



# Burning as a tool for the restoration of upland blanket bog: Position Statement by Natural England

Natural England is working with landowners and land managers to secure voluntary approaches to the restoration of upland blanket bog, a priority habitat under the EU Habitats Directive, partly through stopping rotational burning. Natural England recognises the importance of the contribution of landowners and land managers to the restoration of blanket bog and welcomes the progress made in entering new Long Term Management Plans,

The UK government is responding to infraction proceedings from the EU requiring measures to halt deterioration of blanket bog condition as a result of regular burning. While burning on blanket bog is generally considered to be harmful, in exceptional circumstances it may be appropriate to carry out a one-off burn for the purposes of restoration.

Natural England here sets out the position it will take where a request is made to carry out a burn on blanket bog. We will continue to work with landowners and land managers to agree Long Term Management Plans, or equivalent, that contain broader management activities to achieve restoration or other outcomes across the land holding. But, in light of the infraction, burning for restoration will only be considered on an exceptional basis.

Burns for restoration purposes are considered to be a project for the purposes of the Habitats Directive and Habitats Regulations and so must be assessed in accordance with the requirements of that legislation. European case law is also clear that Natural England, as decision-maker, must describe the activity that it is consenting in terms that are sufficiently precise as to allow it to reach its own view on the likely effects rather than leave that judgement to those with the benefit of the consent. For those reasons the burn must be consented separately to any other plan.

This Statement and its accompanying annexes therefore sets out the new approach that Natural England will take in making decisions on whether or not to issue a consent for burning.

1. Natural England will continue to use a voluntary approach to achieve the cessation of rotational burning on blanket bog. We remain committed to long term restoration plans which focus on a range of outcomes to be achieved from functioning blanket bogs.
2. Restoration management measures, including burning, must be designed specifically to ensure they are bespoke to the geography, climatic, ecology and management context of each individual site. This unique combination of factors on any given site will inform our assessment of whether burning can be consented in accordance with the tests set out in the Habitats Regulations<sup>1</sup>

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<sup>1</sup> Conservation of Habitat and Species Regulations 2017 (as amended from time to time)

3. By way of example, burning on peat over 40cm in depth may only be consented where there is evidence that, having considered all other alternative management interventions, it will accelerate restoration of blanket bog habitat when a trajectory to favourable condition is impeded. In such cases it may be possible to conclude that the burn is directly connected with or necessary for the management of the habitat for which the site has been designated.
4. In carrying out its Habitats Regulations assessment and making a decision on the requirements for restoration, Natural England will continue to be informed by the descriptions of blanket bog outlined in the Blanket Bog Land Management Guidance (BBLMG). However in our view the BBLMG is not sufficiently precise in itself to be the sole guidance for evidence-based decisions. We have, therefore, created guidance to clarify the exceptional circumstances in which burning may be considered appropriate. This guidance may be summarised as follows:
  - a) We would not expect burning for restoration to be effective when damaged hydrology has not yet been restored, or *Sphagnum* is frequent to abundant, or heather is not dominant;
  - b) Burning for restoration may be effective where the bog has been successfully rewetted, *Sphagnum* is absent to occasional, and heather (or other species such as purple moor grass) are dominant (all these conditions would need to be met);
  - c) Where a heather beetle infestation has occurred any burning remedy would still need to be consistent with the restoration of blanket bog habitat set out here;
  - d) We also recognise that there may be exceptional site specific circumstances where recovery of blanket bog may benefit from a burn.
5. The detailed guidance, including the 'traffic light' tables at Annex 1, describe the circumstances in paragraph 4 in more detail to assist decision-making. Consideration of consent for an exceptional burn for restoration purposes will require land managers to submit a short-term, evidence-based plan. Any consent, which may cover burns on different areas across a moorland over a period of time, will be bespoke to the particular site. Consents will be time-limited, usually up to three years, and any further proposals to burn for restoration purposes will be considered afresh, using experience gained to date, and be subject to a new consent.
6. In addition, in order to consent a burn for restoration, we would need evidence that the recovery was being impeded. We will therefore require pre- and post-intervention monitoring to be carried out by the consent holder, in order to be confident of the need for a burn, and to better understand the long-term impact of such an intervention. Annex 2 sets out the framework for the type of monitoring protocol we expect to be used, with a site specific plan to be agreed within plans. This explains the monitoring that is required for all restoration activities.
7. We continue to expect existing consents for rotational burning on blanket bog to be relinquished.
8. Our mechanism for permitting an adaptive long term plan covering broader land management continues to be an agreement under section 7 of the NERC Act 2006, for up to 25 years. As described above, our necessarily separate mechanism for consenting exceptional burning in the short-term (usually up to three year), plans for restoration purposes will be under section 28E of the Wildlife and Countryside Act, 1981.
9. We may from time to time provide updates to this Position Statement as we refine our approach and learn from monitoring and new evidence. Any reviews will be made public and not come into effect retrospectively.