The IUCN UK Peatland Programme position is broadly aligned with the findings of the Natural England evidence review (NEER0155) and we have a published burning position statement that is available on our website, therefore we have not included a reference list in this response.

We have answered via email, as we felt it was important to expand on some answers. This response is not confidential.

A1. Do you agree with the proposal to change the boundaries of the Regulations to LFA to protect more upland peatlands?

Yes.

The protections afforded by the SSSI/SAC/SPA designations, whilst important, do not always denote sites of better quality, in large part due to intensive management that has been undertaken on these sites both historically and currently. Indeed, members of the IUCN UK Peatland Programme team and the wider partnership have visited upland sites that have no formal protections (within the LFA) that are in better condition than nearby protected areas. Extending protection to the LFA would protect a greater area of peatland such as these sites without having to go through the formal designation process.

The other issue with applying regulation solely to designated areas is that the often-arbitrary boundaries of SSSI units and particularly individual features, which may be highly constrained in extent, often do not recognise the interconnectedness of habitats. The proposed change would allow for a more holistic approach to management. It would also be important to ensure that restoration efforts align with this proposed change (e.g. ensuring that options were not SSSI specific in ELMS).

A2. Please use the box below to provide your thoughts, if any, on the proposal to remove protection from those SSSIs that fall outside of the LFA.

The scope of the proposal is not entirely clear here, but from the supporting information the implication is that 'deep' peatlands outside of the LFA would not be subject to protection from the proposed regulation However, this assumes that burning is practiced solely in the uplands. While the most extensive usage occurs there, it is also practiced in lowland settings. Therefore, it is vital that all SSSI/SAC/SPA land should remain under full protection, with the addition of a wider area of upland peatland benefitting from protection by extension of these regulations to cover the LFA. SSSI/SAC/SPAs are designated as being high value nature sites and it does not make sense to expand regulations in one area while removing them in another. This could create confusion and accusations of unfair treatment according to geographic location or land use type.

To be clear, we are recommending that the regulations are upheld across *all* designated sites and habitat features (upland and lowland) with the *addition* of all upland areas of peatland within the LFA.

A3. Do you agree with the proposed change of the prohibition of burning on peat 'over 40 cm deep' to peat 'over 30 cm deep'?

Yes

Whilst the proposed move would bring a greater extent of peat under protection, depth remains an arbitrary measure to define a habitat which exists as an ecological continuum within the wider non-peat landscape. Whilst there is some international support for a 30 cm definition of peat, it still lacks scientific basis. The Ramsar definition: "*Peat is dead and partially decomposed plant remains that have accumulated in situ under waterlogged conditions. Peatlands are landscapes with a peat deposit that may currently support a vegetation that is peat-forming, may not, or may lack vegetation entirely*" does not include a depth metric, recognising that the habitats (which FCS Blanket Bog RP2967 also notes) are interconnected. The IUCN UK Peatland Programme has proposed a motion to the IUCN World Conservation Congress 2025 (motion 003) that would seek to reach a global scientific consensus on the definition of 'peat' and 'peatland' that moves beyond depth, as we do not see a single metric as an appropriate way to define a habitat.

So, while this change is welcome in terms of extent of increased protection, we feel that it could go further. In its current form it would still permit burning on shallow peat habitats, which could go on to form deep peat habitats and/or be more carbon dense than adjacent areas of deep peat. As outlined in our briefing 'Use of Peat Depth Criteria: Accounting for the Lost Peatlands', shallow peat areas are often vital to the wider ecology and hydrological function of connected deeper peat deposits. They also have their own distinctive biodiversity as part of important areas of transitional habitat.

Natural England's Definition of Favourable Conservation Status for Blanket Bog has adopted 30 cm peat depth as defining blanket bog. However, they also acknowledge that "*blanket bog may occur on peats shallower than 0.3 m"* and that *"areas of shallower peat will also support blanket bog vegetation and should also be regarded as blanket bog and an integral part of the hydrological unit of the peat mass"*. Therefore, we feel that the Regulation should not be determined by the depth of the peat (which is still not accurately mapped) and that this is in line with the FCS as detailed by the regulator.

Of relevance to this, we also offer reflection from the introduction of a metric to define peatland under the Wildlife Management and Muirburn (Scotland) Act where a 40 cm definition of peatland has been applied. This has posed some issue as the Scottish peat map is based on a peat threshold of 50 cm. There has been much push back from pro-burning organisations who claim the requirement to measure peat depth to inform a licence application to burn is disproportionate. The availability of high-resolution mapped peat/peatland data for Scotland lags behind that of the new England Peat Map (EPM), although the EPM has yet to be tested on the ground at scale. Site level survey data is critical for informing the management prescriptions for peatland and peat depth surveys will continue to be an essential part of that evidence base. As part of the risk assessment process and for informing proper mitigation, other land use sectors which pose a risk to peatlands carry out structured peat depth surveys across large areas of land: renewable energy, forestry and peatland restoration projects all survey peat depths using a standard 100x100 m grid and this survey requirement is widely accepted. If England were to utilise a 30 cm peat depth definition, what level of certainty would the England Peat Map provide, and would on-the-ground peat depth surveys be required as part of a licence application?

A4. Under what ground(s) would you be most likely to apply for a licence to burn?

Not applicable. We would not apply for a licence to burn.

A5. Do you agree that ground '(d) because the specified vegetation is inaccessible to mechanical cutting equipment and any other method of management is impracticable' should be removed?

Yes

Reading the supporting documentation, the implication of this question is that burning would no longer be permitted on inaccessible ground, which in these environments can incorporate a range of habitats, including shallow peatlands such as alpine dwarf shrub heath and alpine pioneer communities. Additionally, some of the habitats on these sites, if left unmanaged, can develop into clough woodlands and/or temperate rainforests. As marginal habitats these areas can act as important refugia for rare species away from grazing animals, and in the absence of burning they may be able to recolonise from these areas. We agree that these habitats should not be burned. If our reading is correct, then (d) should be removed.

If, however, the intention would be to remove the need to apply for a licence as these areas are 'too steep to access and therefore must be burned', then (d) should **not** be removed for the reasons set out above: there is no valid ecological reason to prevent the succession of these habitats to their natural state.

A6. Do you agree with adding 'research' as a ground to apply for a licence under the Regulations?

No

We have answered no, although this is a complex question to answer. Long-term burning experiments such as the Hard Hill experiments, from which we have derived significant understanding, would not have existed were it not for research provisioning clauses. These experiments are not without issue, however. The comparisons that are most frequently made in studies are between damaged sites (albeit over differing timeframes), because of long histories of management across most regions. As there is now a large body of such work, where most findings are aligned, it is questionable whether the value of further similar studies would outweigh the negative impacts of burning. There are also global examples where 'research purposes' are used as an exemption that becomes a loophole to continue the exploitation of species and habitats as commodities. In such a contentious arena as this, we would be concerned that a research exemption could become such a loophole.

Natural England's NEERO015 report concludes that *"The evidence from 102 recent studies in addition to 123 reviewed in NEER004 gives a significant volume of evidence on which to draw conclusions on the impacts of burning, and many of the evidence gaps identified in NEER004 have been filled".*

In our view, research funding would be better applied baselining undamaged sites to allow comparison to areas of wildfire occurrence, as understanding healthy and restored peatland resilience to wildfire is a more pressing issue as climate change progresses.

A7. Would you support a move to link the revised Heather & Grass Management Code to the Regulations, making it compulsory to follow rather than advisable?

Yes

We believe that the revised Heather and Grass Management Code should be mandatory: the voluntary approach has failed in its use across UK nations. It is also essential that there is robust and effective monitoring and enforcement.

However, this brings with it administrative issues for the already under-resourced statutory agency (Natural England) that would likely be tasked with policing this. While burning has reduced across sites covered by the 2021 regulations, it does still occur, highlighting how difficult it would be for NE to tackle this issue over an even larger area; this area would further be extended by including peat to 30 cm depth. If adherence to HGMC were mandated this would add to the workload, so while in principle we support this, we question whether at current staffing levels it would be tenable unless additional funding is given to roles specifically tasked with this oversight. The other issue is that at this time the HGMC is under consultation, and we do not know what will be included. Assuming it will be grounded in the findings of NEER155, we again support this move. Mandating its use would give continuity with Scottish law around use of the Muirburn Code, as we are aware that there is movement of land managers cross-border.

A8. Would you support a move to make it a requirement to complete an accredited training course prior to burning under a licence granted under the Regulations?

Yes, for all practitioners

Any course should also consider the broader context or implication of using this type of management on a broad range of upland habitats, rather than be designed purely from the position of 'this is how to burn safely'. A broad range of interventions, including alternative approaches to burning, should be considered and offered for discussion, and it should be designed and delivered by those with firefighting experience alongside trainers with proven ecological knowledge of peatland habitats and peat-forming species. This would ensure a holistic understanding of a range of management activity effects on these habitats. Regarding wildfire training, it is important to acknowledge that there is an increased risk of occurrence because of climate change and the legacy of past management. However, it is also vital to offer an ecological perspective on the differences between wetlands such as the peatlands we have in the UK and other global ecosystems which regularly burn under natural processes (e.g., chaparral and savanna), including how and why they burn, and their adaptation to these processes. A basic understanding of fire ecology including fire return intervals could help to attenuate anxiety around increased scale and risk of wildfires that is increasingly resulting from ecological misunderstanding, and in some instances, misrepresentation. Government data suggests that ~68% of wildfires begin as managed burns (NEER014), so it is vital to minimise this risk and training could support this objective. We also recognise that a change in management regime away from burning may increase wildfire risk in the short-term, during the

transition to more characteristic peatland vegetation. This needs to be acknowledged and guidance provided on managing this transition to minimise wildfire risk.

B1. Are you aware of the Regulations and what they cover?

Yes

B2. Do you know where to access the guidance and application form to apply for a heather and grass burning licence from Defra?

Yes

B3. Have you attempted to or considered making an application for a Heather and Grass burning licence under the Regulations?

N/A

SECTION C – Not applicable

D1. Do you have concerns about the impacts of burning on the environment?

Yes

Organisationally we have adopted a position which is based on the findings of most research in this area. Our position statement – available to view on our website (link below)-Our position statement closely aligns with the findings of the Natural England report (NEER155) on burning impacts: burning is broadly detrimental to peatland ecology and function. As this evidence is covered in NEER155 we will not discuss it here.

- We would highlight the impact on air quality that results from burning. Legislation restricting the burning of stubble (The Crop Residues (Burning) Regulations 1993) was enacted over 30 years ago in recognition of the risk posed to environmental and public health by these activities. Research has shown that burning peatland vegetation, and, when it goes awry into the peat itself, increases atmospheric incidence of PM 2.5 which has a range of negative health impacts. Therefore, it should be subject to similar restrictions as other forms of burning.

The spate of wildfires in spring 2025 highlights a need to consider altering the timing of the burning season if burning is allowed to continue. Climate change is a dynamic process, and timings should be appropriate for managing risk. The upland burning season officially closes on 15th April and many managed burns were recorded towards the end of this period, despite warnings issued around increased wildfire risk. Wildlife is becoming active earlier and bird breeding sooner, so the impact of burning late in the season is likely to have greater impact on those species.

We also acknowledge that the withdrawal of burning and reductions in grazing livestock will lead to increased vegetation growth in the short to medium term, and we understand that is may be a cause of anxiety for both landowners and the public. However, we do not support that

continuation of burning is an appropriate tool for peatland vegetation management to mitigate this risk. Examples where fire management is used for this purpose are often given from habitats that are not analogous to UK peatlands.

See link: Burning & Peatlands | IUCN UK Peatland Programme

D2. Have you been impacted in any way (positive or negative) by the use of burning as a land management method?

Yes

As an organisation of peatland conservation professionals, many of us have experienced and seen the effects of burning on peatlands in both personal and professional contexts. Between us we have collectively surveyed and documented many areas of the UK, giving us a qualified understanding of the impacts caused by a range of land management practices on peatlands and the recovery trajectories from these. These effects have sometimes been difficult to bear witness to. However, using the evidence we continue to advocate for the conservation and restoration of the UK's peatlands for the benefit of both nature and the people who depend upon them for a range of provisions. Continuation of the practice of burning has negatively impacted a broad range of ecosystem functions and provisions and continues to do so. It is important to recognise in this discussion that those communities impacted by activities in the uplands may sometimes be far removed from the habitats themselves. This includes the end users of peatland ecosystem services e.g. those who experience higher water bills because of increased water treatment costs, and those downstream who experience increased flood risk due to the loss or simplification of surface vegetation roughness resulting from burning. As an organisation we advocate for landscape-scale restoration which recognises the importance of the interconnectedness of a mosaic of upland habitats for peatland function. The continuation of burning across these habitats undermines the efforts of the partnerships that we work with to achieve this outcome.

This consultation is both timely and welcome and we support the government and its statutory bodies in responding to the evidence base with robust and strengthened regulation.