as relevant to future decisions;
7. what changes are needed to prevent similar cases.

The Committee should also recommend a general rule: where a licence is granted for wildfire mitigation, any pre-commencement condition must be capable of being discharged within the licence period and within the practical operational window for the work.

14. Conclusion

Hurst & Chunal illustrates the difference between regulation that exists on paper and regulation that works on the ground. Defra recognised wildfire risk. A minister approved a licence. The proposed work was accepted as proportionate. Yet the licence could not be used because the gateway condition could not be discharged in time.

That should concern the Committee. The issue is not whether environmental safeguards should exist. They should. The issue is whether safeguards are being designed in a way that enables practical delivery or prevents it.

A licence that cannot be used is not meaningful permission. Where the purpose of the licence is wildfire mitigation, unusable permission may leave peat, water, biodiversity, firefighters, land managers and local communities exposed to avoidable risk.

Defra should therefore ensure that future wildfire-relevant licences are timely, workable, proportionate and accountable for outcomes. The system should not merely recognise wildfire risk. It should enable competent land managers to reduce it.

Annex 6: Evidence assurance and NEER155

Purpose of this annex
This annex sets out the Moorland Association's concern that evidence used to restrict wildfire-relevant land-management tools must be transparent, auditable and capable of Parliamentary scrutiny. It focuses on Natural England Evidence Review NEER155 because that review has been relied upon in relation to managed burning, upland peatland policy and regulatory decisions affecting land-management tools.

The purpose of this annex is not to ask the Committee to adjudicate a scientific dispute or an information-rights dispute. It is to highlight a wider governance problem. Where evidence reviews are used to justify restrictions that may affect wildfire risk, fuel-load management, protected-site management, rural businesses and public safety, the assurance process behind those reviews must be clear and robust.

1. Evidence-led policy requires evidence assurance

The MA supports evidence-led policy. However, evidence-led policy does not mean treating a published review as immune from scrutiny. It means ensuring that the evidence process is transparent enough for ministers, Parliament, land managers and the public to understand how conclusions were reached.

This is particularly important where evidence is used to restrict practical land-management tools. Restrictions on burning, cutting, grazing, vegetation management or other fuel-reduction measures can affect:

- fuel load;
- wildfire severity;
- peat ignition risk;
- smoke exposure;
- firefighter safety;
- biodiversity;
- water quality;
- rural businesses;
- agri-environment agreements;
- protected-site outcomes;
- public confidence in regulators;
- local trust in environmental policy.

Where such decisions rely on scientific evidence, that evidence should be capable of being tested. The question is not whether every scientific disagreement must be resolved before policy can proceed. The question is whether the evidence process has been properly scoped, quality assured, documented and described.

2. Why NEER155 matters

NEER155 is relevant because it concerns the effects of managed burning on upland peatland biodiversity, carbon and water. It has been used in policy and regulatory contexts affecting heather and grass burning, fuel management and upland vegetation management.

The MA's concern is not that Natural England is wrong to review evidence. Evidence reviews are necessary. The concern is that a review with significant policy consequences should be accompanied by a retained audit trail showing how it was scoped, reviewed, assured and signed off.

Where a review is used to support restrictions affecting wildfire-relevant land management, the

Committee should be able to understand:

- what question the review was asked to answer;
- what evidence was searched for;
- what evidence was included or excluded;
- how study quality was assessed;
- how external validity was assessed;
- how uncertainty was handled;
- how contrary evidence was treated;
- what reviewers were asked to review;
- whether reviewers saw the full material necessary to test the conclusions;
- how reviewer comments were addressed;
- how independence and conflicts of interest were managed;
- who confirmed completion and sign-off;
- whether public descriptions of the review accurately reflect the retained record.

3. The concern about "rigorous peer review"

The specific concern raised by the MA in correspondence with Natural England and Defra was whether public assurances that NEER155 had undergone "rigorous peer review" could be substantiated by the retained record.

The issue is not whether any external comments were received. External expert input may be valuable. The question is whether the stronger assurance of rigorous peer review is supported by documentation showing:

- a written review brief or terms of reference;
- a defined scope for reviewers;
- the versions and materials reviewed;
- whether reviewers saw the full draft report;
- whether reviewers saw study-quality and external-validity material;
- reviewer instructions;
- templates, questions, scoring frameworks or checklists;
- reviewer comments;
- response-to-review records;
- independence or conflict-of-interest checks;
- methodology assurance;
- completion and sign-off.

Where these records are absent, incomplete, unavailable or withheld, the description of the review process should be correspondingly cautious. A review should not be described to ministers, Parliament, courts or land managers in stronger terms than the retained record can support.

4. What Natural England's EIR response disclosed

Natural England's response to the MA's Environmental Information Regulations request disclosed several points relevant to assurance.

Natural England stated that, for NEER155:

- there was no specific written brief, terms of reference or guidance provided to the panel of external reviewers or internal reviewers, other than a request to review the report;
- there were no review templates, questions, scoring frameworks or checklists for reviewers to complete;
- there were no documents defining which materials were subject to peer review;
- reviewers were sent draft copies of the report;

- scores for study quality and external validity were included in the report text;
- individual study-quality assessment forms were not sent to reviewers;
- five reviewers made up the external expert panel;
- a colleague of one panel member contributed additional comments on specific aspects of the report;
- nine members of Natural England staff also provided comments on drafts;
- a final additional external reviewer provided comments, edited and proof-read the final draft;
- Natural England did not hold documents confirming completion and sign-off of the peer-review process.

Those disclosures do not show that no external input occurred. They do show that the retained record, as disclosed, did not contain several artefacts normally expected if a review is publicly described in strong terms as having undergone rigorous peer review.

5. The 10 April 2026 update

The MA wrote again on 10 April 2026 after Natural England's internal review response of 9 April 2026. That response raised further assurance concerns.

The additional points were:

- Natural England stated that two senior officers involved in the 2024 peer-review process had left the organisation;
- access to their historic emails, including emails showing which drafts were subject to peer review, was no longer available and was therefore treated as not held;
- Natural England said it was unable to confirm which drafts were circulated to each person;
- Natural England said it could not provide a complete email trail indicating expectations, acceptance, resolution and closure from each reviewer;
- Natural England introduced reliance on Regulation 12(4)(d) in respect of unfinished documents and draft versions, including tracked-change and annotated draft versions;
- Natural England stated that some external reviewers had provided comments in tracked-change or annotated draft form, but those materials were being withheld.

This matters because the issue is no longer simply whether the retained record appeared thin. The later position indicated that some potentially relevant records were either no longer available, could not be reconstructed, or were being withheld. That makes it harder for ministers, Parliament and land managers to test whether the public assurance of "rigorous peer review" is substantiated by an auditable record.

6. Why this is a governance issue, not merely a scientific issue

The MA does not suggest that only one scientific conclusion is possible on burning, peatland or wildfire. The evidence is complex, contested and context-dependent. That is precisely why evidence assurance matters.

Where uncertainty exists, policy should not hide it. It should record it. Where evidence is stronger for some outcomes than others, that should be made clear. Where studies differ in relevance to English upland conditions, that should be assessed openly. Where there is contrary evidence, it should be summarised fairly.

The issue is therefore one of governance. Ministers and Parliament need to know whether an evidence review used to justify restriction has been produced through a process that is:

- transparent;
- repeatable;
- properly scoped;

- balanced;
- quality assured;
- externally tested where claimed;
- clear about uncertainty;
- clear about limitations;
- accurately described.

Without that, evidence reviews can become instruments of regulatory closure rather than tools for informed decision-making.

7. The risk of selective precaution

Precaution has an important role in environmental policy. However, precaution should not become selective. A regulator should not consider only the risk of allowing a land-management activity while ignoring the risk of preventing it.

In the context of burning and fuel management, this is particularly important. Restricting controlled burning may reduce certain risks associated with that activity. But it may also increase other risks if fuel accumulates, vegetation becomes continuous, alternative tools are impractical, or wildfire severity increases.

An evidence review used to inform policy should therefore address both sides of the risk equation:

- the potential impacts of controlled burning;
- the potential impacts of not burning;
- the practicality and effects of alternatives;
- the consequences of fuel accumulation;
- the effects of severe wildfire on peat, carbon, biodiversity, water and public health;
- the timescale over which different risks arise.

A review that focuses on the risks of management but gives insufficient attention to the risks of non-management may produce policy that appears precautionary but increases real-world risk.

8. Site-specific applicability

Upland landscapes are not uniform. Evidence from one habitat, peat condition, management history or climate context may not apply directly to another. A national review should therefore be careful about translating broad conclusions into site-level restrictions.

Relevant site-specific factors include:

- peat depth;
- peat condition;
- slope;
- drainage history;
- vegetation type;
- vegetation age and height;
- fuel load;
- grazing regime;
- hydrology;
- access;
- fire history;
- visitor pressure;
- presence of protected species;
- water-company interests;
- restoration history;

- firefighting constraints;
- availability of alternative tools.

A review may be useful at national level while still requiring site-specific interpretation. It should not be used as a substitute for local evidence, professional judgement or land-manager knowledge.

9. Assurance where evidence affects wildfire risk

Evidence assurance is particularly important where the consequences of restriction may include wildfire risk. A decision to restrict burning, cutting, grazing or other vegetation management is not only an ecological decision. It may also be a public-safety decision.

Where evidence is used to restrict a fuel-management tool, the decision-maker should be required to ask:

- whether the review assessed fuel load and fuel continuity;
- whether it considered wildfire severity, not only ecological effects of the tool;
- whether it compared the tool with practical alternatives;
- whether it assessed the risk of non-intervention;
- whether Fire and Rescue Service evidence was considered;
- whether land-manager evidence was considered;
- whether the conclusions are applicable to the site or landscape in question;
- whether uncertainty was recorded clearly;
- whether the public description of the review matches the retained record.

This would not require every evidence review to answer every possible question. It would require public bodies to be honest about what the review can and cannot support.

10. Minimum audit-trail requirements

The MA recommends that Defra establish minimum audit-trail requirements for evidence reviews used in upland policy, guidance, licensing, consents and funding decisions.
Where an evidence review may be relied upon to restrict land-management tools, the retained record should include, subject to appropriate redactions:

- the review scope;
- the review protocol;
- search terms;
- inclusion and exclusion criteria;
- study-quality assessments;
- external-validity assessments;
- treatment of uncertainty;
- treatment of contrary evidence;
- reviewer selection criteria;
- reviewer instructions, briefs or terms of reference;
- the versions and materials reviewed;
- reviewer comments;
- response-to-review records;
- declarations of interest or independence checks;
- methodology assurance records;
- completion and sign-off records;
- a statement of limitations;
- the basis for any public description of the review as peer reviewed or rigorously peer reviewed.

These requirements would not politicise science. They would protect science by ensuring that public claims about evidence quality are accurate and capable of scrutiny.

11. Accurate public descriptions

Defra, Natural England and other public bodies should ensure that public descriptions of evidence reviews are accurate. If a review has received external comments, it may be appropriate to say so. If it has undergone structured independent peer review with a clear scope, reviewer instructions, response log and sign-off, that may justify stronger language. But the description should match the record.

Where the retained record does not show a structured review process, public bodies should avoid phrases that imply one. This matters because ministers, Parliament, courts, land managers and the public may rely on those descriptions when judging the strength of the evidence base.

The MA recommends that evidence reviews used in regulatory contexts should include a short assurance statement explaining:

- what type of review was undertaken;
- who reviewed it;
- what reviewers were asked to review;
- what materials they saw;
- how comments were handled;
- what sign-off occurred;
- what limitations remain.

12. Evidence used in guidance, funding and informal regulation

Evidence assurance should not apply only to formal regulations. Evidence reviews can shape policy through guidance, licence decisions, scheme conditions, protected landscape plans, funding criteria, Natural England advice and informal expectations.

This is important because regulation can occur by drift. A review may not itself be law, but it may influence whether land managers can obtain consent, enter agreements, access funding, use tools or demonstrate compliance. Where evidence is used in that way, the same assurance principles should apply.

Defra should therefore require evidence-assurance standards wherever a review is likely to influence:

- statutory guidance;
- Natural England advice;
- burning licences;
- SSSI consent;
- agri-environment conditions;
- peatland restoration requirements;
- protected landscape plans;
- Local Nature Recovery Strategies;
- funding eligibility;
- species management decisions;
- wildfire policy.

13. Relationship with regional upland delivery boards

Regional upland delivery boards should have a role in identifying where national evidence does or does not fit local conditions. They should not rewrite science, but they should be able to test assumptions against practical experience and site-specific evidence.

For example, a regional board could identify:

- where national mapping does not match actual peat or vegetation conditions;
- where cutting is impractical because of terrain;
- where rewetting does not remove fuel risk;
- where estate-held monitoring data is relevant;
- where Fire and Rescue Service evidence shows access or fuel-load concerns;
- where local conditions mean that a national assumption requires modification.

This would make evidence use more practical and more accountable. It would also help rebuild confidence by involving those who understand local conditions.

14. Relationship with a national wildfire governance structure

The MA's wildfire submission recommends a national wildfire governance structure with an evidence-assurance function. Annex 6 supports that recommendation.

Where Natural England, Defra or any other public body relies on an evidence review to restrict fuel-management tools, the governance structure should be able to require disclosure, subject to appropriate redactions, of the core assurance record. This should include reviewer scope, materials reviewed, study appraisals, reviewer comments, response-to-review records and sign-off.

This would not allow policy to be decided by pressure or lobbying. It would ensure that evidence used to justify public-safety-relevant restrictions can be scrutinised before those restrictions affect fuel continuity, wildfire risk and rural communities on the ground.

15. Recommended reforms

The MA asks the Committee to recommend that Defra:

1. establish minimum evidence-assurance standards for reviews used in upland policy and regulation;
2. require evidence reviews used to restrict land-management tools to retain a clear audit trail;
3. ensure public descriptions of reviews are accurate and supported by retained records;
4. require uncertainty, contrary evidence and site-specific limitations to be recorded openly;
5. require wildfire implications to be assessed where reviews affect fuel-management tools;
6. ensure evidence used in guidance, funding criteria and Natural England advice is subject to the same assurance standards as evidence used in formal regulation;
7. create an evidence-assurance function within any national wildfire or upland governance structure;
8. allow regional upland delivery boards to test national evidence against local conditions;
9. require Defra and Natural England to disclose, subject to appropriate redactions, the core assurance documents underpinning reviews relied upon in policy;
10. prevent evidence reviews from being used as unchallengeable substitutes for site-specific judgement;
11. require any future review relied upon to restrict wildfire-relevant management to include a clear assurance statement explaining what review was undertaken, what material was reviewed, what uncertainty remains, and what the review does not decide.

16. Conclusion

The MA supports evidence-led environmental policy. But evidence-led policy depends on trust, transparency and accountability. Where evidence reviews are used to justify restrictions on upland land-management tools, those reviews should be capable of scrutiny.

NEER155 illustrates why this matters. The issue is not simply one report or one phrase. It is whether public bodies can substantiate the evidence assurances they give to ministers, Parliament, courts, land managers and the public.

Defra should ensure that future evidence reviews used in upland policy are transparent, auditable, accurately described and clear about uncertainty. That would strengthen, not weaken, environmental regulation. It would help ensure that decisions affecting peat, biodiversity, wildfire risk and rural communities are based on evidence that can be trusted.

Annex 7: Protected landscape plans, mapping and quasi-regulation

Purpose of this annex
This annex explains the Moorland Association's concern that protected landscape plans, strategic maps, funding criteria and informal guidance can acquire regulatory force in practice even where they are not themselves statutory rules. It draws on the MA's recent responses to the North Pennines and Forest of Bowland National Landscape management plan consultations.

The MA supports protected landscapes and recognises their importance for natural beauty, biodiversity, access, cultural heritage, farming, moorland management and rural communities. The concern is not with ambition. It is with the way strategic documents can be interpreted downstream by regulators, planning authorities, funders, statutory consultees, inspectors and third-party objectors. Poorly drafted or ambiguous wording can create restrictions by implication, even where no formal legal change has been made.

The scale is significant. MA members manage around one million acres of upland landscapes, including heather moorland, blanket bog, rough grazing, in-bye land, woodland, watercourses and many designated sites. These landscapes deliver biodiversity, carbon storage, water regulation, wildfire mitigation, public access and rural employment. Protected landscape planning should therefore support practical delivery by those managing the land, not create uncertainty about lawful management by implication.

1. The problem of quasi-regulation

Protected landscape management plans are often described as strategic, partnership-based and non-statutory. In practice, however, their wording can influence decisions about planning, funding, SSSI consent, agri-environment schemes, protected-site management, access, infrastructure, woodland creation, peatland restoration and land-use change.

This can create quasi-regulation by drift. A statement may begin as an aspiration. It may then be cited as guidance. It may later be treated as evidence of expected practice. Eventually, it may be relied upon as if it created a policy presumption or regulatory test.

This matters because land managers may find themselves constrained not by Parliament, statutory regulation or formal policy, but by wording in a partnership plan that was never intended to carry such weight. Informal assurances that a plan is "not regulatory" are insufficient if the published wording can reasonably be relied upon by others in regulatory, planning or funding contexts.

The MA's concern is therefore not only with the stated intent of a plan. It is with how the wording may reasonably be used once published. A management plan must be clear enough to travel with the document, because later decision-makers, objectors and funders may not know the informal explanations given during consultation.

2. The need to separate aspiration, guidance and statutory duty

Defra should require protected landscape plans to distinguish clearly between:

- statutory duties;
- national policy;
- local planning policy;
- partnership aspirations;
- voluntary guidance;
- funding criteria;
- proposed projects;
- site-specific decisions still requiring consent.

This distinction should be visible in the plan itself. It should not be left to informal explanation by officers or partnerships. Where a document may be used by multiple public bodies and third parties, clarity must travel with the document.

Plans should make clear that they do not:

- create new legal duties for land managers;
- impose additional regulatory tests;
- pre-empt national policy or licensing decisions;
- override existing statutory regimes;
- narrow the lawful scope of land management;
- create presumptions against lawful farming, grazing, game management, commoning or estate operations;
- override property rights, tenancy arrangements, common rights or sporting rights;
- substitute for site-specific assessment, consent or Habitats Regulations compliance.

This would protect both land managers and public bodies. It would reduce dispute, improve confidence and avoid unintended legal risk.

3. Section 85 and protected landscape duties

The strengthened duty on public authorities to seek to further protected landscape purposes should be applied lawfully, proportionately and case by case. It should not be used as a shortcut to create new policy, impose blanket restrictions or treat non-statutory management plan wording as binding regulation.

A protected landscape plan can inform decision-making. It should not define exhaustively what compliance with the duty requires in every case. That judgement must remain with the relevant decision-maker, taking account of statute, national policy, adopted development plan policy, site context, evidence, competing public interests and other material considerations.

The final plan should therefore state clearly that:

- the Section 85 duty applies to public authorities in the exercise of relevant functions;
- the plan does not itself impose duties on private land managers;
- the duty does not override existing statutory regimes, property rights, tenancy arrangements, common rights or sporting rights;
- the plan does not create new planning tests, consent tests or funding eligibility tests unless those are clearly identified through the proper policy process;
- compliance with the plan is not the same thing as compliance with the statutory duty;
- departure from plan wording does not automatically imply failure to discharge the statutory duty.

This clarification would help prevent a strategic management plan from being treated as a quasi-regulatory code.

4. Management neutrality and lawful land use

Protected landscape plans should be management-neutral. They should not frame lawful land uses as problems to be corrected unless site-specific evidence demonstrates harm and a lawful route exists to address it.

The MA is particularly concerned about language that implies a default move away from active management. Terms such as “transition”, “restoration”, “rewilding”, “resilience”, “natural processes”, “nature recovery” or “climate adaptation” may be well intentioned, but can be

interpreted downstream as signalling reduced grazing, reduced predator control, reduced heather management, reduced burning, reduced access infrastructure or reduced sporting management. Such implications may be inappropriate. Many protected upland landscapes are the product of long-term human management. Open moorland character, habitat mosaics, grazing systems, predator management, access routes, walls, tracks, water points and wildfire-response capacity are not accidental. They are part of the working landscape and often part of the environmental delivery system.

Plans should therefore recognise active land management as part of the baseline from which enhancement is considered, not as a pressure to be removed by default.

5. Living, working landscapes

The uplands are living, working landscapes. They support farms, estates, commons, rural businesses, tourism, water catchments, protected species, access and cultural heritage. A management plan that treats the landscape mainly as an ecological project risks misunderstanding how outcomes are delivered.

Protected landscape plans should recognise:

- hill farming and commoning;
- moorland management;
- gamekeeping and estate work;
- private investment;
- peatland restoration;
- habitat management;
- predator control where lawful and evidence-led;
- wildfire prevention and response;
- access management;
- water-company interests;
- local employment and skills;
- cultural heritage and sporting management where relevant.

Economic viability is a delivery prerequisite. If existing income streams are weakened without secure alternatives, management capacity may decline before new funding or delivery systems are in place. The result may be worse outcomes for habitats, species, access, wildfire resilience and local communities.

6. HRA, SEA and legal robustness

Protected landscape plans should be legally robust. Where plans may influence future decisions affecting SACs, SPAs or other protected sites, Habitats Regulations Assessment screening and Strategic Environmental Assessment requirements should be addressed clearly.

Beneficial intent does not remove the need for assessment. A plan designed to improve nature may still influence decisions in ways that could affect designated features, either alone or in combination with other plans and projects. For example, strategic direction on peatland hydrology, woodland expansion, burning, grazing, predator management, access, scrub expansion or moorland openness may have implications for qualifying habitats and species.

Defra should require plans to publish clear HRA and SEA conclusions in a location that is easy to find, preferably in the main plan as well as in appendices. The plan should explain:

- whether screening has been undertaken;
- what plans and projects were considered in combination;
- what assumptions or safeguards were relied upon;

- whether site-level assessment will still be required;
- how consultation with statutory bodies was handled;
- whether any plan wording was changed as a result.

This is not a procedural technicality. It is necessary for legal clarity and for confidence among delivery partners. It also protects competent authorities from relying on strategic wording whose legal implications have not been properly tested.

7. Wildfire and operational infrastructure

Protected landscape plans should treat wildfire resilience as a core climate and public-safety issue, not as an ancillary matter. Upland landscape change can affect fuel load, access, water availability, fire intensity and emergency response.

Plans should therefore identify how wildfire risk will be managed during and after any proposed transition in vegetation, hydrology or land use. They should recognise that management withdrawal, scrub expansion, reduced grazing or reduced vegetation management may increase fuel continuity in some contexts.

Plans should also recognise operational infrastructure as part of landscape resilience. Tracks, bridges, culverts, turning areas, fire ponds, water points, signage, communications infrastructure, fences, walls and equipment storage may be essential for farming, habitat management, visitor safety and emergency response. They should not be treated simply as landscape intrusions.

Protected landscape plans should include an operational infrastructure safeguard stating that public-safety, emergency-access and land-management infrastructure is compatible with protected landscape purposes where sensitively designed and evidence-led.

This should include explicit recognition that wildfire mitigation infrastructure is a landscape resilience asset. A plan should not create a presumption against access tracks, water points, turning areas or other safety-critical works where those features are needed to manage land, protect designated sites or support emergency response.

8. Water, catchments and long-term maintenance

Protected landscape plans often promote peatland restoration, hydrological change, river restoration, natural flood management, woodland creation, access infrastructure and visitor facilities. These may be positive, but they are not self-maintaining.

Plans should therefore make clear who will inspect, maintain, repair and fund works after installation. That is especially important where works are delivered through ELM, Farming in Protected Landscapes, Landscape Recovery, peatland grants, water-company programmes or other partnership funding.

For each major category of intervention, plans should ask:

- who leads;
- who pays;
- who delivers;
- who maintains;
- who monitors;
- who carries liability;
- what happens when the grant period ends;
- how land-manager consent and practical access are secured;
- how wildfire, flooding, access and species risks are managed during transition.

Without this clarity, long-term obligations may be unintentionally externalised onto private land managers. That can deter participation and weaken delivery.

9. Mapping and modelling

Maps and models are useful tools, but they should not become unchallengeable instructions. Peat maps, habitat maps, wildfire-risk layers, opportunity maps, Local Nature Recovery Strategies, woodland opportunity maps and natural-capital models can all shape funding, planning, regulatory and public expectations.

Before such maps influence scheme eligibility, consent decisions or strategic restrictions, they should be ground-truthed with land managers. Local verification is essential because maps may not capture:

- actual peat depth or condition;
- drains, grips, hags or historic modification;
- vegetation age, height and fuel load;
- grazing systems and common rights;
- access constraints;
- existing restoration work;
- estate-held species data;
- water points and fire-response routes;
- local flooding or erosion risks;
- practical management boundaries;
- ownership, tenancy and sporting interests;
- recent works that have not yet appeared in national datasets;
- local knowledge of seasonal access, stock movement, nesting areas and wildfire behaviour.

A map should guide inquiry. It should not determine outcomes without site evidence.
Defra should require a correction route for material map-based decisions. Land managers should be able to submit local evidence to correct or refine map layers before those maps affect funding, consents, regulatory expectations or protected landscape policy.

10. Funding criteria and "no surprises"

Quasi-regulation can also occur through funding. A protected landscape plan may not be regulatory in theory, but if its wording influences scoring, eligibility, advice or expectations under FiPL, ELM, Landscape Recovery, peatland grants or water-company schemes, it can affect land managers materially.

Defra should require a "no surprises" principle for funding conditions. Any material condition, criterion, advisory expectation or scoring factor that may affect eligibility or approval should be clearly published, labelled and reviewed with land managers. Funding should not be used to introduce restrictions by stealth.

Plans should also be clear about long-term maintenance. Capital works are not enough. If a plan promotes peatland works, access infrastructure, visitor facilities, water management, woodland creation or wildfire measures, it should identify who will inspect, maintain, repair and fund them after the initial grant period ends.

This should apply equally to public, NGO, water-company and private funding partnerships. Delivery partners should not be asked to accept future obligations without clarity about funding, liability, maintenance and operational control.

11. Co-design before consultation

Protected landscape plans should be co-designed with land managers before formal consultation. Too often landowners, tenants, commoners, gamekeepers, graziers and estate teams are asked to

comment after the vision, objectives, maps, language and delivery assumptions have already been formed. That is too late. Land managers should help define:

- the baseline condition of the landscape;
- the role of existing management;
- practical constraints;
- wildfire implications;
- access and infrastructure needs;
- HRA and SEA assumptions;
- funding and maintenance responsibilities;
- monitoring indicators;
- wording that may be misread downstream;
- how maps and models should be ground-truthed.

Co-design does not mean that land managers should be exempt from scrutiny. It means that plans should be tested by those expected to deliver, fund, maintain and live with the consequences.

12. The role of regional upland delivery boards

Regional upland delivery boards should be the mechanism through which protected landscape plans, maps, funding and site-specific delivery are aligned. Boards led by land managers and local authorities, with statutory bodies and technical organisations as advisers, could test whether plan ambitions are practical, funded, consentable and locally supported.

Boards should review:

- proposed protected landscape objectives;
- map layers and opportunity areas;
- funding conditions;
- wildfire implications;
- operational infrastructure needs;
- land-manager delivery capacity;
- property, tenancy, commoning and sporting-rights implications;
- HRA and SEA assumptions;
- monitoring indicators;
- maintenance responsibilities;
- whether the plan risks creating quasi-regulation by implication.

This would help ensure that strategic plans do not become detached from delivery realities.

13. Recommended safeguards for protected landscape plans

The MA recommends that Defra require National Park and National Landscape management plans to include the following safeguards:

1. a clear statement of non-statutory status and limits;
2. separation of aspiration, guidance, statutory duty and policy;
3. confirmation that the plan does not create new regulatory tests;
4. confirmation that the plan does not pre-empt national policy or licensing decisions;
5. confirmation that the plan does not override property rights, tenancy arrangements, common rights or sporting rights;
6. recognition of lawful farming, commoning, moorland management, sporting management and estate operations;
7. recognition that active management may be necessary for protected landscape outcomes;
8. HRA and SEA screening conclusions in the main plan or clearly signposted;
9. assessment of wildfire and fuel-load implications;

10. recognition of operational infrastructure and emergency access;
11. recognition of water, catchment management and long-term maintenance responsibilities;
12. ground-truthing of maps with land managers;
13. a correction route for map-based errors or disputed assumptions;
14. "no surprises" funding conditions;
15. clear responsibility for long-term maintenance and liability;
16. involvement of regional upland delivery boards before adoption;
17. monitoring based on outcomes, not assumptions about preferred land uses;
18. plain wording that prevents aspirational language being used as a presumption against lawful management.
19. Recommended safeguards for mapping and modelling

Defra should also require any map or model used in upland policy to meet basic safeguards before influencing decisions. It should be:

- transparent about data sources;
- clear about resolution and limitations;
- clear about uncertainty;
- ground-truthed where material decisions are proposed;
- capable of correction by land managers;
- accompanied by an appeal or review mechanism;
- used as evidence, not as a substitute for judgement;
- tested against operational realities such as access, grazing, fuel load, tenure, common rights, sporting rights and wildfire response.

Land managers should be able to submit local evidence to correct or refine maps before those maps affect scheme eligibility, consents or regulatory expectations.

15. Recommendations

The MA asks the Committee to recommend that Defra:

1. issue guidance preventing protected landscape plans from creating quasi-regulation by implication;
2. require plans to separate aspiration, guidance, statutory duty and policy;
3. clarify that the strengthened protected landscape duty does not turn non-statutory management plans into binding codes for private land managers;
4. require clear HRA and SEA signposting where plans may influence protected sites;
5. ensure plans recognise active land management, economic viability, private investment and operational infrastructure;
6. require wildfire resilience to be treated as a core protected landscape issue;
7. require plans to identify how wildfire risk will be managed during vegetation, hydrological or land-use transition;
8. require maps and models to be ground-truthed with land managers before affecting decisions;
9. introduce a correction route for map-based assumptions;
10. introduce a "no surprises" principle for funding conditions and advisory expectations;
11. require plans to identify who leads, who pays, who maintains and who carries liability;
12. ensure regional upland delivery boards review major protected landscape plans and map-based proposals;
13. prevent non-statutory plans, maps or funding criteria from narrowing lawful land management without proper policy process, evidence and accountability;
14. require protected landscape plans to respect property rights, tenancy arrangements, common rights and sporting rights.

16. Conclusion

Protected landscape plans can be valuable if they support collaboration and delivery. They become problematic when broad aspiration is later treated as policy, when maps become instructions, or when funding criteria introduce restrictions without clear authority.

Defra should ensure that protected landscape planning supports living, working uplands. Plans should recognise the people, businesses, infrastructure, rights, skills and private investment that deliver protected landscape outcomes in practice. They should guide partnership and improvement, not create regulation by drift.

The test should be simple: does the plan help those managing the land deliver better outcomes, or does it create uncertainty, restriction and liability without responsibility? Protected landscape planning should strengthen delivery on the ground, not make lawful management harder by implication.

Annex 8: Species conservation, licensing and survey governance

Purpose of this annex
This annex explains the Moorland Association's view that species conservation in the uplands is most likely to succeed where land managers are treated as conservation partners, not simply as consultees, access providers or regulated parties. It draws on two current examples: hen harrier conservation licensing and concerns raised about the governance of sensitive species survey work.

The MA supports evidence-led species conservation. Many members hold detailed practical knowledge of breeding birds, nesting areas, predator pressure, habitat condition, access constraints and seasonal land-management activity. That knowledge should be used constructively. Species policy will be stronger if it combines statutory oversight, scientific evidence and the knowledge of those who manage the land every day.

1. Species conservation depends on coexistence

Many upland species conservation issues are not simply biological. They involve human-wildlife coexistence, land use, rural businesses, predator-prey relationships, access, disturbance, monitoring, enforcement and trust.

Where conservation policy treats land managers only as risks to be controlled, it is less likely to secure durable outcomes. Where it gives responsible land managers a lawful, workable and monitored route to participate in conservation delivery, it is more likely to build cooperation, reporting, protection and long-term confidence.

This is particularly important in landscapes where protected species, ground-nesting birds, grazing, moorland management, public access and rural livelihoods overlap. Policy should aim to reduce conflict while improving conservation outcomes.

2. Hen harrier conservation and the need for workable licensing

Hen harrier conservation illustrates the need for outcome-led species licensing. Brood management was developed within the framework of the Defra Joint Action Plan to increase the English hen harrier population. It was intended as one element of a wider recovery package, alongside enforcement, monitoring, nest and roost protection, diversionary feeding and other measures.

The purpose of brood management was not to suppress hen harrier recovery. It was to test whether a lawful conflict-management tool could help improve coexistence and support a self-sustaining and well-dispersed population by reducing acute local conflict pressure in high-density situations.

The trial demonstrated two important points. First, hen harrier eggs and chicks could be safely taken from the wild, reared in captivity and released successfully back into suitable habitat under strict controls. Second, the availability of brood management was associated with increased breeding success, improved confidence among participating land managers and growth in the English hen harrier population.

The wider conservation mechanism is therefore not limited to the small number of birds directly reared and released. The availability of a lawful and predictable intervention can change the social and operational conditions in which wild hen harriers are more likely to be tolerated, protected, reported and allowed to breed successfully.

3. From trial culture to conservation delivery

The regulatory question should now be how a proven intervention can continue safely, proportionately and transparently, not how to recreate the evidential burden of a completed trial.

Where a trial has generated evidence, and where Natural England accepts that future conservation licensing may be justified, the system should move from a trial-and-permission culture to an outcomes-led conservation-delivery culture. This does not mean removing safeguards. It means designing licence conditions that secure welfare, ecological, HRA, monitoring and reporting requirements without making the conservation activity impracticable.

A licence condition should not be imposed unless it is:

- necessary;
- evidence-based;
- proportionate;
- directed to an identified risk;
- compatible with practical delivery;
- capable of being discharged within the licence period;
- clear about monitoring and reporting;
- consistent with the conservation purpose of the licence.

A condition that prevents delivery may undermine the conservation objective it is intended to regulate.

4. Licence duration and delivery stability

Species conservation interventions often require multi-year confidence. Annual or short-term permissions may be unsuitable where successful delivery depends on trained personnel, veterinary arrangements, site preparation, landowner engagement, release-site readiness, monitoring, reporting and adaptive review.

A five-year licence, subject to annual reporting and Natural England oversight, may provide better accountability than repeated short-term permissions. It allows investment in people, planning, training and infrastructure. It also allows outcomes to be monitored over a meaningful period.

Short-term licensing may appear cautious, but it can create uncertainty, discourage participation and reduce the confidence on which coexistence depends. A conservation licence should therefore be long enough to deliver the conservation purpose, while retaining annual reporting, adaptive review and Natural England's ability to intervene if welfare, ecological, HRA or compliance concerns arise.

5. Licence workability and proportionality

A species licence should be demanding, but it must also be usable. If Natural England considers that a restrictive condition is necessary, it should identify the specific legal, ecological, welfare, HRA, monitoring or operational risk relied upon and explain why existing safeguards do not address it.

The applicant should then be given a reasonable opportunity to provide targeted evidence, amended wording, additional safeguards or an alternative practical route before determination. This would reduce the risk that a conservation project is refused, delayed or rendered impracticable by concerns that could have been resolved through proportionate conditions.

The test should be simple: does the condition enable safe, lawful conservation delivery, or does it make the licensed conservation outcome unlikely to happen?

6. The non-neutral counterfactual

In species conservation, the absence of a workable licensed route should not automatically be treated as a neutral baseline. In long-running human-wildlife conflict, removing or disabling a lawful conflict-management mechanism may itself have conservation consequences.

Those consequences may include:

- reduced confidence among land managers;
- lower participation in monitoring;
- weaker cooperation;
- increased conflict pressure;
- reduced willingness to host or support nesting;
- deterioration in relationships;
- loss of behavioural gains achieved through previous partnership work.

Licensing decisions should therefore assess not only the risks of allowing an intervention, but also the risks of preventing it.

In the hen harrier context, the relevant comparison is not between intervention and a risk-free status quo. It is between a lawful, monitored, safeguarded coexistence tool and the consequences of removing or disabling that tool in landscapes where conflict has historically affected conservation outcomes.

7. Coexistence, enforcement and trust

The MA is clear that lawful coexistence tools are not a substitute for enforcement against illegal killing or disturbance. Enforcement, investigation and protection remain necessary. However, enforcement alone is unlikely to resolve a long-running conservation conflict. It must sit alongside practical mechanisms that make coexistence more workable.

Species policy should therefore combine:

- enforcement against illegal activity;
- monitoring and reporting;
- protection of nests and roosts;
- diversionary feeding where appropriate;
- lawful conflict-management tools;
- land-manager engagement;
- transparent communications;
- adaptive review;
- recognition of rural business and land-management realities.

A policy that relies only on restriction and suspicion is unlikely to rebuild trust. Conservation delivery needs lawful routes for cooperation as well as sanctions for wrongdoing.

8. Survey governance and sensitive species data

The second issue concerns survey governance. The MA does not object in principle to properly conducted species monitoring. Indeed, many members can provide valuable species records and local knowledge.

However, confidence is undermined where landowners are asked to permit survey access without clear information on:

- who will enter the land;
- who employs or directs them;
- whether third-party organisations are involved;
- what licences or authorisations they hold;
- what they will record;
- whether land-management information will be recorded;
- how data will be used;
- whether data will inform SSSI or SPA condition assessment;

- who will receive raw data;
- how sensitive species information will be protected;
- whether allegations or suspected incidents will be recorded;
- what safeguards apply to accuracy, context and interpretation.

Sensitive survey work on managed moorland requires trust. Landowners and land managers should not be asked to consent first and receive details later.

9. Lessons from the 2026 Merlin survey concerns

The MA's concerns about the 2026 Merlin survey illustrate why clear survey governance is needed. The concern was not with properly conducted Merlin monitoring. Many MA members hold detailed practical knowledge of Merlin, breeding sites and upland habitats. The concern was that land managers were being asked to consider access at short notice, during the breeding season, before the scope, personnel, data use and safeguards had been adequately explained.

Several issues arose.

1) **The purpose of the work was unclear.** Natural England's original request referred to "Merlin surveys and condition assessments", but this was later corrected to state that the surveyor would only be surveying for Merlin. Natural England then confirmed that data gathered in England would also be used to assess the condition of SSSIs where breeding Merlin is a notified feature. That is a material fact for land managers being asked to consent to access.

2) **The survey instructions went beyond simple species presence.** They required surveyors to record six-figure grid references, breeding evidence, behaviour, signs and habitat type. They also required information on whether heather-dominated moor was managed for grouse shooting, heather burning presence and extent, and "known or suspected persecution incidents".

3) **The heather burning recording was especially sensitive.** The survey instructions referred to strip heather burning and required surveyors to record the amount of strip burning in heather-dominated grouse moors using percentage bands across the 10-km square. If land-management data is gathered through a species survey, the method, purpose, quality assurance and safeguards must be clear.

4) **Third-party involvement was not sufficiently transparent.** The survey documents indicated involvement by RSPB, statutory nature conservation bodies, Raptor Study Groups and RSPB research assistants. Where third parties have taken public positions on grouse moor management or alleged wildlife crime, Natural England should recognise the risk of perceived bias and put safeguards in place.

5) **The access and licensing position required clarification.** Surveyors may hold disturbance licences or permits, but such permissions do not automatically confer a right of entry onto private land. Landowner consent, identification, access arrangements, named attendees, dates, routes, vehicle arrangements and site-specific safety controls still need to be agreed.

This example supports a general principle: survey governance should be settled before fieldwork begins, not after landowners raise concerns.

10. Co-designed survey protocols

The MA recommends that Natural England and Defra adopt co-designed protocols for sensitive upland species surveys. These should be agreed before survey work begins and should include:

- the purpose of the survey;
- the statutory or policy basis for the work;
- whether the work is species survey, condition assessment, research, monitoring, compliance work or some combination of these;
- survey methods;
- named organisations involved;
- categories of personnel;
- licence requirements;
- right-of-entry position;
- landowner consent process;
- access arrangements;
- contact points;
- vehicle and route arrangements;
- biosecurity and disturbance safeguards;
- data fields to be recorded;
- treatment of land-management information;
- treatment of alleged or suspected incidents;
- data ownership, storage and sharing;
- who receives raw data;
- confidentiality safeguards;
- how estate-held data may be used;
- how records will be verified;
- how disputed or uncertain records will be handled;
- whether and how data will inform SSSI or SPA condition assessment;
- whether and how data may inform compliance, enforcement or public reporting;
- publication and reporting arrangements.

This would reduce conflict and improve data quality.

11. Use of estate-held knowledge

Many upland estates have monitored species for years. Gamekeepers, farmers, shepherds and estate staff often know where birds are present, where disturbance risks arise, where access is difficult, and where survey duplication might harm rather than help.

Survey programmes should therefore begin by asking what local data already exists and how it can be used, subject to verification and appropriate safeguards. Estate-held information should not be dismissed simply because it comes from land managers. Nor should land managers be expected to provide sensitive information without clarity about how it will be used.

A better approach would allow estates to submit data through agreed protocols, with confidentiality, verification, ownership and onward-sharing safeguards.

Such protocols could improve survey accuracy, reduce unnecessary disturbance, avoid duplication and build trust. They would also recognise that land managers are often the people most likely to detect changes in species use, predator pressure, disturbance, access patterns and habitat condition.

12. Third-party involvement and perceived bias

Third-party involvement in species survey work can be valuable, but it must be transparent. Where organisations involved in surveys have taken public positions on upland land management, grouse moor management or alleged wildlife crime, Natural England should recognise that land managers may have legitimate concerns about actual or perceived bias.

This does not mean such organisations should be excluded automatically. It does mean that safeguards are needed. These should include:

- clear role descriptions;
- named organisations and categories of personnel;
- objective data fields;
- training and quality assurance;
- rules on recording land-management information;
- restrictions on speculative or unverified allegations;
- separation between survey data and campaigning use;
- confidentiality obligations;
- rules on access to raw data;
- routes for land managers to correct factual errors;
- transparent reporting of methodology and limitations.

Species monitoring must be seen to be fair, objective and properly governed.

13. Distinguishing survey, condition assessment and enforcement

A major source of mistrust arises where the purpose of data collection is unclear. A survey may be described as species monitoring, but the same data may also inform SSSI condition assessment, protected-site reporting, land-management judgements or enforcement interest.

Natural England should distinguish clearly between:

- species survey;
- habitat or condition assessment;
- land-management recording;
- compliance monitoring;
- enforcement intelligence;
- research;
- public reporting.

If data may be used for more than one purpose, this should be stated clearly before access is requested. Landowners should know what they are agreeing to.

This is particularly important where surveyors are asked to record land-management practices, such as heather burning, or information described as known or suspected persecution incidents. Such information can be sensitive and may be open to misinterpretation if recorded without clear definitions, training, verification and context.

14. Access, safety and operational planning

Sensitive upland survey work should be planned with land managers. Access routes, vehicle use, dates, contact points, lone-working arrangements, livestock, shooting or management activity, nesting birds, weather, communications and emergency procedures should be agreed in advance.

This is not an attempt to avoid survey. It is basic safety and good governance. Upland sites can be remote, difficult and hazardous. Land managers have knowledge that can reduce risk to surveyors, avoid disturbance and improve coverage.

Access planning should include:

- named attendees or categories of attendees;
- agreed dates or date windows;
- agreed routes and vehicle arrangements;
- contact details for estate staff;
- livestock and ground-nesting bird considerations;

- shooting, farming and land-management operations;
- lone-working and communications arrangements;
- weather and terrain risks;
- procedures if nests or sensitive features are encountered;
- requirements to carry relevant licences, permits or authorisations;
- confirmation that any permit or licence does not itself confer a right of entry.

Where sensitive species work is being undertaken on SSSIs or other designated sites, Natural England should apply at least the same clarity and discipline it expects from land managers seeking access or consent for their own work.

15. Data safeguards and correction routes

Species data can be sensitive. So can land-management data. Poor handling can damage species protection, land-manager trust, public confidence and the fairness of regulatory decisions.

Survey protocols should therefore include safeguards for:

- sensitive nest and breeding data;
- estate-held records;
- raw survey data;
- land-management information;
- allegations or suspected incidents;
- onward sharing with third parties;
- publication of maps or site-level information;
- data retention;
- data accuracy;
- correction of errors;
- disputed records;
- use of data outside the original purpose.

Land managers should have a clear route to correct factual errors or challenge records that are inaccurate, speculative, unverified or taken out of context. This is not to control the science. It is to protect data quality and fairness.

16. Species licensing within 25-year land-manager-led plans

Species conservation should also be integrated into longer-term upland management plans. The MA's proposed 25-year land-manager-led plans would allow species conservation, habitat management, grazing, predator control, access, wildfire resilience and monitoring to be considered together.

Within such plans, species-related actions could include:

- monitoring protocols;
- protection of nest and roost sites;
- access management;
- diversionary feeding where appropriate;
- lawful predator control;
- habitat management;
- coexistence measures;
- agreed survey access by estate staff or agreed specialists;
- data-sharing safeguards;
- adaptive review.

Natural England would retain oversight of protected-site and protected-species requirements. However, routine and agreed species-monitoring or management actions within an approved plan

should be streamlined where safeguards are in place. This would reduce repeated procedural friction and allow conservation work to proceed within a stable, accountable framework.

17. Recommended reforms

The MA asks the Committee to recommend that Defra and Natural England:

1. treat land managers as partners in species conservation and survey design;
2. move suitable species licensing from repeated trial culture to outcome-led conservation delivery;
3. apply a licence-workability test to protected-species licences;
4. recognise that the absence of a workable coexistence mechanism is not always a neutral conservation baseline;
5. use multi-year licences where delivery stability is necessary and safeguards can be maintained;
6. ensure any restrictive licence condition is necessary, evidence-based, proportionate, risk-specific and compatible with practical delivery;
7. co-design sensitive species survey protocols with land managers before fieldwork begins;
8. clearly distinguish species survey, condition assessment, compliance monitoring, enforcement intelligence, research and public reporting;
9. require transparency over third-party involvement in surveys;
10. protect sensitive species and land-management data;
11. allow estate-held records to be submitted through agreed verification and confidentiality protocols;
12. ensure access arrangements are site-specific, safe and agreed in advance;
13. clarify that a disturbance licence or permit does not itself confer a right of entry;
14. require survey protocols to state whether land-management practices, including heather burning, will be recorded and why;
15. require safeguards where survey forms invite recording of alleged or suspected incidents;
16. create correction and challenge routes where survey data or land-management information is inaccurate, speculative, unverified or taken out of context;
17. integrate species conservation, monitoring and coexistence measures into 25-year land-manager-led upland management plans.

18. Conclusion

Species conservation in the uplands will not succeed through regulation and suspicion alone. It requires trust, lawful coexistence tools, good data, practical licensing and respectful partnership with those who manage the land.

The MA supports robust protection for species and habitats. But protection is most effective when it is workable. Licensing should enable monitored conservation delivery where evidence and safeguards exist. Survey work should be transparent, co-designed and properly governed. Land managers should be recognised as holders of knowledge and delivery capacity, not merely as subjects of regulation.

Annex 9: Rural communities, skills, private investment and delivery capacity

Purpose of this annex
This annex explains why rural communities, skilled people and private investment should be treated as core components of upland environmental delivery. It expands on the main submission's argument that the uplands are not delivered by central targets alone. They are delivered by landowners, farmers, commoners, graziers, gamekeepers, shepherds, contractors, estate staff, wallers, peatland teams, machinery operators, surveyors and wildfire responders.

The MA's concern is that Defra policy can too easily treat land-based businesses and rural skills as background conditions. In reality, they are delivery infrastructure. If those businesses become unviable, or if skilled people leave the land, Defra will lose the capacity needed to deliver food production, nature recovery, peatland restoration, wildfire resilience, public access, water management and protected-site outcomes.

The scale is practical and significant. Moorland Association members manage around one million acres of upland landscapes in England and Wales. Grouse shooting is estimated to generate £67m annually for rural upland economies. Grouse moor management supports over 1,500 full-time jobs and 42,500 workdays, including 700 posts directly involved in grouse moor management and 820 in related services. Around 70% of the UK's drinking water comes from upland areas. These figures show why upland policy cannot be judged only by hectares, targets or habitat categories. It must also be judged by what happens to the people, businesses, skills and private investment that make delivery possible.

1. Rural communities as delivery capacity

Upland communities are often discussed in social or economic terms. Those matters are important, but they are not separate from environmental delivery. The people who live and work in the uplands maintain the landscapes that policy seeks to improve.

Farmers and graziers manage livestock, grassland, rough grazing, walls, boundaries, in-bye land and access. Commoners sustain historic grazing systems and local knowledge. Gamekeepers and estate staff manage heather structure, control bracken and scrub, maintain tracks and water points, monitor wildlife, assist with wildfire response and provide day-to-day presence across remote ground. Contractors deliver peatland works, fencing, walling, cutting, mowing, track repair, drainage, machinery operations and habitat restoration. Shepherds and stockpeople observe seasonal changes and animal health across large landscapes. Local surveyors, ecologists, agents and advisers support planning, monitoring and compliance.

These roles are not incidental. They are the workforce through which upland policy becomes real. If policy undermines them, public bodies will not be able to replace that capacity quickly or cheaply.

2. Food production, farming and commoning

Food production remains part of the upland public interest. Upland farms and commons sustain sheep, cattle, grazing systems, hefted flocks, farm tenancies, rural supply chains and local knowledge. They also maintain the people and infrastructure that support many environmental outcomes.

Commoning is especially important. Common rights and grazing systems are not simply historic arrangements. They are practical systems of land use, cooperation, knowledge and responsibility. They affect grazing pressure, vegetation structure, access, animal welfare, wildfire risk, local employment and the viability of hill farms.

Defra policy should not treat food production and environmental recovery as opposing objectives by default. In many upland settings, the continuation of farming, grazing and commoning is part of the

delivery system. Where policy reduces grazing, changes stocking, alters scheme income or affects commons governance, it should assess the consequences for:

- farm viability;
- tenant farms;
- common rights;
- hefted flocks;
- grazing knowledge;
- vegetation structure;
- wildfire risk;
- labour availability;
- rural supply chains;
- animal welfare;
- cultural heritage;
- young people entering land-based work.

Food production may change over time, but changes should be planned, funded and locally agreed. Policy should not allow agricultural transition to remove the people needed for environmental delivery before replacement systems exist.

3. The risk of treating viability as secondary

Defra's environmental objectives often assume continued land-management capacity. Plans may assume that someone will maintain grazing, repair walls, monitor species, manage access, undertake restoration, respond to wildfire, host public access, maintain infrastructure and comply with scheme requirements. Yet the same policies may weaken the economic systems that sustain those people.

Risks arise where:

- agricultural transition reduces income without secure replacements;
- agri-environment schemes fail to cover real costs;
- protected landscape plans imply reduced active management;
- burning or vegetation-management rules remove practical tools;
- predator control is discouraged without effective alternatives for ground-nesting birds;
- access pressure increases without funding for management;
- capital works create long-term maintenance liabilities;
- Natural England consents delay routine operations;
- private investment is displaced or discouraged;
- regulatory uncertainty makes long-term planning difficult.

When these pressures combine, the effect is cumulative. A single rule or scheme change may appear manageable in isolation, but the total burden can reduce business confidence, staffing, investment and willingness to participate in environmental delivery.

4. Private investment in public goods

Many upland public goods are currently supported by private investment. Landowners, farmers and sporting enterprises fund staff, machinery, predator control, habitat management, monitoring, access infrastructure, walling, track maintenance, peatland partnership work and wildfire readiness.

This private investment reduces the burden on the public purse. It also provides continuity. Public grants often operate in fixed windows or project cycles. Estate and farm management, where viable, provides year-round presence and long-term maintenance.

Defra should therefore avoid treating private land-management systems merely as obstacles to public objectives. In many upland areas, they are part of the delivery mechanism. If private income

streams are removed before durable alternatives are in place, management capacity may decline before public schemes can replace it.

The relevant policy question should be: what existing private capacity is currently delivering environmental and public-safety benefits, and what happens if policy weakens it?

That question should be answered before major policy change. If a policy reduces private investment in staff, machinery, access, predator control, monitoring, wildfire readiness or maintenance, Defra should identify:

- what capacity will be lost;
- whether public funding will replace it;
- who will employ the people;
- who will maintain infrastructure;
- who will respond to wildfire;
- who will monitor species;
- who will manage access;
- who will carry long-term liability;
- whether replacement capacity is available locally.

It should not be assumed that public schemes can quickly replace private capacity built over decades.

5. Skills are a finite local resource

Upland skills cannot be created instantly. Gamekeepers, shepherds, wallers, peatland contractors, graziers, moorland managers, machinery operators, ecologists and fire-experienced estate staff develop knowledge over many years. They understand weather, access, stock movement, vegetation, water, fire behaviour, species, neighbours and the history of particular places.

This knowledge is often site-specific. A contractor from outside the area may be able to carry out a task, but may not know where ground is too wet for machinery, where access fails in bad weather, where livestock gather, where birds nest, where water points are reliable, or how a wildfire is likely to move across the hill.

Policy should therefore treat upland skills as a national delivery asset. Retaining that workforce should be a measurable objective, not an assumed background condition.

6. Wildfire response capacity

Wildfire shows most clearly why rural skills matter. In remote uplands, the first people able to respond are often farmers, gamekeepers, estate staff, shepherds, contractors and volunteers. They hold keys, know tracks, understand terrain, maintain water points, have access to vehicles and machinery, and can support Fire and Rescue Services with local intelligence.

This capacity depends on active management. If policy removes or weakens the businesses that employ these people, Fire and Rescue Services will lose local support. Public agencies cannot assume that rural communities will provide emergency capacity while policies make that capacity uneconomic.

Defra should therefore support:

- accredited wildfire training for land managers;
- joint exercises with Fire and Rescue Services;
- clear protocols for incident support;
- insurance and liability arrangements;
- communications systems;

- maintenance of access tracks and water points;
- recognition of private equipment and personnel in resilience planning;
- post-fire recovery capacity.

Land managers should not be expected to carry public-safety risk without recognition, training or support.

7. Water, catchments and maintenance

Upland communities and land managers also support water outcomes. Upland management affects drinking-water catchments, peat erosion, colour run-off, reservoir quality, flood attenuation, drainage, fire ash, dissolved organic carbon and post-fire recovery.

Water policy should therefore be connected to land-management viability. Restoration works, sphagnum establishment, drain blocking, erosion control, vegetation management and wildfire prevention all require people to plan, deliver, inspect and maintain them.

Where water-company programmes, peatland grants or public schemes fund catchment works, they should not assume that land managers will absorb long-term maintenance and liability by default.

Each project should make clear:

- who leads;
- who pays;
- who maintains;
- who inspects;
- who repairs;
- who monitors;
- who carries liability;
- what happens when the grant or project period ends;
- how the work fits with farming, grazing, access, wildfire resilience and protected-site management.

Water quality is not delivered by capital works alone. It depends on long-term stewardship, maintenance, monitoring and local knowledge.

8. Access management and community pressure

Public access to the uplands is valuable, but it is not cost-free. Access brings pressure on parking, gates, walls, livestock, dogs, litter, erosion, disturbance, wildfire ignition, path maintenance and public safety. These costs often fall on land managers and local communities.

Where government promotes access, it should also fund access management. This should include:

- signage;
- path maintenance;
- dog-control messaging;
- visitor education;
- parking and traffic management;
- temporary restrictions during high wildfire risk;
- ranger or warden capacity;
- enforcement where necessary;
- compensation or support where land managers carry disproportionate costs.

Public access should be balanced with farming, wildlife, wildfire risk, biosecurity, public safety and the mental wellbeing of those who live and work in affected areas.

9. Rural supply chains

Upland policy affects more than landowners and farmers. It affects a wider supply chain of contractors, vets, hauliers, fencers, wallers, machinery dealers, feed merchants, gunsmiths, game dealers, hotels, pubs, guest houses, shops, garages, surveyors, ecologists, land agents and seasonal workers.

When land-based income is reduced, the impact spreads through rural communities. If keepering jobs disappear, contractors may lose work. If grazing declines, local livestock services may weaken. If sporting income falls, hospitality and seasonal employment may be affected. If public schemes are short-term or uncertain, businesses may not invest in staff or equipment.

Defra should therefore assess upland policy not only by environmental target, but by its effect on the rural economic network that sustains delivery capacity.

10. Mental health, confidence and trust

The cumulative effect of regulation, public pressure, wildfire, media scrutiny and uncertainty can be significant for upland communities. Land managers may be expected to deliver public goods while being portrayed as obstacles to nature recovery or sources of environmental harm. That damages trust and discourages participation.

Wildfire incidents can also place serious emotional and psychological strain on rural families and workers. Land managers may spend long periods assisting with fires, worrying about livestock, property, peat damage, smoke, safety, business loss and public criticism.

Defra policy should recognise that trust and morale are part of delivery. A system that continually adds burden without responsibility, suspicion without partnership, and targets without practical support will not secure the long-term cooperation needed for environmental improvement.

11. The cumulative impact test

The MA recommends that Defra introduce a cumulative impact test for upland policy. Before adopting new rules, guidance, funding conditions or protected landscape objectives, Defra should assess the combined effect on:

- upland business viability;
- farm and estate employment;
- tenant farming;
- commoning systems;
- rural supply chains;
- land-manager confidence;
- private investment;
- skills retention;
- young people and succession;
- wildfire response capacity;
- access management capacity;
- water and catchment maintenance;
- ability to enter and remain in agri-environment schemes;
- protected-site management;
- species monitoring;
- mental health and community resilience.

This assessment should not consider policies in isolation. It should examine how agricultural transition, protected landscape plans, species policy, burning regulation, access pressure, Natural England consents and funding uncertainty interact.

12. Funding participation and delivery capacity
If Defra wants land managers to participate in boards, plans, monitoring, co-design, surveys and long-term delivery, that participation must be funded. Public bodies and NGOs often have salaried staff to attend meetings, respond to consultations and shape plans. Land managers may be asked to do the same while running businesses, managing stock, employing staff and delivering practical work.

Funding should support:

- land-manager participation in regional boards;
- preparation of 25-year management plans;
- monitoring and reporting;
- ecological and technical advice;
- data provision;
- scheme administration;
- training;
- maintenance;
- access management;
- wildfire preparedness;
- water and catchment maintenance;
- collaboration between neighbours;
- dispute resolution and adaptive review.

Without this, co-design will not be genuine. It will favour organisations with administrative capacity over those carrying practical delivery responsibility.

13. Supporting young people and succession
The long-term future of upland management depends on attracting and retaining young people. If farming, gamekeeping, estate work, contracting and practical conservation are made uncertain, poorly rewarded or publicly devalued, fewer young people will enter these roles.

Defra should ensure that upland policy supports:

- apprenticeships;
- land-based colleges;
- keepering and shepherding skills;
- peatland restoration training;
- wildfire training;
- machinery and safety qualifications;
- ecological monitoring skills;
- business succession;
- rural housing and employment opportunities.

Nature recovery requires people with practical skills. It should not be assumed that the workforce will remain available if policy undermines the occupations that sustain it.

14. Earned recognition and competent delivery
Defra should connect delivery capacity with earned recognition. Land managers with a strong record of compliance, monitoring and delivery should benefit from faster consents, reduced duplication and longer agreement periods. This would help retain good operators and focus regulatory effort where risks are higher.

Earned recognition could support:

- quicker approval of routine works;
- recognition of estate-held data;
- reduced duplication of inspection;
- longer-term agreements;
- pre-consented works within approved 25-year plans;
- priority access to innovation trials;
- simplified reporting where outcomes are being delivered.

This is not deregulation. It is proportionate, risk-based regulation that rewards responsible delivery and helps retain the people needed to deliver public goods.

15. Recommended reforms

The MA asks the Committee to recommend that Defra:

1. recognise rural skills and land-management capacity as essential environmental delivery infrastructure;
2. assess the cumulative impact of upland policy on farm, estate, tenancy and commoning viability;
3. ensure ELM, Countryside Stewardship, Farming in Protected Landscapes, Landscape Recovery, peatland grants and water-company programmes fund management capacity, not only capital works;
4. support private investment rather than displacing it without replacement;
5. assess what public capacity would be required if private land-management capacity is weakened;
6. fund land-manager participation in regional boards, 25-year plans, monitoring, co-design and survey governance;
7. support accredited wildfire training and joint exercises with Fire and Rescue Services;
8. fund access management where public access creates costs or risk;
9. treat maintenance, monitoring and adaptive management as core funded activities;
10. recognise food production, farming and commoning as part of upland delivery, not merely as competing land uses;
11. support water and catchment maintenance, including clear responsibility for long-term inspection, repair, monitoring and liability;
12. support rural supply chains that provide the skills, equipment and services needed for upland delivery;
13. support skills, apprenticeships, rural housing and succession in upland land-management roles;
14. include community resilience, mental health and rural employment in assessments of upland policy;
15. introduce earned recognition for reliable land managers with strong compliance and delivery records.

16. Conclusion

The uplands are maintained by people. If those people leave, or if the businesses that employ them become unviable, Defra will lose the delivery capacity needed to achieve its environmental objectives.

The MA supports ambitious outcomes for nature, climate, water, access and rural communities. But those outcomes require viable businesses, skilled workers, private investment, local knowledge and trust. Defra should therefore design upland policy around the people who deliver it, rather than assuming they will remain available regardless of the burdens placed upon them.

The central point is simple: public goods need private and local capacity. If policy weakens the businesses, skills and relationships that sustain that capacity, the uplands will not deliver more. They will deliver less.

Annex 10: Summary of recommendations

Purpose of this annex
This annex brings together the Moorland Association's recommendations to the Committee. The main submission sets out ten headline recommendations. This annex expands those recommendations into a fuller operational package for Defra, Natural England and other public bodies.

The recommendations are intended to support a practical reset in upland policy: from centrally designed, process-heavy regulation towards locally led, evidence-based and outcome-focused delivery.

The MA supports ambitious outcomes for nature recovery, peatland condition, climate mitigation, water management, wildfire resilience, food production, access and rural communities. The issue is not whether the uplands should deliver public goods. They already do. The issue is whether Defra's current delivery model gives the people managing upland landscapes the trust, tools, funding, authority and accountability needed to deliver those outcomes.

The scale is practical. MA members manage around one million acres of upland landscapes in England and Wales, including heather moorland, blanket bog, rough grazing, in-bye land, woodland, watercourses and many designated sites. These landscapes depend on farmers, commoners, graziers, gamekeepers, shepherds, estate staff, contractors, wallers, peatland workers, surveyors and wildfire responders. Policy should be designed around that delivery reality.

1. Reset upland policy around delivery and co-design
The MA recommends that Defra reset upland policy around practical delivery and genuine co-design. National targets should be translated into local action only where the delivery route is clear, funded, consentable and accountable. Defra should stop designing upland policy centrally and then consulting land managers after assumptions, evidence, objectives and delivery routes have largely been fixed.

Defra should require genuine co-design before formal consultation for upland policies, protected landscape plans, survey protocols, scheme rules and regulatory guidance. Landowners, farmers, commoners, gamekeepers, graziers and estate teams should help define objectives, test assumptions, identify trade-offs, design consent routes and agree monitoring indicators from the start.

Before implementation, each major upland policy, plan or funding programme should answer:

- who will deliver it;
- who will fund it;
- who will maintain it;
- what permissions are required;
- what local trade-offs arise;
- what skills and equipment are needed;
- how success will be measured;
- what happens if the intervention fails;
- who is accountable for delay or non-delivery.

Policy should be judged not by the number of strategies, maps, grants or consultations produced, but by whether outcomes improve on the ground.

2. Establish regional upland delivery boards
The MA recommends that Defra establish regional upland delivery boards for England's principal upland areas.

These boards should be locally led, practical and outcome-focused. They should not be another advisory forum. Their purpose should be to align action, funding, permissions, monitoring, maintenance and accountability in each upland area.

Core decision-making membership should comprise land managers and relevant local authorities. Land-manager representation should include, as appropriate, landowners, tenant farmers, commoners, graziers, gamekeepers, estate managers and others with direct operational responsibility for the land.

Other bodies, including Natural England, Defra, the Environment Agency, Fire and Rescue Services, Local Resilience Forums, water companies, conservation bodies, National Park or National Landscape bodies and specialist advisers, should participate as statutory, technical or delivery advisers rather than as controlling members.

Boards should not override property rights, tenancy arrangements, common rights or sporting rights. Their purpose should be to align delivery where those with legal responsibility for the land agree the action.

The boards should:

- co-design place-based upland plans;
- align ELM, Countryside Stewardship, Farming in Protected Landscapes, Landscape Recovery, water-company programmes, peatland grants and private investment;
- coordinate permissions and consents;
- embed wildfire resilience;
- align water and catchment delivery;
- identify operational infrastructure needs;
- maintain delivery logs;
- resolve disputes locally where possible;
- escalate unresolved barriers to Defra or ministers.

The purpose is to restore practical local accountability and prevent upland delivery being fragmented between multiple agencies, plans and funding streams.

3. Create land-manager-led 25-year upland management plans

The MA recommends that Defra create a formal route for land-manager-led 25-year upland management plans.

These plans should allow estates, commons associations and land-management partnerships to set out integrated long-term plans for:

- peatland condition and hydrology;
- grazing and stocking;
- heather and vegetation structure;
- wildfire resilience and fuel-load management;
- water quality and catchment management;
- access and visitor management;
- species conservation;
- predator control where lawful and evidence-led;
- bracken, scrub and tree management;
- tracks, fences, walls, bridges, fire ponds and emergency access;
- protected-site features;
- monitoring, reporting and adaptive review;
- long-term maintenance and funding responsibilities.

Where relevant, tenants, commoners, graziers, sporting tenants and others with rights or operational responsibilities should be involved in preparation.

Natural England should approve the protected-site elements of such plans where statutory approval is required. Once approved, routine works within agreed parameters should be pre-consented, deemed consented or fast-tracked.

This would move regulation away from repeated short-term permissions and towards long-term accountability. It would also allow land managers to invest in staff, monitoring, advice, equipment and delivery with greater confidence.

4. Apply a workability and outcomes test to regulation

The MA recommends that Defra require Natural England and other public bodies to apply a workability and outcomes test to upland licences, consents, guidance, survey protocols and scheme conditions.

Before imposing a restriction or condition, the decision-maker should ask:

- what specific risk is being managed;
- whether that risk is evidenced and site-specific;
- whether the condition is necessary and proportionate;
- whether there is a less restrictive way to manage the risk;
- whether the condition can be discharged within the relevant operational window;
- what happens if the activity cannot proceed;
- whether delay, refusal or non-intervention creates its own environmental or public-safety risk;
- whether an alternative has been identified that can deliver equivalent benefit in the same timescale.

A licence, consent or permission should not be treated as meaningful if it cannot realistically be used.

5. Make wildfire resilience a core upland policy objective

The MA recommends that Defra make wildfire resilience a core objective across upland policy. This should include:

- a statutory Wildfire Severity Reduction Duty;
- regional wildfire resilience plans;
- a statutory wildfire monitoring protocol;
- fuel-load monitoring;
- near-miss reporting;
- Fire and Rescue Service input into land-management decisions;
- recognition of land-manager first-response capacity;
- accredited land-manager wildfire training;
- joint exercises with Fire and Rescue Services;
- a dedicated Wildfire Resilience Option;
- a fast public-safety consent route for urgent fuel-reduction works;
- support for active fuel management through grazing, cutting, mowing, bracken and scrub control, rewetting where feasible and prescribed winter burning where appropriate;
- a national wildfire warning and visitor-risk campaign.

Defra policy should be tested against whether it increases or reduces fuel load, fuel continuity, fire intensity, speed of spread, peat ignition risk, smoke exposure, firefighter risk, risk to homes and infrastructure, access for emergency response, availability of water and harm to rural communities.

6. Keep prescribed winter burning available where justified

The MA recommends that Defra recognise prescribed winter burning as one possible tool within an integrated upland management toolbox.

Burning should not be used everywhere. It should be properly planned, risk assessed, seasonally restricted, safeguarded, trained and monitored. However, it should remain available where site-specific evidence shows that it is the most practical or proportionate tool for fuel-load management, wildfire mitigation, vegetation structure or public safety.

Defra should review whether current heather and grass burning regulation has become a practical prohibition despite formal legal availability. Where burning is refused, delayed or conditioned so that it cannot proceed, the responsible public body should identify an alternative capable of delivering equivalent risk reduction in the same timescale.

Alternatives to burning should be assessed practically. The decision-maker should identify who will deliver the alternative, who will pay, whether machinery and access are available, whether permissions are in place, whether the work can be completed in the same season, whether cut material can be removed without damage, and whether the alternative delivers equivalent fuel reduction.

7. Establish a fast public-safety consent route

The MA recommends a fast public-safety consent route for urgent wildfire-mitigation and fuel-reduction works.

This route should apply where a wildfire risk has been identified by a land manager, Fire and Rescue Service, Local Resilience Forum or regional upland delivery board. It should be:

- time-limited;
- locally informed;
- evidence-based;
- proportionate;
- environmentally safeguarded;
- clear about appeal or escalation;
- capable of being used within the relevant management window.

Where a public body refuses, delays or conditions the work, it should record the consequences of non-intervention and identify an alternative mitigation measure capable of delivering equivalent risk reduction in the same timescale.

8. Improve evidence assurance

The MA recommends that Defra establish minimum evidence-assurance standards for evidence reviews used in upland policy and regulation.

Evidence used to restrict land-management tools should be transparent, auditable and capable of Parliamentary scrutiny. Reviews should retain and publish, subject to appropriate redactions:

- scope and protocol;
- search terms;
- inclusion and exclusion criteria;
- study-quality assessments;
- external-validity assessments;
- treatment of uncertainty;
- treatment of contrary evidence;
- reviewer instructions;

- reviewer comments;
- response-to-review records;
- completion and sign-off records;
- limitations;
- a clear assurance statement explaining what review was undertaken and what the review does not decide.

Public descriptions of evidence reviews should match the retained record. Reviews should not be described as having undergone rigorous peer review unless that description is supported by documentation.

Where evidence is used to restrict wildfire-relevant tools, the review should also explain how it considered fuel load, fuel continuity, wildfire severity, the practicality of alternatives and the risks of non-intervention.

9. Ground-truth maps and models

The MA recommends that Defra require maps and models used in upland policy to be ground-truthed with land managers before they affect funding, regulation, consent or strategic expectations. Peat maps, habitat maps, wildfire-risk layers, woodland opportunity maps, Local Nature Recovery Strategy maps and natural-capital models can all influence decisions. They should therefore be transparent about:

- data sources;
- resolution;
- limitations;
- uncertainty;
- date of data collection;
- correction mechanisms;
- the decisions for which they are suitable or unsuitable.

Land managers should have a route to correct or refine map-based assumptions using local evidence. Maps should guide inquiry. They should not substitute for site-specific judgement.

10. Prevent quasi-regulation through protected landscape plans

The MA recommends that Defra issue guidance preventing National Park and National Landscape management plans from creating quasi-regulation by implication.

Plans should clearly distinguish between:

- statutory duties;
- national policy;
- local planning policy;
- partnership aspirations;
- voluntary guidance;
- funding criteria;
- proposed projects;
- site-specific decisions still requiring consent.

They should not create new regulatory tests, pre-empt national policy, narrow lawful land management or impose restrictions by drift. They should recognise active land management, economic viability, wildfire resilience, operational infrastructure, water and catchment management, rural communities and lawful farming, commoning, moorland management and sporting management as part of protected landscape delivery.

Defra should also clarify that the strengthened protected landscape duty does not turn non-statutory management plans into binding codes for private land managers, and does not override property rights, tenancy arrangements, common rights or sporting rights.

11. Reform species licensing and survey governance

The MA recommends that Defra and Natural England treat land managers as partners in species conservation and survey design.

For species licensing, Defra and Natural England should move suitable interventions from repeated trial culture to outcome-led conservation delivery. Multi-year licences should be available where delivery stability is necessary and safeguards can be maintained.

Licence conditions should be necessary, evidence-based, proportionate, risk-specific and compatible with practical delivery. The absence of a workable coexistence mechanism should not automatically be treated as a neutral conservation baseline.

For sensitive species surveys, protocols should be co-designed with land managers before fieldwork begins. They should clarify:

- who will enter the land;
- what will be recorded;
- how data will be used;
- whether data may inform condition assessment, compliance or enforcement;
- how third-party involvement will be managed;
- how sensitive species and land-management data will be protected;
- how estate-held data can be submitted and verified;
- how factual errors or disputed records can be corrected.

A disturbance licence or permit should not be treated as conferring a right of entry onto private land.

12. Fund people, maintenance, water and delivery capacity

The MA recommends that Defra funding schemes support the full cost of delivery, not only capital works.

ELM, Countryside Stewardship, Farming in Protected Landscapes, Landscape Recovery, peatland grants and water-company programmes should fund:

- management capacity;
- staff time;
- monitoring;
- maintenance;
- technical advice;
- scheme administration;
- training;
- access management;
- wildfire preparedness;
- participation in regional boards;
- preparation of long-term management plans;
- water and catchment maintenance;
- post-fire recovery planning;
- long-term inspection, repair and liability arrangements.

A project that funds capital works but not maintenance or people will not deliver durable outcomes.

For every major funded intervention, Defra should require clarity on who leads, who pays, who delivers, who maintains, who monitors, who carries liability, and what happens when the grant period ends.

13. Protect rural businesses, food production, commoning, skills and private investment
The MA recommends that Defra recognise rural land-management businesses as environmental delivery infrastructure.

Defra should assess the cumulative impact of upland policy on:

- farm and estate viability;
- tenant farming;
- food production;
- commoning systems;
- employment;
- gamekeeping and shepherding skills;
- contractors and rural supply chains;
- private investment;
- water and catchment maintenance;
- wildfire response capacity;
- access management;
- local knowledge;
- mental health and community resilience;
- young people and succession.

Environmental policy should not assume that the workforce, equipment and private investment that currently support upland delivery will remain available if the underlying businesses are weakened. Where policy reduces private investment in staff, machinery, access, predator control, monitoring, wildfire readiness or maintenance, Defra should identify what public capacity would be required to replace it.

14. Support earned recognition
The MA recommends that Defra introduce earned recognition for responsible upland land managers. Land managers with a strong record of compliance, monitoring and delivery should benefit from:

- faster consents;
- reduced duplication of reporting;
- longer agreement periods;
- recognition of estate-held data;
- pre-consented routine works within approved plans;
- priority access to innovation trials;
- lighter-touch administration where risk is low;
- faster access to wildfire resilience or habitat delivery funding.

Earned recognition is not deregulation. It is risk-based regulation focused on outcomes and proportionality. It would allow Natural England and Defra to focus regulatory effort on genuine risks and poor performance rather than repeatedly approving routine works by competent land managers operating within agreed plans.

15. Require accountability for the consequences of inaction
The MA recommends that public bodies be required to account for the consequences of delay, refusal or non-intervention.
Too often, regulatory systems focus only on the risk of permitting an activity. They do not adequately assess the risk of preventing it. This is especially important where restrictions affect

wildfire mitigation, fuel-load management, protected-site management, species conservation, water management or rural business viability.

Where a public body refuses, delays or conditions an activity so that it cannot proceed, it should record:

- the risk created by non-intervention;
- the alternative expected to deliver equivalent benefit;
- who will deliver that alternative;
- in what timescale;
- with what funding;
- what permissions are required;
- how success will be monitored;
- who is accountable if the alternative is not delivered.

This would make decision-making more complete and more accountable. It would ensure that public bodies consider both sides of the risk equation: the risks of action and the risks of inaction.

16. Overall recommendation

The MA asks the Committee to recommend that Defra adopt a new upland delivery model based on five principles.

1. Local leadership: land managers and local authorities should lead regional delivery, with statutory bodies and technical organisations advising and supporting.
2. Long-term planning: 25-year land-manager-led plans should integrate peat, biodiversity, water, wildfire, access, species, food production, commoning and rural business viability.
3. Practical regulation: licences, consents and conditions should be workable, proportionate and accountable for the consequences of delay or refusal.
4. Evidence assurance: evidence, maps and models used to restrict management should be transparent, auditable and ground-truthed.
5. Delivery capacity: rural skills, private investment, active land management, local knowledge and public-safety capability should be recognised as essential to environmental outcomes.

The central message is that the uplands will not be restored, protected or made resilient by process alone. They require people with the authority, confidence, tools and resources to act. Defra should therefore trust land managers with responsibility, not burden them with disconnected compliance.