



Department
for Environment,
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Mr Alistair Carmichael MP
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Dear Alistair,

Thank you for your letter of 7th July about the Heather and Grass Burning Regulations. I am replying as the Minister responsible for this policy area.

The Department will make refinements to the licence application process where we identify them as necessary. Our licensing process is designed to ensure that burning is permitted only where there is a clear, evidenced need, and it incorporates several layers of expert scrutiny. Each application is assessed by the peat policy team, drawing on advice from Natural England, the Forestry Commission, and local Fire and Rescue Services, where relevant, ensuring that expertise informs licencing decisions. Following feedback from applicants, Defra has prepared wildfire management plan and restoration plan templates, to ensure consistency in the information provided, which in turn helps consultees to provide their advice to us as swiftly as possible.

In the specific case of Hurst and Chunal Estate, Condition 6 of their heather and grass burning licence states: "burns cannot commence until a detailed restoration plan for the deep peat areas is prepared and approved by Defra in consultation with Natural England". Defra could not approve the most recent restoration plan because the documentation lacked essential details, despite the extensive support and advice that Defra and Natural England have provided the Estate since the licence was first granted. This includes multiple site visits, online meetings, and the provision of a bespoke template.

Regarding your second question, NEER155 was one source of information which fed into the decision to amend the Heather and Grass Burning Regulations. Moorland groups have repeatedly challenged the conclusions of Natural England's Evidence Review 155 (NEER155) on the effects of managed burning on upland peatland (March 2025) and its peer review. The Moorland Association and others sought to challenge the amended Heather and Grass Burning Regulations by bringing a claim for judicial review, citing their concerns about NEER155 as part of their claim. The High Court refused permission for judicial review on all four of the claimants' grounds, finding them unarguable. The Court of Appeal subsequently refused permission to appeal the decision of the High Court. NEER155 built on Natural England's 2013 review (NEER004) by incorporating 102 new studies, which were assessed and subjected to the appropriate academic rigour. The overall findings and conclusions of NEER155 remained consistent with those of the 2013

review. It is the position of the government that NEER155 represents a robust assessment of the best available evidence.

As you say, during the EFRA Committee session on climate adaptation and emergency response on 23rd June, one witness claimed that Defra had 'disowned NEER155' and said that inaccuracies of the report were for Natural England to answer. This is incorrect, Defra has neither disowned the report nor referred to *inaccuracies* relating to it. Given that NEER155 is a Natural England report, Defra has stated that any challenges about the peer review process of that report are for Natural England to answer.

Thank you once again for taking the time to contact me about this important issue.

MARY CREAGH CBE MP