BASC
The British Association for Shooting & Conservation

Guidance for members in responding to Heather and Grass Burning England consultation

What is Defra consulting on?

The Heather and Grass Burning (England) Regulations 2021

Controlled burning is currently restricted on deep peat (>40cm) in designated conservation areas (SSSI, SPA, SAC) in England, unless licensed. The government is consulting on changes to these rules.

Proposed changes include:

- Redefining "deep peat" as 30cm instead of 40cm.
- Replacing current protected area designations with Less Favoured Areas (LFA) to define regulated zones. (See maps below taken from the consultation document)
- Revise licensing criteria by removing the ground that land is inaccessible to cutting equipment and introducing a new ground allowing burning for research purposes.
- Making it a mandatory requirement to adhere to the Heather & Grass Burning Code, which is currently in the process of being revised and updated.
- Implement mandatory prescribed burning and wildfire training, like the online and practical courses introduced under Scotland's Wildlife Management and Muirburn (Scotland) Act 2024.

Potential Consequences

- The proposal would make it much harder to manage large upland areas through controlled burning.
- The proposed amendments aim to extend the current protections afforded to peatlands in England. It also seeks views on the licence application process under the Regulations.
- The proposed amended licensing regime would allow land managers and owners to apply for permission to burn in limited circumstances.

- Expanding the areas requiring licences for heather burning risks a significant build-up of unmanaged vegetation, increasing fuel loads and, consequently, the likelihood of wildfires. As climate change drives more frequent and intense dry spells, the UK is experiencing a sharp rise in wildfire incidents — with over 286 reported in the first four months of 2025.

- These changes would expand the restricted area from 549,000 to 909,000 acres — a 168% increase.

- Most upland wildfires have occurred on unmanaged moorland, highlighting the importance of effective land management practices over restrictive measures that may hinder essential fuel reduction.

Response Considerations

- Controlled burning has been used by humans for millennia as a method of land management and wildfire risk reduction.

- Current scientific evidence is insufficient to confirm that rewetting and sphagnum moss planting offer consistent, long-term benefits across most heathland areas.

- Cutting is not a reliable substitute, as its medium- to long-term impacts remain unclear, and the resulting brash may actually increase wildfire fuel loads on moorland.

- Altering traditional peatland management approaches could jeopardise the sustainability of livestock farming in these distinctive landscapes.

- There are significant gaps in the scientific evidence underpinning the proposed changes to the Heather and Grass etc. Burning (England) Regulations 2021— particularly the revised, shallower definition of peatland. These changes appear to overlook critical climatic, hydrological, and habitat classification factors.

- Natural England has disproportionately focused on short-term, localised studies, rather than acknowledging comprehensive, long-term research that evaluates the broader landscape-scale impacts, recovery processes, and potential benefits of controlled burning.

- A balanced review of all available evidence would support the conclusion that controlled burning can be a valuable land management tool. It is not inherently damaging and should be assessed based on specific context and conditions.

- Burning can protect biodiversity and achieve a variety of management objectives, creating high conservation value in bird, plant and invertebrate communities and creating a mosaic of different habitat types with vegetation at different ages.

How will this impact your management ?

- How much of your land will now be impacted by these changes?
- Are there public footpaths that create hotspots for increased wildfire risk in these areas?
- Do you currently burn over these areas? Reason for burning? Do you know the peat depth?
- What condition are these areas in - bare peat?
- Have you carried out any restoration? Blocked grips, sphagnum moss planting, revegetation?

Additional Information

The consultation and supporting evidence can be found here

https://consult.defra.gov.uk/peatland-protection-team/heather-and-grass-burning-in-england/

Please note that the Defra consultation allows you to respond via an email

HGBConsultation@defra.gov.uk as well as competing the online survey.

Deadline is **25th May 2025**

For further guidance please contact Alex Farrell alex.farrell@basc.org.uk

Further Supporting Evidence

https://www.futurelandscapesforum.com/

https://peatland-es-uk.york.ac.uk/home

Annex A: Maps

Map 1: Peat covered by current Regulations

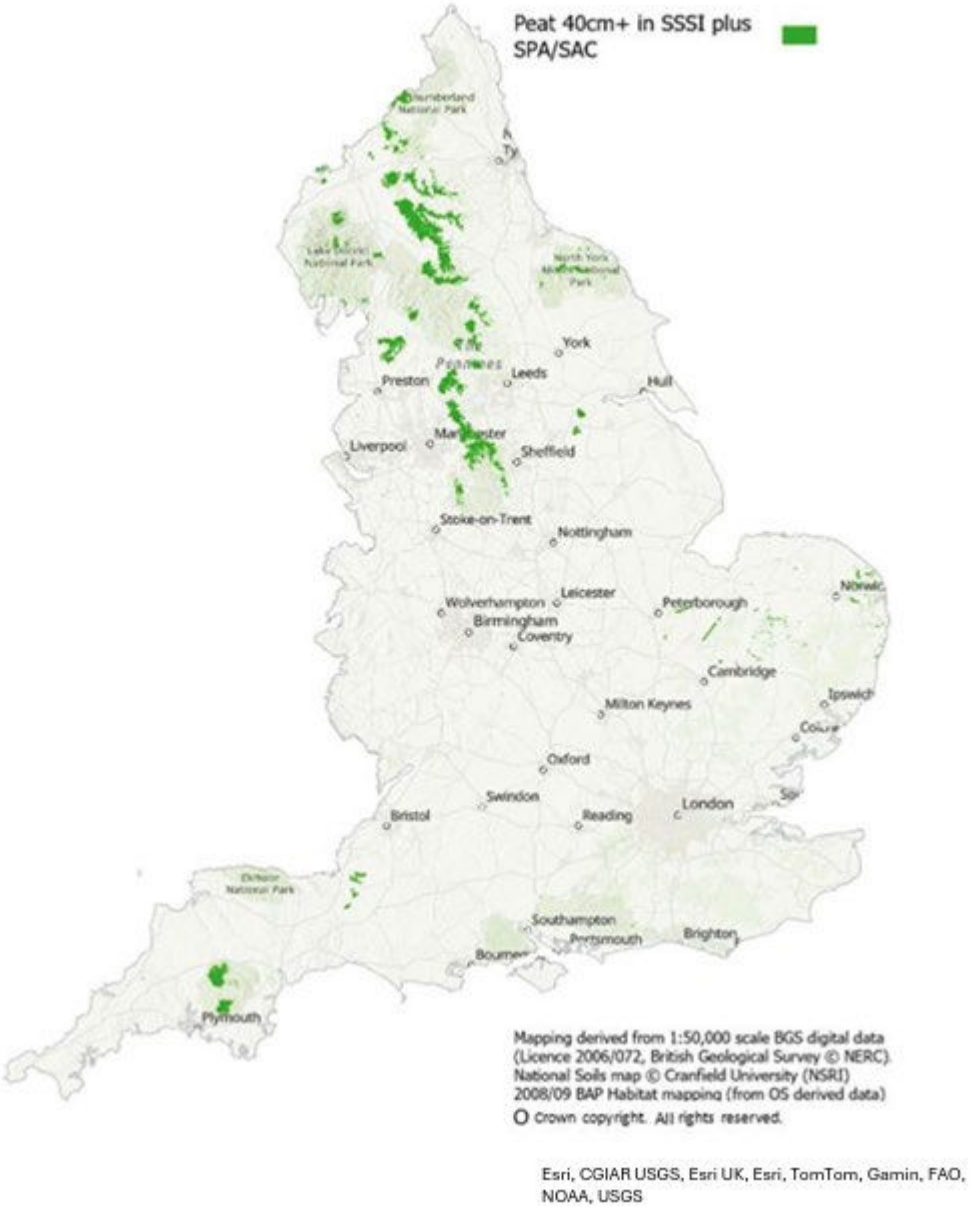


Image courtesy of Defra.

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

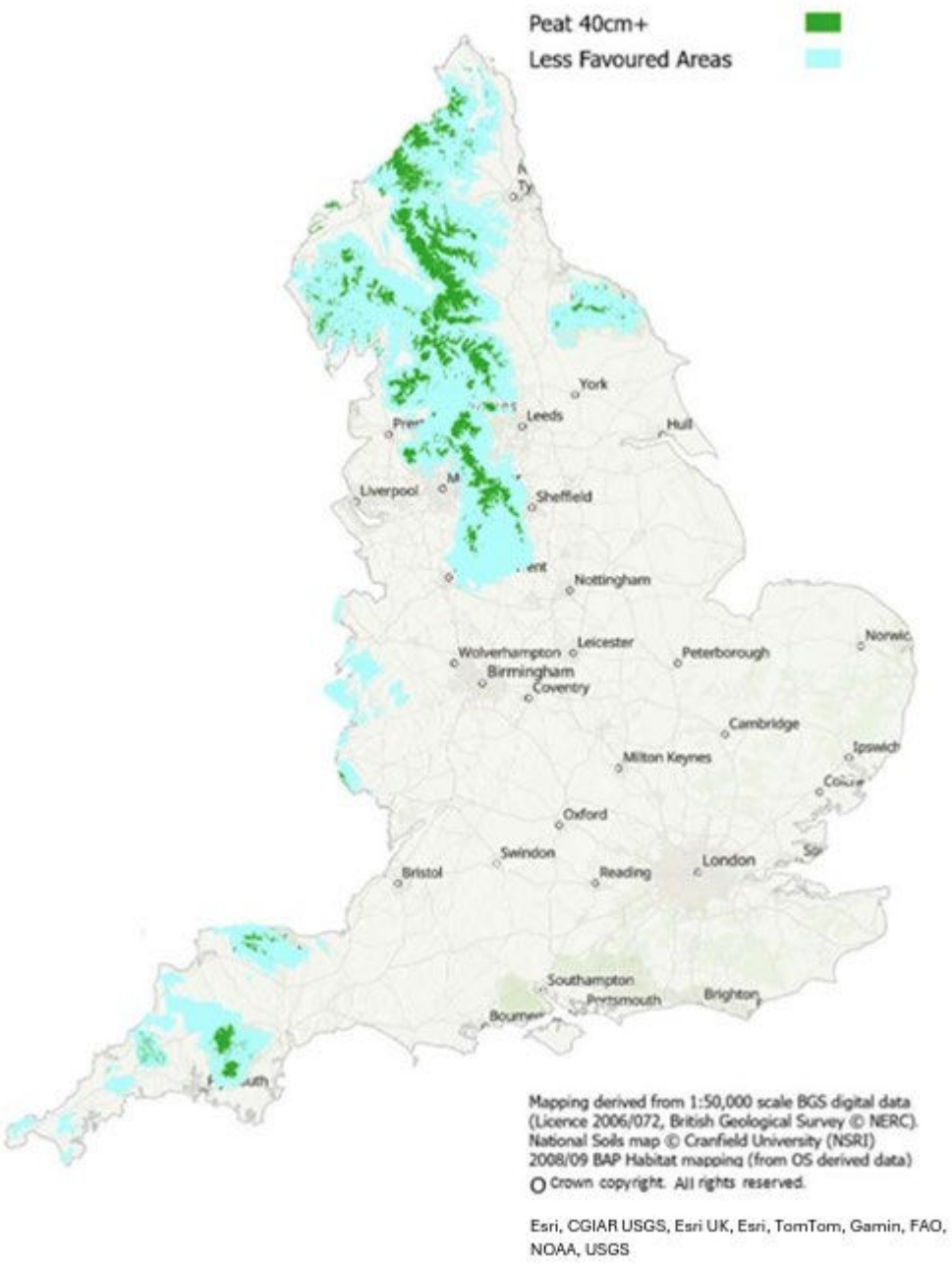


Image courtesy of Defra.