

## COUNTRYSIDE ALLIANCE BRIEFING NOTE: HEATHER AND GRASS BURNING

### House of Lords Debate on Regulations 2021 (SI 2021/158)

Thursday 18 March

#### Background:

- Rotational heather burning, also known as ‘muirburn’, on areas of shallow peat and dry heath is undertaken to increase the diversity of heather age and structure. Burning takes place in small patches, the frequency of which depends on the speed at which heather grows in a particular area and becomes dominant. This ensures that there is a mixture of older heather for protection and nesting, younger heather for feeding, and a fresh burn where regrowth is just starting. It also encourages the growth of peat forming sphagnum moss which filters and absorbs water. The aim is to create lots of micro habitats so that within one acre of moorland the widest possible range of biodiversity, from insects to reptiles, and mammals to birds, have the full range of habitats they require. A low intensity ‘cool burn’ in small patches removes the canopy but prevents the burning of peat or moss beneath the vegetation, avoiding the resultant loss of carbon and delay in regrowth of the heather.
- On 16 February 2021, the Government published new legislation ([The Heather and Grass etc. Burning \(England\) Regulations 2021 \(legislation.gov.uk\)](#)) to protect blanket bog habitats in England. The new regulations, which come into force on 01 May 2021, will prevent the burning of any specified vegetation on areas of peat over 40cm deep on Sites of Special Scientific Interest that are also Special Protection Areas or Special Areas of Conservation, except under licence. However, the prohibition does not apply if the area of specified vegetation to be burned in one burning season is an area which has a slope of more than 35 degrees; or where more than half of that area is covered by exposed rock or scree, and in either case it is a single area of 0.5 hectares or less, or is on two or more areas within 5 metres of each other with a combined area of 0.5 hectares or less.
- The Government has recognised that if moorland is unmanaged, there is a risk of wildfire which can cause significant damage by burning the peat, and that the possibility of these have grown due to climate change. The new regulations therefore allow a person to apply to the Secretary of State for a licence permitting the burning of specified vegetation on blanket bog that would otherwise be prohibited, and this may be granted where it is either beneficial or necessary for: the conservation, enhancement or management of the natural environment for the benefit of present and future generations; the safety of any person; to reduce the risk of wildfire; or because the specified vegetation is inaccessible to mechanical cutting equipment and any other method of management is impracticable
- The statutory Code of Practice for heather burning, [The Heather and Grass Burning Code](#) (Defra, 2007), that was developed in association with key stakeholders, acknowledges that *“Fire has been used by land managers for many thousands of years. When used with skill and understanding, it can benefit agriculture, game birds and wildlife.”* The Code states that burning can only take place during the ‘burning season’ which runs from 1 October – 15 April in upland areas (severely disadvantaged areas), when the roots are at their wettest to avoid a hot burn that can otherwise enter the peat. In order to burn in [environmentally protected areas](#), such as a Site of Special

Scientific Interest (SSSI), consent is required from Natural England, and there are strict limits on the amount of heather that can be burned at any one time. More than 60 per cent of English grouse moors are designated as SSSI. A licence is also required to burn in sensitive locations such as on a slope or near a watercourse.

## **Peatland Protection – The Science: Four Key reports**

- The debate over the use of controlled heather burning as a key element of moorland management continues to be polarised, with opposition to the long-established practice often citing science that is now nearly a decade old.
- A review of research from 2013 - 2020 carried out by respected scientists has now found that the conclusions of the previous science are out of date and could not be regarded as a safe basis for policy decision-making today. This is particularly important given that the Government is currently developing a strategy for peatland.
- The Uplands Partnership, which comprises leading countryside organisations, including the Countryside Alliance, has produced [Peatland Protection: The Science, four key reports](#), which collates the latest scientific findings. This dossier is highly significant in that it strongly recommends that any policy discussions should take cognisance of the latest research. In summary the findings indicate that:
  - Heather burning can have a positive effect on carbon capture.
  - Burning does not cause water discolouration.
  - Environmentally important Sphagnum moss recovers quickly from low severity 'cool' burning.
  - The loss of controlled burning in the USA led to declines in bird life and an increase in damaging wildfires.
  - Greenhouse gas emissions from controlled burning are relatively insignificant compared to emissions from wildfire, or indeed severely degraded lowland peatlands used for agriculture.

## **Rotational Heather Burning helps prevent flooding**

- The accusation that heather and grass burning contributes to flooding shows a lack of understanding about the practice and the role it has in conserving heather and peatland across the uplands, which is some of the country's most valuable habitat.
- The drainage of peatland with agricultural drains, or 'grips' was once widespread in the uplands, and in the 1960s and 1970s successive governments offered farmers and landowners grants for draining their land; grants that were aimed at increasing agricultural productivity, not the number of grouse.
- The drainage of peatland has since been discredited, and research undertaken by the Game and Wildlife Conservation Trust (GWCT) in the 1980s and 1990s into [Erosion and Moorland Drainage](#) found that drains continued to erode over time, and concluded that blocking these drains was the only way to reverse the deterioration of the moorland. Grouse moor managers, working in conjunction with government and other stakeholders, are actively working on a number of projects which include re-vegetation of bare peat and blocking government-incentivised drains in order to

restore damaged peatland and encourage the growth of peat forming sphagnum moss which slows the flow of surface water and filters out discolouration.

- Peat Restoration Partnerships have proved highly effective and are an example of stakeholders working together to restore peatland. In the North of England over 44,500 acres of moorland has been repaired and revegetated, and in the North Pennines the work undertaken to block agricultural drains resulted in the North Pennines Area of Outstanding Natural Beauty Peatland Programme being awarded the Climate Change Award at the Durham Environment Awards 2015. Their [Management Plan](#) for 2014-2019 recognised that “sound grouse moor management can contribute significantly to the conservation and enhancement of natural beauty.” Some 7,000 Km of drainage ditches have now been blocked by grouse moor managers in order to re-wet the peat and to mitigate flood risk.
- A [Natural England Evidence Review](#) into The Effects of Managed Burning on Upland Peatland Biodiversity, Carbon and Water (Natural England, 2013) concluded “no evidence was identified specifically relating to the effect of burning on watercourse flow or the risk of downstream flood events. If there are any effects, these are likely to be highly site specific.” On the basis of that Review, the prominent ecologist Professor Jeremy Purseglove stated in [Countryfile Magazine](#) in January 2016 that any link between grouse moor management and flooding is “unproven”.
- There is no proven link between grouse moor management and flooding. What is clear, is that the concerted efforts of grouse moor managers to block agricultural drains and revegetate bare peatland contributes to slowing the flow of water through the catchment area. This work should be seen as part of any flood prevention strategy rather than a causal factor.

### **Rotational heather burning helps prevent wildfires**

- Controlled, rotational burning can also help reduce the risk of damaging wildfires and the carbon loss caused by these. Large stands of rank and woody heather pose a major fire risk due to a significant build-up of fuel loads. Uncontrolled wildfires cause considerable environmental damage as they burn with greater intensity burn the peat beneath the vegetation, and prevent the peatland storing water and carbon. This view is supported by research into [Heather Burning](#) by the Game and Wildlife Conservation Trust.
- The 2018 wildfire on Saddleworth Moor, which was followed by a further serious wildfire in February 2019, took 10 days to bring under control, involving fire fighters from seven counties to fight the blaze, assisted by gamekeepers, wardens from the Peak District National Park, National Trust and RSPB, as well soldiers, farmers and other volunteers. Those gamekeepers, who came from nine shooting estates from across the Peak District, were able to provide much-needed experience and specialist fire-fighting equipment. Some four square miles of moorland were destroyed, and the environmental damage was considerable. The moor had a no-burn policy. The 2019 wildfire of Scotland’s Flow Country, as a result of the moorland becoming overgrown, likewise resulted in over 22 square miles of this UNESCO world heritage site being severely damaged, with 700,000 tonnes of CO2 equivalent released into the atmosphere, doubling the country’s greenhouse gas emissions for the six days it burned. An exercise undertaken by Scottish Natural Heritage and the Scottish Fire and Rescue Service (SFRS) in 2018 also showed that the correlation between the number of wildfires that the SFRS are called out to and heather burning is extremely low. Out of a total of 153 fires, only four were in areas of moorland managed for grouse, and none were during the burning season. All were due to accident or arson.

### **Countryside Alliance Position**

- Although the Alliance did not believe legislation was necessary to protect blanket bog habitats, we are delighted that Defra has listened to evidence, and recognises the important role that

controlled burning has to play both in preventing wildfires and for conservation, where other practices are not possible.

- Grouse moor managers are undertaking a considerable of work to maintain and restore peatland. This is helping both to improve the ability of the uplands to store water and reduce downstream flooding and carbon sequestration. Their work is playing a valuable role in improving water quality.

**For more information please contact:**

**Adrian Blackmore**

Director of Shooting

[Adrian-blackmore@countryside-alliance.org](mailto:Adrian-blackmore@countryside-alliance.org)

0207 840 9250

**James Legge**

Head of Political

[James-legge@countryside-alliance.org](mailto:James-legge@countryside-alliance.org)

0207 840 9263