
STATUTORY INSTRUMENTS

2021 No. 158

The Heather and Grass etc. Burning (England) Regulations 2021

Licensing of burning

4.—(1) A person may apply to the Secretary of State for a licence permitting the burning of specified vegetation in a manner otherwise prohibited by regulation 3(1).

(2) Any application must be made in a manner specified by the Secretary of State and an application may be made in relation to burns in more than one burning season or calendar year.

(3) Any application must be made not less than 28 days before the date (or the first date if more than one) on which the applicant proposes to burn and —

- (a) in the case of a burn (or burns) intended to take place during the burning season, not before the end of the burning season preceding the first burn; or
- (b) in the case of a burn (or burns) intended to take place outside the burning season, not more than 56 days before the date (or the first date if more than one) on which the applicant proposes to burn.

(4) The Secretary of State may grant a licence where it is expedient or necessary—

- (a) for the conservation, enhancement or management of the natural environment for the benefit of present and future generations;
- (b) for the safety of any person;
- (c) to reduce the risk of wildfire; or
- (d) because the specified vegetation is inaccessible to mechanical cutting equipment and any other method of management is impracticable.

(5) If the Secretary of State—

- (a) refuses to issue a licence under paragraph (1);
- (b) issues a licence in respect of only part of the land to which the application relates; or
- (c) issues a licence subject to any conditions,

the Secretary of State must give notice in writing to the applicant of the reasons for that decision.

(6) Where a licence has been granted for burns in more than one burning season or for burns outside the burning season in more than one calendar year, the Secretary of State may amend or revoke that licence, where the Secretary of State considers it appropriate, and must give notice in writing to the applicant of the reasons for that decision.