

Moorland Association submission to the EFRA Committee call for evidence on the uplands

This submission is supported by ten annexes: Annex 1 maps it to the Committee's questions; Annex 10 summarises the recommendations; Annexes 2-9 provide evidence and case studies.

I. Executive summary and recommendations

England's uplands are living, working landscapes. They deliver food, biodiversity, carbon storage, water management, wildfire resilience, access, cultural heritage and rural employment only with viable businesses, skilled people and active management. The central question is not simply what further targets Defra should set, but whether its delivery model enables those managing the uplands to deliver them.

Defra's upland policy now requires a fundamental delivery reset. The problem is not lack of ambition, but a model in which policy is too often designed centrally, translated into plans, guidance, funding rules and consents, and only then presented to landowners and land managers for comment. That treats land managers as consultees at the end of the process, not delivery partners from the start.

This matters because upland outcomes are practical, local and interdependent. Peatland restoration, grazing, vegetation management, wildfire prevention, species conservation, access, water quality, farming, commoning and sporting management cannot be separated into administrative silos. Decisions that appear precautionary on paper can increase risk on the ground if they remove tools, delay action, undermine business viability or reduce the skilled workforce needed to deliver outcomes.

Environmental regulation should protect habitats and species, but it must also be workable, proportionate and accountable for results. A licence, consent or scheme condition that cannot be used within the operational window is not a meaningful permission. A protected landscape plan that is formally non-statutory but is later relied upon as a benchmark or material consideration can become quasi-regulation by drift. A funding scheme that pays for capital works but not the people, maintenance and monitoring needed to sustain them is unlikely to deliver lasting value.

The Moorland Association therefore asks the Committee to recommend that Defra:

1. reset upland policy around co-design with landowners, farmers, commoners, gamekeepers, graziers and estate teams;
2. establish regional upland delivery boards to align funding, consents, wildfire planning, monitoring and local delivery;
3. create a route for land-manager-led 25-year upland management plans, subject to agreed standards, audit and appropriate statutory oversight;
4. apply a workability and outcomes test to Natural England licences, consents and scheme conditions;
5. recognise wildfire resilience as a core upland objective across ELM, Countryside Stewardship, peatland restoration, access policy and protected-site management;
6. introduce a fast public-safety consent route for urgent fuel-reduction works, including prescribed burning where justified;

7. prevent non-statutory plans, maps and funding criteria from creating new restrictions by implication;
8. ensure evidence used to restrict land-management tools is transparent, auditable and open to Parliamentary scrutiny;
9. support earned recognition for reliable land managers with strong compliance and delivery records; and
10. protect the economic viability, skills and private investment on which upland public goods depend.

2. About the Moorland Association and the upland delivery problem

The Moorland Association represents owners and managers of upland moorland in England and Wales. Our 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 significant public goods, including biodiversity, carbon storage, water regulation, wildfire mitigation, public access and rural employment through farming, sporting management, gamekeeping, private investment and conservation work.

MA members work within Defra policy and Natural England regulation every day. They operate across overlapping systems of SSSI consent, protected-site regulation, agri-environment agreements, burning and species licences, access duties, planning controls, water-company schemes and monitoring.

Upland policy is increasingly shaped by national targets, protected landscape plans, funding criteria, evidence reviews and regulatory guidance that are not always grounded in the operational realities of managing land. Regulation is often fragmented, process-heavy and risk-averse. It can require repeated permission for routine activity while giving insufficient weight to the outcomes that Parliament and the public expect: healthier peat, resilient habitats, thriving species, lower wildfire severity, clean water, public access and viable rural communities.

The MA does not argue for weaker environmental regulation. We argue for better regulation: locally informed, evidence-led, proportionate and accountable for outcomes. Land managers should not be treated as peripheral consultees or delivery agents for plans designed elsewhere. They are part of the delivery system itself. Defra's task is to build policy, funding and regulation around that reality.

3. From late consultation to co-design

Defra should stop consulting upland land managers only after policy, plans, guidance or programmes have been substantially formed. That approach is not genuine partnership. It asks those who manage the land to comment on decisions whose assumptions, evidence base and delivery pathway may already be fixed.

In the heather and grass burning consultation, MA warned Defra that the proposals should be paused because the risks were too great, the evidence incomplete and the consequences insufficiently understood. The consultation proceeded without draft regulations, before the revised management code was published, and in circumstances where major wildfire-related evidence gaps were still being addressed. That is not a sound basis for policy affecting fuel load, wildfire severity, peat condition, rural businesses and protected-site outcomes. Further detail is provided in Annex 4.

The same problem arises in protected landscape planning. National Landscape and National Park management plans are often described as strategic and non-statutory, but in practice their wording can influence planning decisions, regulatory expectations, funding criteria and third-party objections. Where land managers are consulted late, plan language may unintentionally create presumptions against lawful management, or imply a preferred direction of travel before practical consequences have been tested. Further detail is provided in Annex 7.

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

The issue is not whether land managers should be exempt from scrutiny. It is whether Defra wants policies that can actually be delivered. Upland outcomes depend on landowner consent, confidence, practical knowledge and long-term investment. Those cannot be added at the end of the process.

4. Regional upland delivery boards and 25-year estate-led management plans

The MA recommends that Defra establish regional upland delivery boards to move upland policy from fragmented consultation to accountable delivery. They should be place-based, practical and outcome-focused. They should not be another advisory forum, but a mechanism through which land managers, public bodies and delivery partners agree actions, responsibilities, funding, permissions and success measures.

Each board should be built around those with land-management responsibility and democratic accountability. Core decision-making membership should comprise land managers and relevant local authorities, including landowners, tenant farmers, commoners, graziers, gamekeepers, estate managers and relevant local authorities including National Park authorities where they are the local planning authority. Natural England, Defra, the Environment Agency, Fire and Rescue Services, water companies, conservation 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.

Regional boards should co-design place-based upland plans covering peatland, grazing, vegetation, wildfire resilience, water, access, species, protected sites, infrastructure and monitoring. They should also align ELM, Countryside Stewardship, Farming in Protected Landscapes, Landscape Recovery, water-company programmes and private investment, so funding streams reinforce each other rather than conflict.

Regional boards should maintain a delivery log for each major plan or programme. This should identify the action, lead, funding, permissions, maintenance responsibility, indicators, review points and contingencies if the intervention fails or creates unintended consequences. No upland target should be adopted unless those questions have been answered.

The MA also recommends a route for land-manager-led 25-year upland management plans. Many upland estates, commons associations and land-management partnerships already have the expertise to do this. They should be able to prepare integrated long-term management plans for the land they manage, subject to clear outcome standards, audit and Natural England oversight.

Such plans should cover the main upland management issues, including peat, vegetation, grazing, wildfire resilience, water, species, access, infrastructure, monitoring and adaptive review. Where relevant, tenants, graziers, commoners and sporting interests should be involved in their preparation. Natural England should approve protected-site components where statutory approval is required, but routine works carried out within an approved plan should be pre-consented or fast-tracked.

Government already trusts rural businesses to submit legally significant financial, tax, employment, subsidy and safety records, subject to audit and penalties. It should not assume that those same businesses are incapable of preparing evidence-based environmental management plans for their own land. A better system would trust competent land managers with responsibility, while retaining audit, oversight and enforcement where outcomes are not delivered.

This would allow Natural England to focus regulatory effort on genuine risks and poor performance, rather than repeatedly approving routine works by responsible land managers operating within an agreed long-term plan. Annex 2 provides the fuller proposed model.

5. Regulation must be workable: case-study lessons

The MA's experience across burning regulation, wildfire mitigation, species licensing and survey governance points to the same problem: environmental regulation is too often judged by whether a process exists, not by whether that process enables delivery on the ground. A route may appear reasonable, yet still fail if it cannot be used in upland management.

Heather burning regulation illustrates this clearly. Defra has not removed prescribed burning from the statute book, but the combined effect of restrictive policy, evidential burden, guidance, short licence periods and impracticable conditions is increasingly to make the tool unavailable in practice. That is a practical prohibition, even if it is not described as a formal ban. The issue is not whether burning should be used everywhere. The issue is whether a competent land manager has a timely, proportionate and evidence-based route to use controlled burning where local conditions, fuel load, terrain, access, wildfire risk and environmental safeguards justify it.

The Hurst & Chunal case shows the consequences. Defra accepted that there was a current wildfire risk and granted a licence for controlled burning on deep peat. However, an attached restoration-plan condition had to be discharged before any burning could take place and was applied in a way that made the licence impossible to use within the licence period. The result was that an acknowledged wildfire risk remained unmanaged. In wildfire mitigation, delay is not neutral: fuel loads grow, weather windows close and operational opportunities are lost. That is not effective environmental regulation. Permission in form became refusal in substance. Annex 5 summarises the Hurst & Chunal case.

The same lesson arises in species conservation. Hen harrier brood management was developed through a Defra-supported recovery framework as a lawful conflict-management tool. The trial demonstrated that brood management could operate safely and helped build confidence among participating land managers. The regulatory question should therefore be how such an intervention can continue safely and proportionately, not how to recreate the evidential burden of a completed trial. Where evidence and safeguards exist, protected-species licensing should enable conservation delivery rather than trap it in a permanent trial-and-permission culture. Annex 8 provides further detail on species conservation, hen harrier licensing and survey governance.

These examples show a pattern: Defra and Natural England may recognise an environmental objective in principle, but design processes that make delivery difficult, slow or impossible. That

damages trust, increases cost, discourages participation and can leave real environmental risks unmanaged.

The MA recommends that Defra require a workability and outcomes test for all upland licences, consents, scheme conditions and survey protocols. Before imposing a condition or refusing an activity, the decision-maker should ask whether the risk is evidenced and site-specific; whether the condition is proportionate and workable; and what the consequences of delay, refusal or non-intervention would be. Annex 10 sets out this proposed test in recommendation form.

Environmental regulation should be demanding, but it must also be usable. A system that prevents responsible land managers from acting, while claiming that a permission route exists, is not protecting the environment. It is avoiding accountability for the consequences of inaction. The cost of regulatory delay is carried by the land manager and the landscape, not by the official who withholds or conditions permission.

6. Wildfire resilience as the test of upland policy

Wildfire is the clearest test of whether Defra's upland policy can balance competing objectives in practice. It connects peat carbon, biodiversity, water quality, public health, access, emergency response, rural businesses and community safety. It exposes siloed policy. A decision taken as peatland, protected-site or access policy may have direct consequences for fuel load, fire behaviour, smoke and firefighter safety.

The MA's central point 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 ignition becomes a controllable surface fire or an incident affecting peat, wildlife, water, homes, roads and public health. Defra policy should therefore support active, integrated fuel management through grazing, cutting, mowing, bracken and scrub control, rewetting where feasible, maintained access and prescribed winter burning where appropriate. Annexes 3 and 4 set out the toolbox approach, including prescribed winter burning where site-specific evidence justifies it.

Rewetting should be supported where it works, but it is not a complete wildfire strategy. Some land cannot be rewetted sufficiently because of slope, geology, infrastructure or climate; elsewhere, rewetting may improve hydrology without removing fuel loads, visitor ignition risk or the need for access, water points and trained first responders. Policy should therefore avoid treating rewetting as a substitute for fuel-load management.

Wildfire resilience also depends on people. In remote uplands, the first effective response often comes from farmers, gamekeepers, shepherds, estate staff, contractors and volunteers who know the ground, hold keys, maintain access and water points, and have practical fire experience. If policy makes active moorland management uneconomic or impracticable, Fire and Rescue Services will lose local intelligence, equipment, access and experienced support. This privately funded capacity should be recognised as part of national wildfire resilience.

The MA recommends that Defra make wildfire resilience a core upland objective across ELM, Countryside Stewardship, peatland restoration, protected-site management, access policy and planning. This should include regional resilience plans, fuel-load monitoring, a dedicated Wildfire Resilience Option, Fire and Rescue Service input into land-management decisions, and a fast public-safety consent route for urgent fuel-reduction works. Annexes 3 and 5 explain the need for a usable route within the relevant management window.

The test should be simple: does the decision reduce or increase wildfire severity, fuel continuity, firefighter risk, peat ignition, smoke exposure and harm to rural communities?

7. Funding, evidence, mapping and protected landscapes

Defra's upland delivery model depends on aligning funding, evidence, mapping and protected landscape policy with practical management. At present, they too often operate separately: funding may incentivise activity without maintenance; evidence reviews may justify restrictions without sufficient transparency; maps may shape eligibility before ground-truthing; and non-statutory plans may acquire quasi-regulatory force.

Public funding should be judged by whether it reaches the ground. The test is not how much money is announced, but how much supports the people, equipment, monitoring and maintenance needed to improve habitat condition. Schemes such as ELM, Countryside Stewardship, Farming in Protected Landscapes, Landscape Recovery, peatland grants and water-company programmes should be aligned through regional upland delivery boards. They should fund management capacity, not only capital works, and make clear who leads, pays, maintains works after grant periods end and carries liability. Annex 9 explains why funding must support people, skills, maintenance and delivery capacity, not just capital works.

Evidence-led policy also requires evidence assurance. Where Defra or Natural England rely on evidence reviews to restrict land-management tools, the process should be transparent, auditable and capable of Parliamentary scrutiny. That should include the review scope, protocol, criteria, study-quality assessments, reviewer instructions, comments, response-to-review records and sign-off. Uncertainty and contrary evidence should be recorded openly, where restrictions may affect wildfire risk, rural businesses or protected sites. Annex 6 sets out the MA's evidence-assurance concerns in relation to NEER155.

Mapping and modelling can help target delivery, but they should not substitute for local verification. Peat, habitat, land-use, wildfire-risk and LNRS mapping should be ground-truthed with those managing the land before they influence scheme eligibility, consent decisions or informal regulatory expectations. A map can guide inquiry; it should not become an unchallengeable instruction.

The same applies to National Park and National Landscape plans. These documents are often described as strategic and non-statutory, but their wording can be relied upon by planning authorities, statutory consultees, regulators, funders and third-party objectors. Defra should require such plans to distinguish clearly between aspiration, guidance and statutory duty; avoid creating new tests by implication; avoid pre-empting national policy; publish clear HRA and SEA conclusions where relevant; and recognise operational infrastructure, wildfire resilience and lawful land management as part of delivering protected landscape outcomes. Annex 7 provides the supporting detail.

8. Rural communities, skills and conclusion

Upland environmental delivery depends on rural communities and skills. Farmers, commoners, graziers, gamekeepers, shepherds, estate staff, contractors, wallers, peatland teams and wildfire responders are not incidental to nature recovery. They maintain habitats, monitor species, manage grazing, repair walls and tracks, control bracken and scrub, support access, reduce wildfire risk and respond to incidents.

If upland businesses become unviable, Defra will not just lose private income. It will lose workforce capacity, local knowledge, equipment, early-warning capability, monitoring effort and long-term stewardship. Agricultural transition, protected landscape plans, species policy, burning regulation,

access pressure and Natural England decision-making should therefore be assessed for their cumulative impact on the people and businesses needed to deliver public goods.

The MA supports ambitious upland environmental outcomes, but those outcomes will not be delivered by central targets alone. They require trust, co-design, practical regulation, viable businesses and accountable local delivery. Defra should trust land managers with responsibility, not simply burden them with compliance.

Supporting annexes

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

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

Annex 3: Wildfire resilience, fuel-load management and public safety

Annex 4: Heather burning regulation and practical prohibition

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

Annex 6: Evidence assurance and NEER155

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

Annex 8: Species conservation, licensing and survey governance

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

Annex 10: Summary of recommendations