
STATUTORY INSTRUMENTS

2021 No. 158

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

Prohibition of burning on peat over 40cm deep except under licence

3.—(1) Unless paragraph (2) or (3) applies, a person must not burn specified vegetation on a designated site on peat that is of a depth of more than 40 centimetres, except under (and in accordance with) a licence issued by the Secretary of State under regulation 4.

(2) The prohibition in paragraph (1) does not apply if the area of specified vegetation to be burned in one burning season is an area —

- (a) which has a slope of more than 35 degrees; or
- (b) where more than half of that area is covered by exposed rock or scree,

and in either case—

- (i) is a single area of 0.5 hectares or less, or
- (ii) is on two or more areas within 5 metres of each other with a combined area of 0.5 hectares or less.

(3) The prohibition in paragraph (1) does not apply where land is cultivated as a private or allotment garden.