

Uplands Burning Position Statement Q&A (v4)

This Q&A has been developed to help Natural England staff make and apply judgements on a site-by-site basis using Natural England’s Position Statement on Burning as a Tool for the Restoration of Upland Blanket Bog. It is also available to any interested parties who would like more information on how the Position Statement will be applied in practice.

Any amendment/ additions are marked as v3 in the second column, this version supersedes all earlier versions.

Delivery Questions

Question	Question added	Answer
Does the Position Statement mean that Natural England will no longer be working in an outcomes focused way?	V1	No. Natural England remains committed to the outcomes approach as the foundation of its work with landowners in the uplands. Restoration of blanket bog is a core objective that underpins the delivery of all other outcomes on that habitat. Natural England will still look to achieve agreements that meet a range of outcomes including those relating to businesses, water quality, climate change mitigation and biodiversity. What remains important is building relationships and trust to talk through and understand the restoration and management that is needed on a site.
How will Natural England deliver Long Term Plans in line with the new Position Statement?	V3 (slight amend from V1)	Our preferred mechanism for permitting an adaptive long term plan covering broader land management continues to be an agreement under section 7 of The Natural Environment and Rural Communities Act 2006, for up to 25 years. If burning for restoration or wildfire mitigation is required it will need to be consented separately under section 28E of the Wildlife and Countryside Act, and for short periods, usually up to 3 years.
What about the long term plans already underway / in development?	V1	These will be required to be concluded in line with the approach described in the Position Statement.
What is the legal reasoning behind this Position Statement?	V1	The Habitats Directive and the Conservation of Habitats and Species Regulations require Natural England as a competent authority to make a prior assessment of the likely effects on the European site of any plan or project it proposes to permit. Burning vegetation within a European site is considered to be a plan or project. In view of the infraction proceedings, rotational burning on blanket bog can’t continue because it is known to be damaging to the structure and function of blanket bog. Burning for restoration purposes may be allowed in compliance with the Habitats Directive in exceptional circumstances. The decision on whether to permit a restoration burn lies with Natural England as the competent authority.

<p>What changes have been introduced through the Position Statement?</p>	<p>V1</p>	<p>In light of both the infraction and the equivocal evidence on the effectiveness of burning as a restoration tool, it should only be permitted in exceptional circumstances. We can summarise what this means for our approach as follows:</p> <ul style="list-style-type: none"> • We can no longer permit burning for restoration based on a flexible traffic light table that is used by estates to decide where they could burn. However, we can use a decision-framework as the basis of guidance to our staff in order to help inform their consideration of assessing where a burn for restoration purposes may be necessary for or directly connected to the conservation management of the site or the restoration of blanket bog; we require the consents to have a clear explanation up front, of when, where, how and why burning will take place. • We can no longer provide consents for burning for restoration for a 25 year time period (see answer below). • It will be necessary for landowners to clearly demonstrate that any burning is necessary for the conservation management of the site. The supporting decision-framework helps with this.
<p>For how long can a burn for restoration purposes be consented?</p>	<p>V1</p>	<p>In view of the equivocal evidence base, we can only consent for a relatively short period, usually up to 3 years because we need to assess the precise scope of each intervention and the circumstances in which it will be applied and because we expect the evidence base to develop further in the medium to long term, and as such our approach is likely to need to adapt accordingly. Any continuation beyond that period will be subject to a new consent and the evidence will be subject to a fresh and active decision. Burning for restoration purposes should be considered separately from more routine estates management operations.</p>
<p>Will all burning run on a short up to three-year term, or will consents for burning on dry heath, for example, be available for longer term arrangements?</p>	<p>V2</p>	<p>Burning on dry heath is not subject to the approach set out in the Position Statement. It will, therefore, be possible to agree consents for longer periods for burning on dry heath. It is important to remember that any notices sent to Natural England requesting consent for burning on dry heath will be carefully considered on a site by site basis - taking into account Natural England's requirement to ensure that the activity is not damaging to the site features so a practical limit to the term will be required to allow review and adaptation in the future.</p>
<p>Will consents roll-over if interventions have not been carried out due to poor weather conditions within the specified period?</p>	<p>V1</p>	<p>The consent is time limited and therefore will expire regardless of whether the intervention planned has been completed. A new notice will need to be submitted in accordance with the advice and include the required supporting information. While consents can't be rolled over, we'd expect there to be ongoing dialogue between land managers and advisers to plan ahead where necessary.</p>

<p>If a granted consent expires with work still to be done, will new monitoring evidence be required or will the evidence previously submitted be acceptable on a further section 28E application for the same work?</p>	<p>V2</p>	<p>When a section 28E consent expires, any outstanding work would require a new notice to be served by the owner/occupier, and a new consent to be granted by Natural England. There will be no automatic renewal of a consent. Natural England need to make an active decision before any and all consents are granted to enable further work to be undertaken – and will require the information referred to in the Position Statement to be provided. In this scenario, this includes up to date data, a second monitoring point showing that heather cover is continuing to increase and <i>Sphagnum</i> is declining would strengthen the evidence. A new section 28E notice may re-use data previously supplied if it remains a valid description of the condition of the vegetation.</p>
<p>With regards to the three-year consents is Natural England expecting Estates to begin to generate a rolling three-year programme of consents for any interventions?</p>	<p>V2</p>	<p>Each section 28E notice received by Natural England will be assessed independently. There will be no automatic renewal of a section 28E consent after the initial term. Each time a section 28E notice is sent to Natural England requesting consent to burn on blanket bog, the approach set out in the Position Statement will be applied, and the required evidence/information set out in the Position Statement will need to be provided.</p>
<p>What about long term plans already signed off and published, will these be picked up through the review process or some other way?</p>	<p>V1</p>	<p>This Position Statement is for ‘from now on’. For plans that have already been signed off we will work with the owners through the annual review process to agree any revisions that might be needed to the plan to ensure the sites are not being damaged and that restoration is continuing. The monitoring they are carrying out will be key to this.</p>
<p>The original intention was that long term plans would be tailored and advisers would use their skill and knowledge to customise them for each estate.</p> <p>How will the knowledge and expertise of Natural England advisers be used?</p>	<p>V1</p>	<p>Long Term Plans will be bespoke to each estate and will continue to require working closely and in discussion with managers and owners to take account of their knowledge of the site.</p> <p>The ecological knowledge and expertise of Natural England advisers, as well as their experience of local conditions, will be invaluable in developing plans that deliver the best for the environment. The ecological skills, understanding of land use and integrity of Natural England advisers has been key in building good relationships with local land managers and these assets will continue to be a critical element of successful delivery by supporting land managers to work through the challenges of adapting to operate to the highest environmental standards.</p>

<p>How can Natural England best explain the introduction of the Position Statement to stakeholders?</p>	<p>V3 (slight amend from V1)</p>	<p>We have listened to feedback, gathered evidence and taken legal advice that supports a move to a clearer approach to assessing the circumstances in which burning on blanket bog may or may not be permitted. The purpose of the Position Statement is to set out clearly what that approach is: that the only burning for restoration purposes that Natural England can permit on blanket bog is where that management is necessary for the conservation management of the notified features of the site. This builds on our evidence base and makes the position clearer for all parties. Natural England may also be able to permit burning on blanket bog for wildfire mitigation where it can be shown to be necessary for the conservation management of the notified features of the site.</p>
<p>What will a notice for burning for restoration purposes need to include for Natural England to determine the potential impacts, e.g. what level of information has to be included in terms of mapping, what restoration has already been done, what have they tried so far etc?</p>	<p>V1</p>	<p>A notice will need to provide evidence that the restoration trajectory is impeded and that a one off burn will accelerate recovery at a specific place or places. This evidence will need to be supplied for each and every intervention that the notice concerns. This evidence must include a vegetation monitoring plan to record pre-intervention conditions, this may be GPS points; a map of the precise area being proposed for each and every intervention; details of others steps taken for restoration e.g. grip blocking, sustainable grazing regime, including timescales. The following details should also be included in any proposal or notice:</p> <ul style="list-style-type: none"> • the name of the Site of Special Scientific Interest (SSSI) • estate / agreement holder name and address • a description of what you intend to do and how • approximate start and end dates for the operations • the location of the proposed operation (send a map with notes if you can) <p>You should include as much relevant information with your proposal, such as:</p> <ul style="list-style-type: none"> • what vehicles will need access to the site, the routes they'll take and ground pressure they'll exert (particularly across fens and bogs) • the origin and chemical nature of materials you'll bring onto the site <p>We recommend land managers discuss any proposals in outline and in advance with Natural England before working them up in detail. Natural England offers a Discretionary Advice Service which provides charged advice to customers to help develop and define the details of plans and projects with potentially significant environmental impact or opportunity.</p>
<p>The notice on burning for restoration purposes includes a list of required information. Including an approximate start and end date</p>	<p>V2</p>	<p>The end date required will be the end date of the term of the section 28E consent (if granted). Within that, the dates between which burning operations will be carried out should also be specified (in accordance with the dates set out in the Heather and Grass Burning Regulations.)</p>

for the operations. How is the end date defined?		When a section 28E notice is served it must clearly identify the period the consent should be valid for (from the start date to the end date) plus the dates when you intend to undertake the specific activities.
Is a Habitats Regulations Assessment (HRA) required per burn intervention?	V1	The Habitats Regulations Assessment (HRA) needs to consider each and every burning intervention. A number of interventions can be submitted in a single notice (with the requisite information provided for each intervention). In practice this means that an assessment and any subsequent consent could consider more than one burn to be carried out across a holding over a short period of time (usually up to 3 years).
Where a notice application has been submitted for an intervention, what does a Habitats Regulations Assessment entail, and is there a cost associated with this for the applicant?	V2	<p>Natural England is the ‘competent authority’ in respect of notices submitted under section 28E and, in cases where a Habitat Regulations Assessment is required, it is Natural England that would carry this out. The applicant requesting a section 28E consent may be asked to provide information (in support of their application) that Natural England needs to be able to carry out that assessment.</p> <p>If an applicant submits a section 28E notice, and the usual statutory timescales are to apply, the applicant does not need to pay any costs (this includes in relation to Natural England undertaking a Habitats Regulations Assessment if required).</p> <p>However, if the applicant wishes the section 28E notice to be considered quicker than the statutory timescales set out, Natural England does offer the following chargeable services:</p> <ul style="list-style-type: none"> • Where a section 28E notice comes in and the applicant would like a Quick Check Validation of Notice – costs £200 • Advice on Fast Tracking of a simple section 28E notice following a quick check for validation (no site visit involved) - costs £300 • The full simple Fast Track which provides advice on drafting of a section 28E notice – full package costs £500 (no site visit involved). • For more complex cases where site visits are needed, we provide a service which is calculated on the basis of £110 per hour. Travel costs will also be charged, as set out in the Discretionary Advice Service advice page. <p>All costs are subject to VAT.</p>
When would Natural England ask for the more detailed pre-intervention data to be submitted and is the pre-intervention data a	V1	No it isn’t a prerequisite as Natural England would ask the estate to provide GPS points, then we can condition any consent to say that this information needs to be submitted prior to any intervention taking place. Ideally, however, a notice would be submitted with sufficient evidence to demonstrate that recovery of the blanket bog was being impeded since the consenting process would be more straightforward.

pre-requisite for a Site of Special Scientific Interest (SSSI) notice to be considered valid?		
How will Natural England assess section 28E consents for burning in accordance with the Habitats Regulations Assessment process?	V1	<p>The estates will need to submit their proposals in the form of a notice, which Natural England will assess. We will use the Habitats Regulations Assessment process to determine whether or not the intervention is necessary or directly connected to the conservation management of the site. If the estate can demonstrate, through evidence, that the intervention will help to restore blanket bog, then it will be possible for Natural England to conclude that the intervention is necessary for the conservation management of the site. If we do not consider the intervention is necessary for the conservation management of the site, and where we deem it will have a likely significant effect on the protected site, it will be necessary to conduct an appropriate assessment. This will determine whether or not it can be ascertained that the proposal will not result in an adverse effect on integrity.</p> <p>It will require evidence that the restoration trajectory is impeded and, that having considered all other alternative management interventions, that a burning intervention is therefore necessary. This evidence should include monitoring data; a map of the area being proposed for intervention; details of other steps taken for restoration e.g. grip blocking, sustainable grazing regime, including timescales. Burning for restoration purposes falls into this uncertainty category and therefore we will offer short term consents, usually up to 3 years.</p>
Where can we apply to Discretionary Advice Service (DAS) for advice provision and handling of section 28E notices?	V2	<p>A Charged Advice Request form needs to be completed and sent to consultations@naturalengland.org.uk.</p> <p>Costs as follows:</p> <ul style="list-style-type: none"> • Where a section 28E notice comes in and the applicant would like a Quick Check Validation of Notice – costs £200 • Advice on Fast Tracking of a simple section 28E notice following a quick check for validation (no site visit involved) - costs £300 • The full simple Fast Track which provides advice on drafting of a section 28E notice – full package costs £500 (no site visit involved). • For more complex cases where site visits are needed, we provide a service which is calculated on the basis of £110 per hour. Travel costs will also be charged, as set out in the Discretionary Advice Service advice page. <p>All costs are subject to VAT.</p>

<p>What is the time limit for Natural England to respond to a section 28E notice? What can an applicant do if a consent is refused or if no response is received within the timeline?</p>	<p>V2</p>	<p>When a section 28E notice is received, Natural England has a statutory determination period of 4 months from the date the notice was sent. If Natural England do not respond within the time limit, this is then deemed a refusal. Under the statutory provisions of the Wildlife and Countryside Act 1981, applicants have a right of appeal should the consent be refused, consented with conditions or not determined within the 4 months. For more information see: GOV.UK</p>
<p>Should Natural England apply the approach set out in the Position Statement to blanket bog in non Natura 2000 sites (N2K) Site of Special Scientific Interest (SSSI) and non-designated land?</p>	<p>V1</p>	<p>Blanket bog is Priority Habitat so Natural England will try to achieve restoration and suitable management of it irrespective of designation. The Habitats Regulations apply only to Natura 2000 (N2K) sites but, for consistency and in our role as a competent authority responsible for conserving and enhancing the natural environment, we would nevertheless apply the principles set out in the Position Statement more widely.</p>
<p>Does the notice need to specify the maximum size of the intervention?</p>	<p>V1</p>	<p>Yes, the notice needs to quantify the area of the intervention as accurately as practical.</p>
<p>Will the Heather and Grass Burning Code be changed to reflect the Position Statement?</p>	<p>V1</p>	<p>The Heather and Grass Burning Code was last revised in 2007 and a lot has changed since. However, we will continue to take the Code into account and feedback to Defra if experience suggests any changes are needed.</p>
<p>What is the process Natural England will follow to modify or revoke consents to rotationally burn on blanket bog?</p>	<p>V2</p>	<p>Wherever possible, Natural England will seek to work with the consent holder to bring them into a sustainable management system for their site whereby the consent holder will agree to accept modification/revocation of their consents on a voluntary basis. In order for this to take effect Natural England will need to follow the process set out in the Wildlife and Countryside Act 1981.</p> <p>The process will be as follows:</p> <ol style="list-style-type: none"> 1. Natural England will serve a Notice to withdraw/modify the consent in accordance with the Wildlife and Countryside Act 1981. 2. The Owner-occupier can then decide whether they will (a) accept the withdrawal of the consent/the modified consent, (b) appeal to the Secretary of State and/or (c) seek compensation in the event of acceptance or an unsuccessful appeal. <p>Before embarking on the statutory process, Natural England will discuss the matter with the consent holding owner-occupier and/or Natural England may issue a letter explaining its intent to modify/withdraw the consent providing a 28 day period within which to respond. This letter is not part of the statutory process, but the hope is that this will generate discussions between parties.</p>

<p>How might a consent for burning for restoration purposes relate to a long term plan?</p>	<p>V1</p>	<p>The long term plans address the range of outcomes on the estate and seeks to describe how business, environmental and other outcomes can be addressed through a shared vision. In biodiversity terms we want plans to consider the full range of habitats and species on the land, especially, but not only, those that are designated. We want plans that consider historic environment and landscape character, as well as wider ecosystem services.</p> <p>Though Natural England is required to consent burning separately, and for short periods, plans will take a longer view and consider the wider context of blanket bog restoration. Plans may be the place to consider the trajectory of blanket bog restoration and longer term management required and identify areas where restoration is being impeded and expected restoration trajectories are not being achieved.</p> <p>Note that the Long Term Plan will <u>not</u> provide consent or permission for burning interventions:</p> <ul style="list-style-type: none"> a) All proposed burning interventions will be considered and assessed on a case by case basis. b) We will ask for a detailed, usually up to 3 years, plan up front to enable us to carry out an assessment. c) We will issue consents only where there is a high degree of certainty that burning is required as a management tool to aid the restoration process. d) Consents will be issued for a limited period only, usually up to 3 years, under section 28E of the Wildlife and Countryside Act 1981. e) Any further proposals for burning for restoration purposes beyond that 3 year period will be considered afresh and subject to a new consent. f) In addition, we will require as a condition of consent for burning appropriate pre- and post-intervention monitoring to be carried out, in order to ensure the conditions for a burn are met and to assess the impact of such an intervention.
<p>How will cutting for restoration purposes be treated?</p>	<p>V3 (slight amend to V1)</p>	<p>The approach described in the Position Statement focuses on burning, because this is the subject of the current infraction which requires rotational burning to cease. Natural England will determine the appropriate legislative mechanism to consent or permit cutting for restoration purposes on a case-by-case basis. We will consider the impact it will have and use the Habitats Regulations Assessment process to determine whether or not the intervention is necessary or directly connected to the conservation management of the site, or whether it can be ascertained it will not adversely affect the integrity of the site.</p> <p>Our decision as to what consenting mechanism we will use to permit such interventions will depend on the time period over which the proposed intervention(s) are to take place and the degree of certainty that we have as to their impacts.</p>

Does Natural England favour cutting rather than burning on blanket bog?	V2	Yes. In certain circumstances cutting may be appropriate on peatlands and where supported by evidence, it may be necessary for blanket bog and wet heath restoration. The available evidence indicates that cutting on blanket bog and wet heath has a generally less detrimental effect than that associated with burning and so it should be the preferred alternative as a restoration technique.
Can cutting be beneficial for restoration and for other management of moors e.g. for grouse shooting or reducing wildfire risk?	V2	Yes. As well as being a technique for restoring peatlands and the maintenance of dry heath, cutting can also introduce or enhance vegetation structure to the benefit of upland birds, including grouse. Cutting can also be used as part of an approach to mitigate against wildfire risk. Although bird nesting seasons should be allowed for, cutting or mowing has a less restricted management season than burning, is not so dependent on the weather.
Will Natural England allow cutting where it isn't necessary for restoration purposes?	V2	Yes, if Natural England can be satisfied that it will not be damaging. For example, cutting for grouse management, may, if carried out with sensitivity, satisfy Natural England that it will not be damaging and it may, alongside other land management objectives, also provide valuable evidence as to whether and/or the extent to which cutting can aid ongoing natural recovery that is taking place without a management intervention being necessary.
What details should I supply to satisfy Natural England that cutting would not be damaging?	V3 (slight amend from V2)	<p>Proposals for cutting or mowing on peatlands will be considered on a site-by-site basis and should therefore contain sufficient detail to give Natural England confidence that:</p> <ul style="list-style-type: none"> • Low ground pressure vehicles will be used and will not cause damage to vegetation or soils (such as rutting, tearing or crushing of key bog forming species) • Cutting machinery will be set at a height that will avoid contact with the moss layer and/or developing micro-topography (i.e. hollows and hummocks) • Cutting will avoid sensitive areas such as mires, springs or flushes • Cutting will avoid areas where <i>Sphagnum</i> forming carpets or hummocks could be easily damaged by vehicles and machinery, and be focused upon drier areas where there is a dominant canopy of mature heather with occasional or infrequent mosses. • Cutting or mowing will not take place within 5m of any watercourse to minimise erosion and damage to watercourse edges. • Cutting or mowing will not take place between 1 April and 15 July, or outside this period when there may be disturbance to breeding birds. <p>It is the combination of all of the above factors that will be used to determine whether or not cutting would be damaging. There is no single indicator or factor that can be universally applied to all sites and situations (such as a percentage cover of heather, height of heather or growth state of heather) that can, by itself, provide sufficient clarification that cutting would not be damaging on a given site. There is no one size fits all. The combination of factors proposed needs to be tailored to suit the situation on each given site.</p>

Will all cutting areas need to be mapped?	V2	Descriptions of proposed operations should specify as much information as possible to enable Natural England to determine whether the proposed operations can take place without causing damage to the site. They will normally include information on vehicle type, access routes, timing, land form, ground conditions and vegetative state. Providing a map to mark out the areas within which cutting will take place, and/or of access routes, will be required where the descriptions of proposed operations do not in themselves provide sufficient clarification in themselves that cutting will only take place in areas that does not cause damage to the site.
What other things should cutting proposals consider?	V3	Cutting or mowing will not take place within 5m of any watercourse to minimise erosion and damage to watercourse edges and will not take place between 1 April and 15 July, or outside this period when there may be disturbance to breeding birds. Low ground pressure vehicles will be used and so they will not cause compaction or damage to vegetation or soils.
Is the monitoring protocol compulsory for cutting where it isn't necessary for restoration purposes?	V2	No, but monitoring of cutting interventions should be encouraged to further all parties' understanding of the management of peatland vegetation and inform decisions about future management.
Is the monitoring protocol compulsory for cutting where it is directed at restoration management as part of a long term plan?	V2	Yes, because the evidence for the effectiveness of cutting in dealing with the restoration of the blanket bog that is impeded, like that for burning, is limited. Therefore, monitoring will be required for interventions in a long-term plan and the protocol sets a framework that will be adapted if necessary for each case.

Evidence

Question	Question added	Answer
<p>What is Natural England's position with regard to burning for restoration?</p>	<p>V1</p>	<p>The evidence firmly indicates that all burning on blanket bog has negative effects on the ecosystem function and the characteristic flora. Restoration of blanket bog will be primarily driven by hydrological restoration. However, in exceptional circumstances and partly due to effects of previous management on vegetation dynamics, hydrological restoration alone may not be sufficient and a trajectory towards full recovery could become impeded by an over-dominance of heather or other species. In these exceptional circumstances additional management intervention may be beneficial in order to break the dominance of heather and to get the vegetation recovery back on a positive trajectory. One off burning for restoration purposes is one possible intervention. There is limited evidence for this approach but in exceptional circumstances it is considered that the benefits of trajectory recovery will out-weigh the damage caused by a single burn.</p> <p>Burning for restoration purposes</p> <ul style="list-style-type: none"> a) We would not expect burning for restoration to be effective when damaged hydrology has not yet been restored, or <i>Sphagnum</i> is frequent to abundant, or heather is not dominant [equivalent to Red category in the Decision Making Framework]. b) Burning for restoration may be effective where the bog has been successfully rewetted, <i>Sphagnum</i> is absent to occasional, and heather (or other species such as purple moor grass) are dominant (all these conditions would need to be met) [equivalent to Green category in the Decision Making Framework]. 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; <i>Sphagnum</i> inoculation following a burn for restoration purposes is critical to the approach. As is monitoring to enable the evidence base on effectiveness to be developed. d) We also recognise that there may be exceptional site specific circumstances where recovery of blanket bog may benefit from a burn [such as those described in the Amber categories in the Decision Making Framework].

When considering restoration of a site, can Natural England define no recent burning?	V3 (amend from V2)	As set out in the Position Statement, burning for restoration purposes will only be considered on an exceptional basis, such as where, despite all other management interventions being in place (such as rewetting), there is evidence that heather cover is not decreasing. Burning of blanket bog typically leads to an initial decline in dwarf-shrub cover and a period of cottongrass dominance. Therefore, a period of time must have elapsed since any previous burning so that initial vegetation response does not compromise assessments of the longer term changes in heather cover. Typically this period lasts between 10-20 years and allows heather to mature. Any previous burning within this time period can be thought of as being recent.
What is different since the publication of the Blanket Bog Land Management Guidance (BBLMG)?	V1	<p>In carrying out its Habitats Regulations Assessment and making a decision on 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).</p> <p>It is our view, however, that 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 where a one-off burn may be considered directly connected with, or necessary for, the restoration of blanket bog.</p>
Where did the evidence base for the Position Statement come from and what happens when new evidence becomes available?	V1	<p>The evidence base that has informed our position on burning on blanket bog dates back to the systematic review of upland evidence published in 2013. The systematic review of managed burning considered 492 papers of potential relevance to the questions being addressed. The review group comprised specialist staff and independent academics.</p> <p>New evidence has become available since the reviews were published. This has been assessed against the review questions and the question asked ‘does this new evidence materially change the review conclusions’? To date this has not been the case, if anything the weight of new evidence has increased the certainty of the review conclusions.</p>
What will happen if the new guidance leads to a deterioration on blanket bog rather than improvement?	V1	The evidence base for burning for restoration purposes is incomplete. Natural England has designed a monitoring protocol to record the effects of any interventions and we will objectively adapt our management and guidance in line with the developing evidence base.

Agri-environment

Question	Question added	Answer
Are applicants for Countryside Stewardship agreements able to leave burning for restoration on blanket bog out of their agreements for now and apply for a Section 28 consent at a later date?	V2	The Rural Payments Agency are the party to the agreement and decisions are made by them. Land Managers can apply for a Countryside Stewardship agreement without any specific detail about burning for restoration purposes being included in the Restoration Management Plan. Thereafter the Land Managers can submit, under Section 28 of the Wildlife and Countryside Act, a notice for burning for restoration purposes if appropriate. The omission of burning for restoration purposes from the Countryside Stewardship Restoration Management Plan does not prohibit the submission of a Section 28 notice but any management on the land must be consistent with the requirements of the Countryside Stewardship agreement.
What does this mean for the 2020 Countryside Stewardship Agreements?	V3 (amend from V1)	For a 1 Jan 2020 start the negotiations are currently underway between the applicant and Natural England. To secure an offer the applicant should work with Natural England to ensure that the future management of the moorland aligns with the Position Statement. Restoration plans will be consented for the duration of the Countryside Stewardship Higher Tier agreement (10 years). However any restoration burning on blanket bog will be excluded and covered by a separate section 28E consent for a shorter period, usually up to 3 years, and on expiry of that consent the agreement holder will need to consider whether they wish to carry out any further burns. If so, a further consent will be required.
How will burning for restoration purposes be treated in Higher Level Scheme agreements where there is no differentiation on shallow and deep peat?	V2	The Position Statement refers to deep peat of 40 cm or more. Moorland Management Plans (MMPs) are being revised to remove references that permit rotational burning on blanket bog. We will treat any proposal for burning for restoration purposes on a case by case basis and in line with the Position Statement.

<p>How are existing live Higher Level Scheme agreements which are not due an extension to be treated in the short-term?</p>	<p>V3 (amend from V2)</p>	<p>Where Higher Level Scheme agreements run beyond June 2019, Natural England is working with Agreement Holders to agree a revision to the Moorland Management Plan to remove references to rotational burning on blanket bog to ensure the management of moorland aligns with the Position Statement. The revised Moorland Management Plan will be issued by the Rural Payments Agency. Separately, the operations described in the Moorland Management Plan will require section 28E consent from Natural England.</p> <p>This process does not amend or revoke any underlying Site Management Statement (SMS) or consent – such consents would need to be considered separately. Any consents would need to be considered separately where the consent holder has agreed to modify or revoke on a voluntary basis.</p>
<p>How will this affect Higher Level Scheme extensions in 2020?</p>	<p>V3</p>	<p>To secure a Higher Level Scheme extension in 2020 the applicant should work with Natural England to ensure that the future management of the moorland aligns with the Position Statement. If the Estate / Sporting Manager does not sign up to the revised Moorland Management Plan, and the resulting management doesn't align with the Position Statement, then a Higher Level Scheme extension could not be supported by Natural England.</p>
<p>How will this affect Higher Level Scheme extensions in 2020 once we've left the EU?</p>	<p>V3 (amend from V1)</p>	<p>To secure a Higher Level Scheme extension in 2020, (if Defra decide to offer Higher Level Scheme extensions in 2020) the applicant should work with Natural England to ensure that the future management of the moorland aligns with the Position Statement.</p>
<p>How will this affect the delivery of Countryside Stewardship and Environmental Stewardship?</p>	<p>V1</p>	<p>Natural England will advise and seek to ensure all Countryside Stewardship (Higher Tier) and Environmental Stewardship (Higher Level Stewardship) agreements are aligned to the Position Statement, and changes are agreed in the wording of any Site Restoration Plan or Moorland Management Plan.</p>
<p>Can moor owners still enter Countryside Stewardship Higher Tier agreements for 2020?</p>	<p>V3</p>	<p>To secure a Countryside Stewardship Higher Tier agreement in 2020, the applicant should work with Natural England to ensure that the future management of the moorland aligns with the Position Statement.</p>
<p>Can the Countryside Stewardship Feasibility Study option (PA2) be used to fund a survey to inform burning for restoration purposes?</p>	<p>V2</p>	<p>In some circumstances it may be appropriate for an Estate/ land manager to use the Countryside Stewardship Feasibility Study option (PA2) to inform burning for restoration. Any application for PA2 would be as a pre-cursor to a Countryside Stewardship Higher Tier application and can only be used with written permission from Natural England. In other situations it may be appropriate for Natural England to charge Estates via its Discretionary Advice Service for more information contact your local adviser.</p>

<p>In new Higher Tier agreements the options and prescriptions last for the 10 years of the agreement. Given that the Position Statement indicates an assumption of shorter consents, usually up to three years for a consent for restoration burning management, how should the consent for the Higher Tier agreement be given?</p>	<p>V1</p>	<p>There should be a consent for the 10 year Higher Tier agreement covering a range of management interventions alongside any separate shorter-term consent for burning for restoration.</p>
<p>Can an offer of a Countryside Stewardship agreement be made to a Commoners Association or agricultural tenant if the estate / sporting tenant does not wish to relinquish an underlying consent?</p>	<p>V3</p>	<p>Natural England will work with the agricultural tenant / Commoner's Association to ensure that the agreed management aligns with the Position Statement. It is the applicant(s) responsibility to secure the support of all other interested parties. Without this agreement on site Natural England could not support the application.</p> <p>This process of offering a new Countryside Stewardship agreement does not amend or revoke any underlying Site Management Statement (SMS) or consent – such consents would need to be considered separately. Any consents would need to be considered separately where the consent holder has agreed to modify or revoke on a voluntary basis.</p>
<p>Who is party to a Countryside Stewardship Higher Tier moorland agreement?</p>	<p>V3</p>	<p>A Countryside Stewardship agreement is between the Rural Payments Agency and the Agreement Holder. Rural Development Programme England (RDPE) rules state there can only be a single scheme beneficiary and therefore a single named person or business on the agreement, linked to their Single Business Indicator (SBI). That person (the Agreement Holder) must have sufficient management control and be legally responsible for the delivery of the Countryside Stewardship Higher Tier prescriptions. Where more than one party is involved in the management of the land, all interested parties who could influence the delivery of the agreement must be party to an internal side agreement.</p>
<p>Who can sign the Countryside Stewardship Higher Tier agreement?</p>	<p>V2</p>	<p>Where more than one party is involved in the management of the land it is strongly recommended that the Agreement Holder and the other parties agree an internal side agreement.</p> <p>This is guidance provided by Natural England - applicants wanting clarity over this matter must contact the Rural Payments Agency.</p>

General

Question	Question added	Answer
Will this Position Statement be shared externally, with land owners / stakeholders?	V1	The Position Statement, decision framework and monitoring protocol will be freely available for all interested parties through the Access 2 Evidence catalogue. The Quality Assurance is designed for internal use but will also be available externally as required.
If existing consents for rotational burning on blanket bog are not relinquished under the voluntary approach, what will happen?	V3	<p>It was agreed with the European Commission that we would give this voluntary approach until mid-2019 to demonstrate sufficient progress, and, if it was not successful in ceasing rotational burning on blanket bog, Defra committed to taking steps to introduce a legislative requirement to do so.</p> <p>Until any legislative requirement is in place, Natural England will continue to work with land managers on a voluntary basis to find alternative forms of sustainable management to burning.</p>
How will Natural England respond to reports of burning on Blanket Bog after 1st October 2019 and prior to legislation?	V4	<p>Natural England will continue with the Voluntary Approach working with land managers on a voluntary basis to find alternative forms of sustainable management to burning. In October 2019 Parliamentary Under Secretary of State Rebecca Pow MP wrote to consent holders to encourage working with Natural England to implement best practice and replace rotational burning on deep peat with sustainable alternatives.</p> <p>Natural England will continue to use remote sensing data to monitor the type and extent of burning that takes place on blanket bog / deep peat after 1 October 2019.</p> <p>If, following relevant investigation, Natural England concludes that the activity has been carried out without the necessary consent or permission, or that the activity has caused damage to the special interest of a site, Natural England will carefully consider the enforcement powers available to it.</p> <p>In January 2020 the RPA wrote to agri-environment agreement holders to remind them of their responsibilities relating to moorland burning under the scheme rules, and the prescriptions and terms and conditions of their agri-environment agreement. RPA advised that any reports of possible breaches of the scheme rules or prescriptions will be investigated and that if they believe a breach has occurred, payments may be recovered or penalties applied.</p>

Monitoring app

Question	Question added	Answer
Where can I find the Peatland Monitoring app?	V2	Natural England asks parties who are interested in using the survey app to contact data.services@naturalengland.org.uk . We will assign them a unique user-id and send them the hyperlink to access the app. The user id allows the validation of the data provided.

Will training on the use of the Peatland Monitoring app be available?	V1	Natural England will produce material that sets out how to find and download the app or obtain a paper version, and how to use it when making assessments in the field. Support for local teams is planned
How do people submit their data?	V1	The app needs to be downloaded to a GPS enabled mobile device, after which it doesn't need a signal on site to operate. The data collected will transfer automatically once connection is made or a signal is available. Alternatively, surveys can be undertaken using a paper form (contact your local adviser for further information).
What if those wanting to provide data do not have a mobile device (smart phone or tablet)?	V2	Natural England is working to create a Microsoft computer application whereby data could be recorded on site (on paper) and uploaded back in the office/ home. There is still a requirement to provide a GPS location for the data collected. If you do not have access to a mobile device please contact your local adviser for further information
When data is collected from the app, where does this data go and how will it be used?	V2	The survey forms are stored in the cloud (in ArcGIS Online) from there we will be backing them up and converting the data into Geographical Information Spatial (GIS) data layer. The data will form part of the upland evidence base, it will be available under open government licence.
Is pre-intervention monitoring required for burning interventions?	V1	Yes, all consented interventions need to be carried out in accordance with the monitoring protocol. The monitoring protocol explains what needs to be assessed and the number of assessments that need to be made to provide meaningful data on a typical moorland. The exact details will be determined according to the site and included in the site plan/consent
Do I use the same methodology for pre-intervention and post-intervention monitoring?	V1	The monitoring methodology agreed for a particular site should be applied whenever monitoring is required to take place.
What funding can Natural England offer estates for carrying out the monitoring?	V1	If Land Managers wish to carry out burning interventions for restoration, part of their responsibility is to carry out monitoring to assess its impact as one of the associated requirements of a consent. Natural England can provide guidance to help establish monitoring, but it is not Natural England's responsibility to fund or carry out site monitoring. Natural England may however carry out moorland management trials to add to the evidence base, including in conjunction with other parties

Uplands Programme

Question	Question added	Answer
Does Natural England have the resources in the programme to now sign up the next several hundred Long Term Plans (or other mechanisms)?	V1	Natural England will continue to apply resources as appropriate