

Stop “Controlled Burning” in Wales

Y Pwyllgor Deisebau | 21 Tachwedd 2022
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Petition title: Stop “Controlled Burning” in Wales

Text of petition: The recent Mynydd Mawr, Gwynedd, fire has highlighted the problem with so-called "controlled burning". This was lit within the allowed period (1st October to 31st March) despite recent dry weather and strong winds, and when many birds have already started nesting.

North Wales Fire Service described Mynydd Mawr as "quite devastated" by the fire. The smoke affected local residents, and the fire service described how valuable resources from as far as South Wales had to be enlisted to help.

This fire covered an area of 100,000 sq m at one stage and is not an isolated incident.

Last year there were over 2000 grassfires in Wales; over 75% of these deliberately lit.

These fires cause:

- Risks to the health and safety of our fire crews, local residents and property
- Dangerous diversion and monopolisation of fire crews putting lives elsewhere at risk
- Unacceptable cost to taxpayers into the hundreds of thousands of pounds due to the high burden on fire crews
- Release of smoke and carbon at a time of a climate crisis
- Impact on nesting birds and other wildlife such as increasingly threatened adder during a biodiversity crisis. The 1st October to 31st March were colder wetter months in Wales but our climate is already changing with drier warmer weather shifting wildlife's emergence and breeding seasons. The RSPB has called for an end to upland peatland burning due to the conservation and climate concerns.



We call on the Welsh Government to stop "controlled burning" now.

1. Background

Controlled burning, also known as prescribed burning, is the planned use of fire within a particular area.

The primary type of controlled burning undertaken within the UK is to remove uncut heather and moorland vegetation.

The [Heather and Grass Burning Code for Wales 2008](#) highlights the benefits and risks of heathland burning:

Fire has been part of the natural ecology of upland and some lowland environments, particularly heathland, for many thousands of years. It occurs naturally as a result of lightning strikes and it is also one of the oldest land-management tools, used for agriculture, game management and, more recently, wildlife conservation management.

A range of semi-natural habitats are subject to managed burning including in particular moorland and heath, but also some mires and other wetlands (such as reedbeds), grasslands and scrub. Carefully

planned, periodic, controlled burning can be beneficial for agriculture, game management, wildlife conservation and the wider environment. It can provide improved accessibility and better food value for grazing animals and produce a diversity of vegetation structure and composition suitable for a variety of wildlife and game including upland birds such as red grouse.

However, it is a powerful tool, which needs to be used with skill and understanding if it is not to do more harm than good. Ill-considered burning can be counter-productive: damaging valuable grazing, plants, animals, habitats and historic features; altering the physical structure, chemical composition and hydrology of the soil; affecting water quality and weakening the character of the landscape. In some circumstances burning may also be unsafe, damaging, or a waste of time and resources.

2. Welsh Government action

The Welsh Government has published three documents relating to controlled burning:

- [The Heather and Grass Burning Code for Wales 2008](#);
- [Burning Management Plan for Wales](#); and
- [Burning Management Plan for Wales: Supporting Technical Guidance](#).

These are underpinned by the [Heather and Grass etc Burning \(Wales\) Regulations 2008](#) (“the Burning Regulations”).

2.1. The Heather and Grass Burning Code for Wales 2008

The Code is split into two parts. Part 1 summarises the legal requirements under the revised [Heather and Grass etc Burning \(Wales\) Regulations 2008](#) and other legislation. Part 2 gives recommendations on good practice.

The Burning Regulations control the burning of heather, rough grass, bracken, gorse and Vaccinium (bilberry). They do not apply to private gardens or allotment gardens. The following controls apply throughout the year:

- The burning of heather, grass etc must not commence between sunset and sunrise;

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- Sufficient people and equipment must be on hand at all times to control the burn;
 - All reasonable precautions must be taken to prevent injury or damage to persons, animals and adjacent property;
 - At least 24 hours but not more than seven day's notice of intent to burn must be given in writing to the owners/occupiers of the land concerned and persons in charge of adjacent land. This should include the dates, times, place and extent of the burn;
 - All proposed burns outside designated Sites of Special Scientific Interest (SSSIs) must have a valid Burning Management Plan (BMP), which is available for inspection by Welsh Assembly Government officials on request;
 - All proposed burns on SSSIs or other designates sites must also produce a BMP, however if one has been produced in agreement with the Countryside Council for Wales or other designating bodies this may be used to comply with the code;
 - Formal consent from Cadw may be required for burning on a Scheduled Ancient Monument.

Under the Regulations, burning is only allowed between:

- 1 October to 31 March in upland areas;
- 1 November to 15 March elsewhere; and
- At other times under a licence that may be obtained only in very specific circumstances.

Burning **within the designated burn period** does not require a licence. Both **South** and **North** Wales Fire and Rescue Services encourage landowners to inform them of planned burns.

Applications for **licences to burn in the restricted period** must be made to the Welsh Government.

Any person who contravenes any provision of the Burning Regulations commits an offence under section 20(2) of the *Hill Farming Act 1946*. Such offenders may be liable to a fine not exceeding £1000.

2.2. Burning Management Plan for Wales

Under the regulations, land managers are required to complete a **burning plan** and keep it updated. They are not required to submit a copy of their completed plan, but an up to date copy must be available for inspection by authorised

officers. The plan aims to help “develop a medium to long term approach (5+ years) for the management of land through burning, including assessing the risks involved”. The plan is accompanied by **technical guidance** to support land managers to draw up their plans.

2.3. Minister’s Paper

The Minister’s paper sets out that, in the Welsh Government’s view, the current Regulations and supporting Code are fit for purpose. It also states in circumstances where a land manager actively burns ‘no burn areas’ or negligently loses control of a planned burn, legal prosecution and or penalties relating to their Basic Payment Scheme subsidy support may be imposed.

It highlights two projects it is involved in relating to fires:

With the increase in both extreme weather events and incidence of fires occurring throughout the landscape of Wales, Welsh Government promotes co-ordinated action between the emergency services, statutory bodies and local communities, in order to react to, report and record incidence, and by doing so help address poor practice and promote behavioural change. Operation Dawns Glaw (Dawnsglaw) a multi-agency task force, comprising the three Fire and Rescue Services, Police, Natural Resources Wales, Met Office, National Parks, Crimestoppers, the Welsh Government and others, is an initiative at the forefront of this approach.

We currently favour promoting a partnership approach such as the Healthy Hillides project rather than reviewing the current regulations which we believe are fit for purpose when followed correctly. Healthy Hillides (Healthyhillides) is a Welsh Government funded partnership programme delivering a nature based solution to reducing the risk of wildfire, improving the recovery of habitats following fire damage, protecting soils to reduce carbon released by wildfires. The work will deliver wider benefits for ecosystem resilience, water and air quality, making the landscape of the valleys more resilient and better able to adapt to climate change.

3. Welsh Parliament action

The issue of controlled burning has not been discussed in the Senedd.

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.