

SECTION 28F WILDLIFE AND COUNTRYSIDE ACT 1981

**WALSHAW MOOR – APPEAL AGAINST NATURAL ENGLAND’S NOTICE OF
MODIFICATION OF CONSENT**

WALSHAW MOOR ESTATE LIMITED

v

NATURAL ENGLAND

PROOF OF EVIDENCE OF

David J Glaves

For Natural England

SUMMARY

I am a Senior Specialist with Natural England and lead on ecological aspects of upland land management, including agri-environment schemes and burning. I have over 28 years' experience of working as an ecologist, mostly with Natural England and its predecessors. I have specialised in the uplands since 1999 and have a particular interest and experience in burning issues including as a member and report compiler/editor of the Defra Science Panel on the impacts of burning, drafting a revised burning Code for Defra, leading a Technical Working Group advising Defra on the identification and definition of 'bad burning practice' for potential inclusion in revised Regulations and as a member of the Best Practice Burning Group. I have an Honours degree in Environmental Science and I am a founder member of the Institute of Ecology and Environmental Science.

My statement provides information drawing on my involvement in the development of the generic regulation and guidance contained in the revised Heather and Grass Burning Regulations and Code, and the Best Practice Burning Group's draft Interim statement on burning rotations, particularly in relation to burning on blanket peat.

In 2004 Defra announced a review of the Burning Regulations and associated Code leading to the enactment of revised regulations and a new code in 2007. At the start of the review, Defra established an independent Science Panel to review and advise on the evidence of the impacts of burning. Amongst the recommendations was: "that in general the presumption should continue to be that vegetation on blanket peat should not be burnt, at least in terms of advice on good practice (e.g. in the Code) unless as part of a restoration programme or to meet wider conservation/environmental objectives."

Concerns about damaging burning practices and, in particular, erosion and impacts on water quality, led Defra to introduce new prohibitions on burning in certain situations that may create a high risk of soil exposure and erosion in to the 2007 Regulations. Of particular relevance to blanket peat, this included burning so as to expose bare soil extending more than 25 m along the bank of a watercourse (including drains or grips).

On part time secondment to Defra in 2006, I produced a draft revised burning Code that was subject to further consultation with key stakeholders and editing by Defra before publication in 2007. The revised Code was endorsed by the key landowner/manager organisations. It includes "peat bog and wet heathland" and areas within 5 m of watercourses in a list of

'sensitive areas' where "there should be a strong presumption against burning". This is qualified for peat bog and wet heathland by "other than in line with a management plan agreed with Natural England" that involves "careful burning on long rotations, with cool burns leaving large amounts of "stick" and not damaging the moss layer". Last-minute changes to the draft Code introducing new text giving burning rotation ranges for deep peat (and heath) may have resulted in some apparent ambiguity and inconsistency. However, this text is following and subject to the earlier presumption against burning on "peat bog". The associated Best practice guide 3: on Identifying sensitive areas clarifies that "peat bog and wet heathland" includes modified, dwarf-shrub-dominated forms.

The Best Practice Burning Group was established January 2003 with the aim "to establish and promote best practice in moorland burning." I have been a member of the group since August 2009. A draft interim statement on burning rotations was developed by the group based on an initial draft produced by the Moorland Association in April 2010. It has been through a further two drafts, the last in December 2010. The first two drafts were discussed at group meetings in July and November 2010. Although Natural England group members commented on all three versions, as far as we are aware relatively few other written comments were made. Natural England informed the group that because of the ongoing Walshaw Estate appeal and that a Moorland Association written submission to the appeal referred to the draft rotations statement, it would not be possible to discuss the paper further at forthcoming group meetings or indeed until the Inquiry was over. Thus, the latest draft has not yet been discussed at a group meeting. Our view is that the document clearly remains a draft that has not yet received any formal, wider internal consultation, review or sign-off from Natural England.

Notwithstanding all of the above, the draft statement includes some positive elements. It recognises "the need to consider new and emerging evidence to ensure that burning practice is sustainable into the future" and, in particular, to "take account of the IUCN Inquiry recommendations to review the current position set out in this statement." It also includes some important principles agreed by the group in relation to "carbon-rich soils", that: "burning practice should not impact on active blanket bog" and that "where heather-dominated or other modified bog vegetation occurs over deep peat it should be an objective, where it is practical to do so, to restore active blanket bog communities."

Production of the draft statement coincided with the IUCN Peatland Inquiry and the establishment of Natural England's own ongoing internal review of the impacts of burning on

peatlands in response. This will lead to consideration of the implications for the organisation's position. My own view is that rotational burning on blanket peat is damaging to the ecological structure and function of the habitat and, therefore, to the objectives of the maintenance of blanket bog in actively peat-forming condition and of the restoration of degraded, modified bog back to such a state.

PERSONAL BACKGROUND

1. I am a Senior Specialist on uplands in the Land Management Development Unit of Natural England. I currently lead on ecological aspects of upland land management including agri-environment schemes (including scheme development, implementation, review, monitoring and research) and burning, particularly in relation to the Heather and Grass Burning Regulations and Code.
2. I have over 28 years' experience of working as an ecologist, including with Natural England (NE) and the then Defra Rural Development Service and its predecessors since 1984. During this time I have developed a great deal of experience and knowledge of the use of land management practices through agri-environment schemes, cross compliance, regulation and advice for the management and restoration of agricultural habitats and associated species, particularly grasslands, heathlands and the uplands. I have specialised in the uplands since 1999, initially in SW Region, and from 2001 in national teams. I have a particular interest and experience in burning issues including as a member and report compiler/editor of the Defra Science Panel on the impacts of burning (2004-05), drafting a revised burning Code for Defra (2006-07), leading a Natural England Partners Technical Working Group advising Defra on the identification and definition of 'bad burning practice' that could potentially be prohibited in revised Regulations (2006-07) and as a member of the Best Practice Moorland Burning Working Group (2009-present). I previously worked for the Peak District National Park Authority, Associated Lead and Severn Trent Water on ecological and environmental monitoring.
3. I have an Honours degree in Environmental Science and I am a founder member of the Institute of Ecology and Environmental Science.

PURPOSE OF THIS STATEMENT

This statement provides information from my involvement in the development of both the revised Heather and Grass Burning Regulations and Code, and the Best Practice Burning Group's draft Interim statement on burning rotations.

REVIEW OF THE HEATHER AND GRASS BURNING REGULATIONS AND CODE

4. In 2004 Defra announced a formal review of the then Heather and Grass etc. (Burning) Regulations 1986 (see Reference 1, **CD10/61**) and associated Code (see Reference 2, **CD3/1**), leading to the enactment of The Heather and Grass etc. Burning (England) Regulations 2007 and the publication of The Heather and Grass Burning Code 2007 version.

Defra Science Panel

5. At the start of the review, Defra established an independent Science Panel to review and advise on the evidence of the impacts of burning on a broad range of environments, but with particular reference to heath and blanket bog.
6. Defra provided the Panel chair, Dr Peter Costigan (Science Co-ordinator for Natural Resources and Rural Affairs Directorate) and the secretariat, Jim Younger (Conservation, Uplands and Rural Europe Division), with the other invited members: Dr John Coulson (consultant, ex-Durham University), Dr Nick Haycock (Haycock Associates), Professor Rob Marrs (University of Liverpool), Dr Peter Robertson (Central Science Laboratory) and myself (then of the Rural Development Service).
7. The Science Panel reported formally to Defra in June 2005 (see Reference 3, **CD10/57**). Amongst the 21 recommendations made, two are directly relevant to burning on blanket peat:

(4) "That Defra and others involved in burning plans should work formally with the Water Utilities and others to define water harvesting areas affected by particulate and dissolved organic carbon and that the need to manage and protect water resources is integrated in to strategic burning plans."

(12) “That in general the presumption should continue to be that vegetation on blanket peat should not be burnt, at least in terms of advice on good practice (e.g. in the Code) unless as part of a restoration programme or to meet wider conservation/environmental objectives. This will require the development of more rigorous definitions and/or mapping of the extent of the resource.”

Defra consultation

8. Defra also consulted more widely through a series of stakeholder workshops and a formal public consultation in September 2005 that asked for responses to a series of questions, including on sensitive areas and blanket bog definitions.
9. The then Natural England Partners response (Reference 4, **CD10/136**) included a recommendation that habitats on peat soils should be included in the Regulations as areas where burning should be prohibited except where it could be demonstrated that it was required as part of a programme to be agreed with an approved authority to meet wider conservation or environmental resource protection objectives. Burning might, for example be acceptable for conservation or environmental reasons in order to create firebreaks or possibly if it could be shown that it is an essential component of habitat management for a species feature that cannot be met by any other form of management.

Introduction of the prohibition of certain damaging practices in the Regulations

10. Concerns about damaging burning practices and, in particular, erosion and impacts on water quality, led Defra to consider introducing new prohibitions on damaging burning practices in to the Regulations. Defra asked Natural England to establish a Technical Working Group to provide advice on the identification and definition of ‘bad burning practice’ that could potentially be included in revised Regulations. I was a member of this group and compiled and edited our recommendations to Defra (Reference 5, **CD10/56**).
11. The revised Heather and Grass etc. Burning (England) Regulations 2007 (see Reference 6, **CD2/11**) included new prohibitions of burning in certain situations that may create a high risk of soil exposure and erosion. Of particular relevance to blanket peat, this included: burning so as to expose “an area of bare soil which:

(aa) extends more than 25 metres along the bank of a watercourse; and

(bb) is more than a metre wide at all points (for a continuous stretch of more than 25 metres), measured from the edge of the bank of the watercourse.”

12. The definition of watercourse given in the Regulations includes the ‘drains’ or ‘grips’ that typically occur on drained blanket peat.

The Heather and Grass Burning Code 2007

13. I was seconded to Defra part time in 2006 to produce a draft revised burning Code that, where appropriate, addressed the recommendations of the Science Panel and the results of the consultation. The version that I produced largely forms the basis of the revised code published for Wales in 2008 (see Reference 5, **CD10/56**), but in England was as planned subject to further editing by Defra and consultation with key stakeholders, in particular at a special meeting of the Best Practice Moorland Burning Working Group that I attended with Defra staff on 30 January 2007. As a result, the draft was further revised by Defra and published in 2007 (see Reference 6, **CD2/11**). This version incorporated some last-minute changes introduced in June 2007 in an attempt to improve consistency with a Moorland Management Plan Template agreed between English Nature and the Moorland Association in 2005, some of which are discussed below (see Reference 9, **CD10/43**).

14. The revised Code was endorsed by key landowner/manager organisations: the Country Land & Business Association, the Heather Trust, the Moorland Association, the National Gamekeepers’ Organisation and the NFU. It is organised in a logical, sequential order from planning where and how to burn to practicing burning safely and responsibly. An early section on Where to burn and where not to burn includes “peat bog and wet heathland ... (including blanket bogs, raised bogs, valley bogs or mires, springs and flushes)” and areas within 5 metres of watercourses (which includes the drains or grips that commonly occur on blanket peat) in a list of ‘sensitive areas’ where “there should be a strong presumption against burning” (para 10, p 6). It notes that “*in special circumstances*, the advantages of burning of sensitive areas may outweigh the disadvantages” [my emphasis]. This suggests that burning such areas would not be for normal management reasons, but rather the exception, for example for the creation of

firebreaks as mentioned previously. This is qualified further for peat bog and wet heathland by “other than in line with a management plan agreed with Natural England”. It goes on to say that “such plans are likely to involve careful burning on long rotations, with cool burns leaving large amounts of “stick” and not damaging the moss layer”.

15. The associated Best practice guide 3: Identifying sensitive areas (see Reference 10, **CD3/13**) clarifies that “peat bog and wet heathland” includes modified dwarf-shrub-dominated forms. It gives the reasoning behind the strong presumption against burning these habitats as that: “the nutrient poor and waterlogged habitats generate stable conditions, thus little or no management is often needed; they often contain a high level of structural diversity (which is also very important for biodiversity) so there may be little benefit in burning them; repeated burning can result in a decline of fire-sensitive species such as bog-mosses leading to a dominance of purple moor-grass and heather; the risk of peat exposure and damage is high. This may lead to drying of peat, the release of carbon, and increased erosion and surface runoff; [and] considerable damage can occur to the peat soils.”
16. Later in the Code (under Planning how to burn, bullet 3 in the box, p 9) guidance is given on rotations, including: “on deep peat (i.e. more than 50 cm/20 in deep) aim to burn on long rotations of 15-25 years.” Following and subject to the earlier presumption against burning on “peat bog”, this guidance confirms the earlier recommendation that if burning is agreed with Natural England, then it will be likely to be on long rotations. This is one of the last-minute changes introduced in June 2007.
17. Natural England regard the remaining text (under bullet 3) as referring to dry heath and not to blanket bog: “If heather growth rates are unusually fast, more frequent burning may be appropriate. In such cases, try to keep rotations at 12 years or longer. Avoid rotations of less than 10 years”. This is another of the last-minute changes introduced in June 2007.
18. The fact that this text on rotations was added to the Code as one of the last-minute changes referred to earlier may have resulted in some apparent ambiguity and inconsistency, including in terminology (“deep peat” c.f. earlier use of “peat bog”), with the earlier text on sensitive areas. This issue was identified in a Defra review following the completion of the partnership Peat Project to which Natural England submitted a recommendation for revised wording to the start of the text following the third bullet in the

box on page 9 by the insertion of: “Where agreed in a management plan with Natural England” before “on deep peat (i.e. more than 50 cm/20 in deep) aim to burn on long rotations of 15-25 years.” This was part of a wider recommendation that the Regulations and Code should be reviewed and as necessary revised to consider how habitats on deep peat are treated (see Reference 11, **CD10/84**).

19. The previous (1992/94) version of the (then English and Welsh) Code simply states: “do not burn peat bog and wet moor (flow ground)” without any further clarification (see Reference 2, **CD3/1**). The older-still 1984/86 version states that “burning should in principle be avoided, and certainly restricted to the absolute minimum necessary to meet the needs of stock” on “peat bog and wet moor (flow ground)” (see Reference 12, **CD10/104**).

20. The revised Welsh Code has a similar presumption that “sensitive habitats and areas” including “peat bog and wet heath including raised, blanket and valley bogs and mires in upland and lowland situations” “should be included in no-burn areas unless burning of them is part of an agreed restoration or other environmental management programme.” The reasoning given is that: “some habitats and areas are by nature of the terrain, species composition or difficult growing conditions, vulnerable to damage from intensive management including burning. Such damage can result in exposure of bare peat, soil erosion, impacts upon water quality and flow, including increased water colouration and run-off, and changes in species composition and habitat structure.” Blanket bog is defined as “any vegetation on blanket or upland raised peat deeper than 0.5m.” The Welsh Code does not include any text on rotation lengths similar to that given in the revised English Code.

21. The clauses that envisage that there may be some burning on peat bog and wet heathland when agreed with Natural England were introduced in to the 2007 Code by Defra following consultation with stakeholders. They perhaps reflected recognition that burning did occur on these habitats even though the previous codes at the time recommended that it should not, and that if it did occur, then it should be with Natural England’s agreement. In some ways this was an unnecessary clarification given that the Code is voluntary and carries no legal force (it simply being a description of good practice) and that Natural England’s agreement is needed anyway on SSSIs and in agri-environment agreements. Nevertheless, the revised Code recognises that burning such

sensitive areas “may permanently damage the environmental interest of the land and be unlawful.”

MOORLAND BEST PRACTICE BURNING GROUP DRAFT INTERIM STATEMENT ON BURNING ROTATIONS

Moorland Best Practice Burning Group

22. The Best Practice Moorland Burning Working Group, or Best Practice Burning Group as it now tends to be referred to, was established January 2003 with the aim “to establish and promote best practice in moorland burning.” It addresses an action included in the Memorandum of Understanding agreed between English Nature and the Moorland Association in June 2002 to “develop a shared understanding of best burning practices.” The group has continued to meet regularly under Natural England and now has a wider membership ranging from landowner and land manager representatives to other statutory agencies and NGOs and some interested academics and experts including Dr Colin Legg (University of Edinburgh) and Professor Rob Marrs. Natural England provides the Chair and secretariat.

23. I have been a member of the group since August 2009, following revision of national upland specialists’ roles as a result of which I took a lead on land management including burning. I’ve since attended all five subsequent meetings, thus including all those at which a draft statement on burning rotations has been discussed and developed (see below).

Draft interim statement on burning rotations

24. Burning rotations have been a long-standing topic on a list of ‘issues to be resolved’ maintained by the group. They have been discussed several times in past meetings by the group, but without resolution. The following text summarises the discussions that took place on burning rotations at more recent group meetings and during the development of the draft interim statement (see also the meetings’ minutes, Reference 13, **CD10/111**). The Moorland Association’s representation to Defra of 27 April 2011 regarding the Inquiry refers to the statement and suggests that through it, the group “has reached substantive agreement on typical rotations for different habitat types.” However,

as described below, Natural England's position is that the statement remains a draft that has not been signed off by the group or Natural England.

25. At the 24th group meeting on 11 September 2009, a discussion on burning rotations resulted in the production of a draft list of factors to take into account which was circulated for comment and further discussion at the next meeting. There was a brief, inconclusive further discussion on it at the following meeting on 19 April 2010 at which Martin Gillibrand (MA) offered to draft a paper on rotations and circulate it for comment.
26. This first draft paper was circulated to the group on 27 April 2010. I responded for Natural England on 1 July 2010 with relatively detailed, constructively critical comments that made it clear that in the limited time available before the next meeting, it had not been possible to discuss and collate comments from other Natural England members of the group and that they were mostly my own (see Reference 14, **CD10/11**). Comments were also made by Dr Colin Legg, though we are not aware of any comments from other group members at that time.
27. There was a further inconclusive discussion of the draft paper at the 26th group meeting on 5 July 2010 when it was clear that there was a lack of agreement over some issues, especially regarding burning on blanket peat. As a result, MG split the draft paper into two: the first presenting the MA's position and the second covering the less contentious issues of objectives of burning and issues to consider in setting rotations. These second drafts were circulated to Natural England members, but not the wider group, on 6 October 2010 and later, by Natural England on 1 November 2010, to a number of external researchers and experts who were asked to comment and/or contribute to the planned discussion on the subject at the next meeting. Natural England sent limited comments, mainly on the second paper, on 7 November (see Reference 15, **CD10/12**).
28. There was further discussion of burning rotations at the 27th group meeting on 11 November 2010, although only Natural England and the researchers/experts present (and not other group members) had seen the 2nd draft papers and Natural England's response. Some revisions were suggested and agreed by the group, including the insertion of principles about carbon conservation and reviewing new evidence as it becomes available. In the limited time available, there was some discussion of rotations by habitats and a degree of agreement achieved on ranges for dry heath and 'active'/favourable blanket bog, but not on the wide range in between, nor on definitions

and wet heath was not discussed. It was agreed that Martin Gilibrand would further revise the paper to reflect the discussion and send it to John Barrett (Chair, NE) to add in principles on carbon management and the need to review the implications of emerging new evidence and other detail agreed during the meeting.

29. Martin Gilibrand sent a revised version to Natural England on 17 November. As agreed, John Barrett incorporated agreed revisions on principles on carbon conservation and the need to review new evidence including from the International Union for Conservation of Nature (IUCN) UK Peatland Programme's Commission of Inquiry (see: <http://www.iucn-uk-peatlandprogramme.org/commission>), and added information on rotation ranges by habitats previously agreed by Natural England for northern, mainly grouse, moors to complement the figures already included for grouse management objectives. This revised 3rd draft paper was circulated to the group for comment on 10 December 2010 (see reference 16, **CD10/13**). Comments were requested by 15 January 2011 but I understand that only minor comments were received from two group members.
30. The next group meeting scheduled for 10 March 2011 was postponed partly in response to Natural England's concern that further discussion on rotations on peatlands was premature prior to the then planned imminent publication of the IUCN UK Peatland Programme's Commission of Inquiry report (which was later delayed) and the establishment of Natural England's own internal review of burning on peatlands, together with the planned date clashing with the launch of the Defra Uplands Policy Review report. The Natural England review began in May 2011 in preparation for considering and responding to the IUCN's findings.
31. Natural England informed the group that because of the ongoing Walshaw Estate appeal and that a Moorland Association written submission to the appeal referred to the rotations paper, it would not be possible to discuss the paper further at the forthcoming group meeting or indeed until the Inquiry was over. However, the group's 28th meeting planned for 7 July 2011 still took place, but involving just a field visit without further discussion of the draft statement.
32. Thus, in summary, the various drafts of the statement were discussed at only two group meetings (on 5 July and 11 November 2010) and in only one (the former) with all members having a copy of the latest version beforehand. Although Natural England commented on all three versions, as far as we are aware, few if any, other written

comments were made other than by Dr Colin Legg on the 1st draft (Reference 14, **CD10/11**). The various drafts and Natural England inputs to them did not receive formal wider internal circulation or sign-off within Natural England beyond the Natural England members of the group. Perhaps inevitably during the development of such an attempt to achieve a consensus, some in the group at times expressed concern about some aspects, in particular with regard to burning on blanket peat (as can be seen in some of the minutes given in Reference 13, **CD10/111**). Several times in the meetings, Natural England expressed the view that we could not agree rotations on blanket peat until after the IUCN Peatland Inquiry had reported and this position was supported by some other group members (e.g. by Dr Colin Legg in his comments on the first draft report on 2 July). Our view is that the document clearly remains a draft that has not received any formal internal consultation/review or sign-off from Natural England. As mentioned above, the Moorland Association's representation to Defra of 27 April 2011 suggests that through the interim statement, the group "has reached substantive agreement on typical rotations for different habitat types." It goes on to say that "we understand that there is no dispute with Natural England over the appropriate range of rotations for burning on dry heath which is between 7 and 12 years" and that "on active blanket bog the probable agreement is between 15 and 25 years." However, the draft statement does not recommend appropriate rotation lengths, but rather gives examples of typical rotation ranges for grouse moor management objectives only [my emphasis] and ranges that have been agreed by Natural England on grouse moors in the past. The figures quoted by the Moorland Association in their representation are those for grouse management objectives only and are shorter than the example ranges given as agreed by Natural England in the past which are: 7 to 17 years (average 12 years) for dry heath and 10-35 years (average 20 years) for all blanket bog where it is burnt. Furthermore, and it is noted that some wet heath and blanket bog is not burnt. No distinction is made in the Natural England ranges between rotations for dry' and 'active' bog.

33. Notwithstanding all of the above, the draft statement includes some positive elements. It recognises "the need to consider new and emerging evidence to ensure that burning practice is sustainable into the future" and, in particular, to "take account of the IUCN Inquiry recommendations to review the current position set out in this statement." It also includes some important principles agreed by the group in relation to "carbon-rich soils":

1. “Burning practice should not impact on active blanket bog. That is, it should not affect the ability of the blanket bog plant communities from continuing to sequester carbon nor should it impact on carbon stored within the peat soils.
 2. Where heather-dominated or other modified bog vegetation occurs over deep peat it should be an objective, where it is practical to do so, to restore active blanket bog communities. Whilst this is being considered or it is deemed with the current state of knowledge it is impractical to restore active blanket bog, any burning management should take place in a way which does not compromise the carbon stored within the peat soils.”
34. Much of the remainder of the draft statement considers objective setting, which is in general less contentious. It goes on to give typical rotation ranges for broad habitats where grouse moor production is the only objective and longer rotation ranges that have in the past been agreed by Natural England for northern, mainly grouse, moors. The latter includes a range of 10–35 years for blanket peat with a mean of 20 years. However, it does not give recommended rotations as these have not (yet) been agreed by the group.
35. At the same time that these discussions on rotations were going on within the burning group, so were wider internal discussions within Natural England on the emerging evidence on the impacts of burning on peatlands including on wider ecosystem services, in particular carbon sequestration and storage, and water quality. This, together with the imminent reporting of IUCN Peatland Inquiry, led to the establishment of the ongoing internal Natural England review of the impacts of burning on peatlands mentioned earlier that is due to report shortly. This will lead to consideration of the implications for the organisation’s position which will now feed into a new, wider Natural England uplands ‘Change Programme’ that will comprise workstreams covering outcomes, evidence, regulation, skills and relationships. The IUCN Inquiry’s briefing note on burning (see Reference 17, **CD10/185**) and more briefly in the full report (see Reference 18, CD10/8) describe burning practices on peatlands, particularly blanket peat, and list the impacts, which are largely damaging. My own view is that rotational burning on blanket peat is damaging to the ecological structure and function of the habitat and, therefore, to the objectives of the maintenance of blanket bog in actively peat-forming condition and of the restoration of degraded, modified bog back to such a state.

CONCLUSION

This statement provides information drawing on my involvement in the development of the generic regulation and guidance contained in the revised Burning Regulations and Code, and the Best Practice Burning Group's draft Interim statement on burning rotations, particularly in relation to burning on blanket peat.

A key recommendation of the independent Science Panel established by Defra to review and advise on the evidence of the impacts of burning as part of their review of the Burning Regulations and associated Code was: "that in general the presumption should continue to be that vegetation on blanket peat should not be burnt, at least in terms of advice on good practice (e.g. in the Code) unless as part of a restoration programme or to meet wider conservation/environmental objectives."

Concerns about damaging burning practices and, in particular, erosion and impacts on water quality, led Defra to introduce new prohibitions on burning in certain situations that may create a high risk of soil exposure and erosion in to the 2007 Regulations. Of particular relevance to blanket peat, this included burning so as to expose bare soil extending more than 25 m along the bank of a watercourse (including drains or grips).

The revised Burning Code 2007 endorsed by the key stakeholders includes "peat bog and wet heathland" and areas within 5 m of watercourses in a list of 'sensitive areas' where "there should be a strong presumption against burning". The associated Best practice guide 3 clarifies that "peat bog and wet heathland" includes modified, dwarf-shrub-dominated forms.

A draft interim statement on burning rotations was developed by the Best Practice Burning Group based on an initial draft produced by the Moorland Association in April 2010. It has been through a further two drafts, the last in December 2010. The first two drafts were discussed at group meetings in July and November 2010. Although Natural England group members commented on all three versions, as far as we are aware relatively few other written comments were made. Our view is that the document clearly remains a draft that has not yet received any formal, wider internal consultation, review or sign-off from Natural England.

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