



**Isle of Man**  
Government

*Reiltys Ellan Vannin*

# Heath Burning Code



Department of Environment, Food and Agriculture  
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## Heath Burning Code

This Code of Practice gives practical guidance covering good heathland management techniques, with particular regard to the Heath Burning Act 2003 and draws attention to other legislation which should be considered when planning management activities.

This Code focuses primarily upon burning. However, in addition to burning, the Heath Burning Act regulates any activity which can cause destruction of Registered Heath. It should be remembered that good heathland management practices can include other techniques in addition to the judicious use of fire. Further advice on management of heathland is available from the Department. Contact details are provided at the end of the Code.

Section 13(4) of the Heath Burning Act 2003 states that:

**The Department may by order approve any code of practice for the purpose of:**

- (a) giving practical guidance to persons engaged in agriculture and forestry with respect to activities which may be detrimental to registered heathland; and**
- (b) promoting what appears to it to be desirable practices by such persons for avoiding or minimising damage to registered heathland.**

In order to meet Cross Compliance Standards established for the Department's Countryside Care Scheme, a claimant to the Scheme must follow this Code of Practice when burning and managing heath. Failure to do so could lead to penalties being applied and loss of payment from the Scheme.

A contravention of this Code of Practice does not, by itself, give rise to any criminal or civil liability; but, if in any proceedings, whether civil or criminal, it is alleged that a person has contravened a provision of the Heath Burning Act, a failure to comply with this Code of Practice may be relied upon as tending to establish liability.

### What is Heath?

For the purposes of this Code, 'heathland' and 'heath' mean open uncultivated ground characterised by low-growing herbage and a minimum of 25% dwarf shrubs, in particular, Ling or Common Heather, (*Calluna vulgaris*), Bell Heather (*Erica cinerea*), Cross-Leaved Heather (*Erica tetralix*) Western Gorse (*Ulex gallii*), and Blaeberry (*Vaccinium myrtillus*). Various types of habitat can be found on heathland including blanket and raised bogs.

Heath covers around 12% of the Island and is a valuable habitat with international significance. In general, Manx heath is located in the uplands and is normally referred to as moorland but there are notable areas of coastal and lowland heath, such as at The Ayres.

Significant areas of heath are Registered under the Heath Burning Act and Licences are required in order to burn in these areas (see page 17). Whilst Licences include specific requirements and conditions in line with this Code, management of unregistered heath should still be undertaken in compliance with the Code.

## Alternatives to Burning

Whilst burning is considered by many as the main method of heather management, it must also be remembered that other heath management options are available:

- **Grazing**

The majority of Manx heath is grazed to one extent or another. Even where no domestic livestock is present, lagomorphs (rabbits and hares) are likely to be present. In situations where livestock grazing is not employed, the presence of lagomorphs (rabbits and hares) can be beneficial. Problems can arise where rabbits occur in large numbers and the very existence of the heath may be compromised.

The grazing of heath by livestock is beneficial when managed correctly. Stocking densities should ideally be based on the individual site's ability to sustain such levels. Overgrazing can, and does, lead to the loss of desirable heathland plant species. Heath that is continually overgrazed is lost and unpalatable grass species, such as *Nardus* and *Molinia*, become the dominant species. However, without burning or cutting, the quality of grazing is limited and localised overgrazing can occur. Further supplementary feeding would be required which can also lead to loss of heath through trampling and soil enrichment.

- **Cutting**

If you have access to a 4wd tractor and a heavy-duty swipe fitted with chains, you may want to consider cutting as an alternative, or in addition, to burning.



The main advantage of cutting over burning is that it is far less likely to be hampered by the weather and the risk of fire damage to neighbouring property is minimised. Accurate management plans can be adhered to as you can easily control the size and shape of each cut. However, some areas of heath are unsuitable for cutting as tractor access may be limited, damage to areas of sensitive vegetation may occur, hidden rocks can easily damage machinery and some areas are too steep to operate a tractor

safely. Re-growth can be very good but, as with burning, this depends on the previous management of the heath. Old degenerative heather will mostly only regenerate from seed and this may take longer after cutting as the cut litter may suppress germination. However, degenerative heather can be very difficult and dangerous to burn, so cutting may be the best available option.

Cutting may also be used to create firebreaks to help control planned burning. The use of such breaks must be done with care as cut litter can carry the fire when dry. More information regarding cutting firebreaks can be found on page 6. For further advice on cutting, please contact the Forestry Directorate.

## **Burning – Benefits and Risks**

**Benefits** - Judicious and appropriate burning within a long-term programme can benefit accessibility and improve food value for grazing animals and can offer a more diverse and sustaining habitat for grouse and other wildlife. It increases the frequency of the natural cycle of heath regeneration, creating variation in an otherwise uniform habitat. In addition, burning removes the build-up of combustible material and can provide firebreaks, thus providing a degree of protection against widespread damage through wildfire. Burning helps maintain the fabric and landscape heritage of our uplands.

**Risks** - Ill-considered burning can be counter-productive, destroying valuable grazing, plants, animals and birds. It can alter the physical structure, the chemical composition and even the hydrology of the soil and mar the appearance of the landscape. Fires can be dangerous to those carrying out the burn, to adjacent property and to others, if not managed correctly and responsibly.

Burning is therefore a useful but powerful tool which must be used within clearly set parameters if it is to achieve worthwhile goals and not cause damage.

Legislation exists (see page 16) to help ensure that burning is undertaken to advantage. In addition to this framework however, knowledge and skill are vital components to ensure that damage and injury are not caused.

**Take sufficient precautions to protect against injury or damage. If anything, be over-prepared, not under-prepared.**

Burning in itself is **not** an effective means of control of:

**European Gorse** - Burning is of little benefit for long-term control. Its effect is to bring about a break on seed dormancy resulting in the appearance of young seedlings as a carpet to re-invade the burned area. Burning can, however, be beneficial to reduce height, risk of uncontrolled fire and improve food value. Gorse will require additional treatment by, for example, cutting or spraying. Retaining some areas of gorse can be useful for wildlife conservation purposes.

**Bracken** - Burning is of no benefit as a control. Burning of dead litter is unlikely to affect the buds below the surface. Burning of bracken litter may, however, provide a spring bite of grass before the new bracken emerges. Bracken can be controlled by other means such as rolling, cutting or spraying. However, great care must be taken to ensure that nesting birds are not disturbed if cutting or rolling.

Advice on the treatment of gorse and bracken can be sought from the Department.

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## **Burning must not be done:**

- on registered heath without a licence or in contravention of conditions of a licence (see page 17);
- at the wrong time of the year;
- under the wrong conditions;
- without proper control and resources;
- without every reasonable precaution being taken to avoid nuisance or danger to people, traffic, property, wildlife, woodland, watercourses and reservoirs.

## **Plan ahead**

- Burn in a systematic and controlled way, on a sound rotational basis within a long-term programme. There will be an optimum length of rotation for the regeneration of vegetation in each area (see Frequency of Burning). The regeneration cycle of vegetation in general will take 10 to 20 years.
- Each year, within a planned programme, aim to burn the right proportion of the total area at the appropriate time and under the correct conditions.
- Carefully control the burning operation, or neighbouring properties and wildlife will be put at risk.
- Complete all burning outside bird nesting periods and between 1st September and 15<sup>th</sup> March. Do as much as possible early in the season and aim to complete by the spring. Where circumstances allow, the Department may take the decision to permit burning to continue to 31<sup>st</sup> March. Those wishing to burn between these later dates should contact the Department for clarification.
- Do not burn near to protected or sensitive species of flora or fauna. If in doubt, advice is available from the Department.
- Burning should be selective. Choose only banks of naturally drained ground where the vegetation will clearly benefit from burning.
- Enough labour must be available for the adequate control of a burn.

## **Landscape and Wildlife**

- Take care of wildlife habitats. Do not disturb nesting or breeding wildlife and avoid damage to valuable habitats.
- Take care of the landscape - especially adjacent plantations, hilltops, water courses and reservoirs.

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## Neighbours

- You need to consult and co-operate with neighbours, especially plantation owners. Discuss timing and ensure that a boundary firebreak is established in order to take account of their property interests.

## Public Safety

- Do not burn when the direction of the wind is likely to cause hazard or annoyance from smoke.
- Do not create hazards to road users and the public.
- Any smoke emitted in such quantity or of such density or content as to affect anyone's enjoyment of their own property is legally defined as a nuisance (see 'The Law' on page 16).

## Firebreaks

- Make use of natural boundaries for the burn e.g. rocky outcrops, wide sheep tracks, footpaths, streams etc. Regard should be given to the effect of burning on these areas. Streams can become silted and the slow-growing turf on shallow soils near rocky outcrops can be destroyed.
- Use firebreaks which have previously been cleared or burn into previous areas of burn.
- Firebreaks should be burned as soon as possible in the season to ensure that these are available when suitable conditions arise for more widespread burning.
- Firebreaks can be made by cutting strips of long heather. Cut combustible material may, however, have to be removed in order to create an effective firebreak. Alternatively, blacken a strip along the edge before burning larger strips into the break.
- No cut, or previously burned firebreak, is guaranteed to stop a fire. If in doubt, blacken the edge of your intended firebreak in a controlled manner before lighting your main fire.
- The width of firebreaks should be appropriate to the conditions but as a guide should be **at least 5 metres** wide.

## Supervision and Equipment

- Have sufficient manpower available. It is safest to burn with three or more workers, and you should not burn alone.
- An active fire front should be about 5 metres (5 - 6 yards) per person. Allow a good safety margin in suitable weather conditions but no matter how many people are present, the total width of fire front should not exceed about 55 metres (60 yards).
- Appoint someone to be in charge. All equipment and persons involved in the burning should be under the control and direction of one person.
- Notice must be given to the Fire Service when the decision to burn has been taken and upon completion of the burn.
- There is no suitable substitute for purpose-made fire beaters. Garden spades and shovels are not suitable. Agricultural grain shovels with a 2.5 m alloy handle are effective and economical. The addition of one or two chains attached to the underside of the shovel helps further. Please contact the Forestry Division for advice regarding suitable equipment.





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- Ensure that you are suitably equipped with adequate beaters, scrapers, fire retardant clothing and goggles. Face masks and, to a lesser extent, gloves are useful, but do not wear both as keeping exposed some heat-sensitive part of the body is a useful indicator of danger. Knapsack sprayers can be useful for spraying and extinguishing smouldering remains.
  - A means of raising the alarm in the event of an emergency, such as a mobile phone, is recommended.
  - Always carry plenty of drinking water to avoid dehydration.
  - Fires must always be supervised. The fire must be out before supervision ceases with someone being detailed to be responsible for a final check that there are no smouldering remains.

**It is illegal during any burn to allow smoke emissions which are prejudicial to health or which are a nuisance (see "The Law").**

## **Sites Demanding Special Care and Attention**

### **Do not burn:**

- *Blanket bog* as there is little value to be gained from burning.
- *Steep slopes and gullies* which can be harder to control and which have an increased risk of erosion.
- *Around reservoirs and larger watercourses*, where a buffer zone should be left unburnt on each side of the watercourse.
- *High altitude sites* above 400m or 1300ft where growth is slow and the vegetation cover often patchy. Burning should not extend to within 50m (160ft) of hilltops where capping soils are shallow and vulnerable.
- *Coastal heaths* should not generally be burned as they can be easily damaged. Exceptional circumstances may prevail, however, e.g. where there is a need for specialised habitat conservation management or where burning may create vital firebreaks to avoid uncontrolled wildfire.
- *Areas of old rank heather*. These burn too fiercely and can be very hard to control. Mechanical cutting is usually better. However, if you must burn, do so when the ground litter is still damp.
- *Lowland heaths*. These are particularly rich in flora and fauna and some species are rare. The vegetation provides cover and food for animal communities (vertebrates and invertebrates) which undergo changes in phase with the vegetation. Usually there is little agricultural benefit from burning this type of vegetation and management by occasional use of machinery is sufficient to maintain any managed grazing already present.

- *Matt Grass (Nardus) and Purple Moor Grass (Molinia)*. Care must be taken when burning mixed community heath containing Molinia. The dead litter from Molinia can become airborne when burned and ignite spot fires away from the main fire.



*Purple Moor Grass (Molinia)*

### **Take great care when burning:**

- *Close to bracken.* Never burn up to bracken as this encourages bracken spread. Heather should be cut for a distance of 5 metres (6 yards) from the bracken edge. A cutting implement should be used which will slice cleanly through the heather stems, rather than knocking them down. If this is not possible, burns should be at right angles to the bracken edge and should be narrow, no more than 30 metres (35 yards) wide. Although slow, this way avoids the risk of uncontrolled bracken spread.
- *Near forestry plantations, woodland, scrub and hedges.* Such areas are valuable in themselves and as cover for stock and wildlife. Consult the owner of the woodland concerned well in advance; they may wish to provide assistance in controlling the fire. Burning should take place only in ideal weather conditions and with full attention to safety factors such as firebreaks. Burning should not normally occur within 50 metres of a plantation.
- *Near or on Areas of Special Scientific Importance (ASSIs), Areas of Special Protection (ASPs) and National Nature Reserves (NNRs).* These sites contain important flora and fauna or are of geological interest. Burning operations are listed as potentially damaging operations under The Wildlife Act 1990. Consultation with the Department of Environment, Food and Agriculture biodiversity officers is **essential** in these areas.
- *Near or on Manx National Trust land* where written permission to burn must be sought.

- *Near any historical or archaeological remains* which may be easily damaged.
- *Near smaller watercourses.* In order to avoid erosion and silting it may be preferable to leave a buffer zone. Where these risks are low, burning to a watercourse may provide a useful firebreak.
- *Near public highways.* Leave a buffer zone adjacent to public highways and ensure that smoke does not drift across a public highway. If this happens despite every reasonable precaution being taken to avoid it, then the Police must be immediately alerted to warn traffic. If it is possible that smoke may drift across an adjacent public highway, then application should be made at least 21 days prior to the date of burn to the Department of Infrastructure (Highways Division) for a road closure. The Department of Infrastructure retains the right to refuse, vary and impose conditions upon any request for a road closure.
- *Burning uphill.* Fires fronts can move very quickly uphill as the flame tips are always in contact with the fuel. If you must burn uphill, only burn small sections at a time. Start near to your firebreak and when the fire is extinguished step back further and repeat the process. This method may take a little longer, but it is much safer.
- *Burning across the side of a steep hill.* The person controlling the top flank should always stand behind the flame or on the black ground. This will prevent injury if the wind direction swings uphill.

## Frequency of Burning

### Heather Stands

Heather can die if burnt too frequently and heather forage may deteriorate if burnt infrequently.

Where heather dominates, the length of rotation is determined by the time taken for heather to reach the appropriate stand condition for burning, rather than age. Use height as the indicator of stand condition.

In pure stands with few other plants, between 20cm (8in) and 30cm (12in) is the right height. Also, patches should be allowed to grow to about 40cm (16in). Where heather grows in mixture with grasses, burning could be delayed until the plants are a little taller. Larger plants have a limited use for stock feed and when burnt bring the risk of over-hot fires with consequent loss of control and poor regeneration after burning. To maintain this stand a burning rotation should be adopted that reflects the growing time i.e. if 20cm is obtained in 8 years in favourable districts  $\frac{1}{8}$  of the total managed area should be burnt every year, if 20 years then  $\frac{1}{20}$  every year etc.

Leave areas that are unsuitable for burning e.g. steep slopes, as these encourage greater habitat diversity.

## Mixed Communities (Heather and Grass)

Burning too frequently destroys the range of species and hastens their subsequent replacement by unwanted grasses.

The frequency of burning where vegetation is made up of a range of heathers, grass and other species depends on the relative dominance and desirability of each within the overall management objective. Where heather is dominant and desirable, manage as if it were all heather. Distinct 'islands' of heather should be treated as heather stands.

## Shape and Size of Individual Fires

Scale individual burn sizes to manpower availability, safety requirements and weather conditions (check forecast).

Small fires, well distributed over the area, are preferable to one large fire. If small fires are lit too close together they will soon be drawn together and you may lose control. In terms of appearance and for the protection of wildlife habitats, a patchwork mosaic of various ages of vegetation is best. The survival of moorland fauna, particularly invertebrates and ground nesting birds, will be prejudiced if their breeding, feeding and shelter areas are all simultaneously removed and some will not quickly re-colonise the area. Agriculturally, this patchwork mosaic pattern enables better grazing. Within this ideal, the shape and size of individual fires may need to vary.



For Grouse management, the shape of fires is equally important. Long narrow strips up to 30m wide or many smaller blocks should be burnt leaving nearby protective cover. Strip burning is useful for grazing animals as it encourages livestock to move along the strip when feeding, thus helping to avoid preferential grazing and bald patches. Large areas of old degenerate heather may be burned in larger blocks, but this must be made clear when applying for a licence. These areas of rank vegetation tend to occur close to forestry or on steep slopes where it can be hard to burn. It is rare to find large areas of rank vegetation away from these areas. Therefore, larger fires where strip burning can be undertaken away from these 'edges' should be avoided. It is generally regarded as preferable in the Isle of Man to endeavour to achieve a balance of useful benefits for both grazing livestock and game and other wildlife.

## Timing of Burning

- **Start early**
- **Finish before dark**
- **Judge the weather**

Burning should not commence later than one hour before sunset or earlier than one hour before sunrise. All fires must be extinguished before 'lighting-up' time, or as soon as possible thereafter and in any case by one hour after sunset. Never burn through the night or when visibility is severely impaired during, for example, foggy conditions.

The individual in charge of each burn should take full account of the weather conditions and the condition of the vegetation. The weather should be dry enough to allow a controlled burn and not so dry that the burn will be too hot. The wind speed and direction must be right or you may lose control of the burn.

Do not burn when the turf is very dry, for example after a prolonged period of dry weather. The burn can destroy seed, which will severely retard re-growth, and can enter the humic layers, destroying peat and soil structure. This can also destroy archaeological or palaeontological remains and be very difficult to effectively extinguish.

Choose a day with a steady gentle breeze of about 7 to 10 knots (8 to 12 miles per hour). Such a breeze would move leaves and small twigs constantly, but would not blow dust or paper about or move small branches of trees. Variable light winds, strong and gusty winds and still days are dangerous. Always remember that fire creates its own draught which may affect the direction irrespective of the wind. If conditions get worse, burning should be stopped immediately.

## Starting and Controlling Fires

It is essential to get the fire lit as quickly as possible. This will help a uniform 'head' to form quickly allowing you to extinguish any back burn before starting to control the fires flanks. The most widely used method is to light spot fires 30 cm apart at right angles to the wind and your target firebreak. The use of a wick and diesel (never use petrol) can speed up this process. Gas fuelled 'Weed Wands' can also be used, but they tend to be slower than the wick and diesel method.



Always burn away from, and never towards, woodland, forests, scrub, bog, steep (uphill) slopes, ASSIs and other areas of conservation value, and protect them by firebreaks. Burning in the vicinity of these sensitive and dangerous areas should be only carried out with a very gentle and constant wind blowing away from the sensitive area.

Routine burning should be with the wind. Back-burning against the wind can be useful for preparing firebreaks. Your main fire should be with the wind as back-burning can destroy mosses and lichens and may ignite the underlying peat. Preferably, the wind should be blowing downhill. If this proves unsuccessful, the next attempt should be on the level and failing this, on a gentle slope. It should always be remembered that burning conditions can change quickly and dramatically.

**Always** light a small test fire towards a reliable firebreak to assess the burning conditions.



Light the fire front narrower than the intended width as it is easier to widen it later. As soon as the front is moving in the desired direction, extinguish the back-burn. Once the back-burn is extinguished you should control both flanks of the fire. Always control the flanks and aim to keep the flank fire as short as possible. If you don't, a 100+m flank fire could turn into a very wide and dangerous fire front if the wind direction changes. It is often the uncontrolled flank fires that cause the most damage!

Control the flanks of a fire at a desired width leaving the fire front to spread in a pre-determined direction, with at least one flank defined by a natural or prepared fire break where possible.

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Easterly winds on the Island tend to be very variable, so care must be taken. If the wind is variable, burn shorter strips and light narrower widths of fire for easier control as wind can easily widen the fire front.

## **IMPORTANT**

- **Follow the checklist on the back of this booklet every time you burn**
- **Remember - No two days burning are ever the same**
- **Uncontrolled burning is dangerous to people livestock and landscape**

## **Emergency Procedures**

### **In the event of a fire getting out of control:**

- **Stay calm** and assess the situation;
- Identify if there are any firebreaks ahead of the fire;
- If not, then **call for help** and supply information regarding vehicle access, location of a water supply etc.;
- **Keep working on the flanks;**
- Send someone to meet the Fire Service so that they can be guided across any difficult terrain;
- **Do not allow any vehicle to drive in front of the fire's path;**
- When help arrives supply as much information as possible relating to the lie of the land;
- Inform any neighbours if their property is at risk.

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## The Countryside Care Scheme

Applicants to the Countryside Care Scheme must comply with the Heath Burning Code in order to receive a full payment from the Scheme. The Scheme supports the aims of the Code to maintain and enhance heathland as a valuable habitat.

Under the Scheme, burning or cutting within the framework of the Code can be undertaken on Registered land with a licence or on unregistered land without a licence.

Where Registered heath is burned under licence, there is a requirement to seek an extension licence should an individual wish to extend the burning beyond 15<sup>th</sup> March. Extensions may be permitted to run no later than 31<sup>st</sup> March. Where burning on unregistered heath is required beyond 15<sup>th</sup> March, permission must also be sought from the Department before the burning is carried out. Applicants must demonstrate the same conditions as set out in point 4 of the section entitled "Licences for Burning". Please contact the Department on 801263 to obtain permission for an extension.

Heath is a natural or semi-natural habitat and permission should be sought from the Department before work such as ploughing, clearing or fertilising is carried out. On Registered heath, these activities may be viewed as 'destruction' and would need licensing similar to a heath burning licence. On unregistered heath, a Works Approval must be completed and approved, a form for which can be obtained from the Department (contact details on page 21) or from the website [http://www.gov.im/daff/countryside\\_care/](http://www.gov.im/daff/countryside_care/)

For further information, please see Chapter 6 of the *Farmers' Handbook* which can be found on the website as above.

For further information regarding the Scheme please contact the Agricultural Services Directorate on 687343.



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## The Law

You should ensure that you know and comply with legal requirements, restrictions and byelaws relevant to the activity you are undertaking, the location and the prevalent conditions. You can be fined heavily for breaches of the law. In summary:

- Under the Heath Burning Act 2003 (see page 17), you must obtain a Licence to burn or destroy Registered Heathland. Burning or destruction without a Licence, or in contravention of the conditions of a Licence, may result in a fine of up to £5,000.
- Damage caused to Registered Heathland through burning or other activity without a Licence, or in contravention of the requirements of a Licence, may result in the Department of Environment, Food and Agriculture serving a Rehabilitation Notice requiring the person or persons causing the damage to take steps to rehabilitate the heath.
- You must have the permission of the landowner to burn or destroy heath. Tenants may be obliged to follow certain procedures as required by the terms of their lease.
- It is an offence under the Wildlife Act 1990 to disturb any nesting bird listed in Schedule 1 of the Act. The maximum penalty for breaching this Act is a fine of £5,000.
- There are special rules for Areas of Special Scientific Interest (ASSIs), Areas of Special Protection (ASPs) and National Nature Reserves (NNRs) under the terms of the Wildlife Act 1990 and also on Manx National Trust land which is regulated by the Manx Museum and National Trust Act 1959, as amended. Certain activities, including burning, must have specific permission and may require a licence from Manx National Heritage before you can carry them out on these lands. You should speak to the appropriate authority to identify what the required procedure is.
- Under the Public Health Act 1990 any smoke emitted in such quantity, or of such density or content, as to be a nuisance may result in action being taken against you under that Act (statutory nuisance) and may lead to a maximum fine of £2,500.
- It is an offence under the Health and Safety at Work etc. Act 1974 to endanger anyone, including a member of the public, by burning operations.

**This list is not exhaustive as other rules and regulations may need to be considered dependent upon the location and nature of the intended burn or other activity.**

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# **The Heath Burning Act 2003**

The information contained within this section is for guidance only and should not be taken as being a full authoritative statement of the law.

Full copies of the Heath Burning Act 2003, the Heath Burning (Licensing) Regulations and the Heath Burning (Review and Appeals) Regulations together with further copies of the Heath Burning Code are available from the Department or from the Tynwald Library, Government Offices, Douglas.

## **Registration of Heathland**

Under the Heath Burning Act 2003, the Department of Environment, Food and Agriculture can register heathland and control burning or destruction of registered heathland by licence. Registration of heath is undertaken in liaison with owners/occupiers and other identified interested parties.

## **Applications to Burn**

Applications to burn registered heathland must be submitted to the Department on the appropriate form. Those wishing to burn should approach the Department to discuss their intentions. Licences can be issued throughout the burning season, but it is preferable for a plan of burning for a holding or block of land to be considered and licensed prior to the season. Contact details for the Department are included at the end of the Code.

## **Licences for Burning**

### **Standard Conditions**

Every licence for heath burning shall be subject to the following standard conditions:

1. The licence shall be in the name of the applicants who are responsible for control of the burn and for compliance with the conditions of the licence.
2. There shall be attached to a licence a plan showing either:
  - (a) the full extent of the area of which burning is permitted; or
  - (b) an area of which no more than a proportion specified in the licence of the area shall be burnt.
3. Subject to paragraph 4:
  - (a) a licence shall be valid up to the 15<sup>th</sup> March next following the date of its being granted; and

- (b) licensed burning shall take place only between the 1<sup>st</sup> September and the 15<sup>th</sup> March next following.
4. The Department may grant a special extension licence to permit burning after the 15<sup>th</sup> March but in no case on or after the 1<sup>st</sup> April, where an applicant is able to demonstrate to the Department's satisfaction that the potential impact on wildlife will not be seriously detrimental in that year or in that locality because of climatic or other seasonal variations.
  5. Licensed burning shall not be commenced later than one hour before sunset or earlier than one hour before sunrise. Every effort must be made to ensure that all fires are extinguished by one hour after sunset.
  6. Adequate manpower and fire extinguishing equipment shall be available on site to control the burn under normal circumstances. A minimum of two persons must be in attendance at all times.
  7. Where practicable, those involved with a burn shall carry a mobile telephone or other means of communication in order to raise the alarm in case of an emergency.
  8. Burning shall be undertaken in appropriate conditions where the burn can easily be controlled and where intensity of burn will not be such as to enter layers of peat, notwithstanding that weather conditions may change. Close monitoring of weather conditions should be undertaken through contact with the Meteorological Office.
  9. At least 30 minutes prior to commencement of burning, notice of imminent intention to burn shall be given:
    - (a) at all times, to the Isle of Man Fire & Rescue Service; and
    - (b) during normal office hours, to the Department of Environment, Food and Agriculture at the offices of the Forestry Division, the Forestry Ranger or the Forestry Warden.
  10. Notice of imminent intention to burn, as required under paragraph 9, shall contain the following information:
    - (a) a contact name;
    - (b) the method of contact (mobile telephone number or other method);
    - (c) the location and intended start time of the burn;
    - (d) the expected duration of the burn.
  11. The Isle of Man Fire & Rescue Service (Emergency Services Joint Control Room) shall be notified immediately or as soon as practicable of:
    - (a) a decision not to burn when a notice of imminent intention to burn has been given as required under paragraph 9; or
    - (b) completion of the burn, after all fires and any smouldering remains have been extinguished.

## Special Conditions

Licences for heath burning may be made subject to additional special conditions as necessary and appropriate, which may include conditions covering:

1. The protection or promotion of valuable heathland characteristics such as those listed in section 3(1) of the Act;
2. The physiography, topography or location of heathland in order to protect such things as persons, plantations or other property, water courses and impounding reservoirs, vulnerable vegetation, historic remains and landscape heritage, or to avoid smoke nuisance to individuals and properties or smoke hazard on adjacent highways;
3. The avoidance of burning in specified locations;
4. Methods of safety;
5. Particular burning methods;
6. Resources required on site;
7. Site preparation, restoration and rehabilitation.

In particular these may make reference to special arrangements and further liaison with the relevant authority if burning:

- On an ASSI. Contact the biodiversity officers at the Department of Environment, Food and Agriculture.
- On land regulated by other legislation such as that owned by Manx National Heritage.
- In the catchment area for a public water supply. Contact the Isle of Man Water and Sewerage Authority.
- Where smoke is likely to drift across a highway. Contact the Highways Division of the Department of Infrastructure.

## Destruction of Heath

The Heath Burning Act 2003 also controls 'destruction' of registered heath. For the purposes of the Act, 'destruction' may be caused by activities such as:

- Ploughing or breaking up of heath;
- Spraying with herbicide;

- Overgrazing;
- Fertilising or treating it in such a manner as to kill or seriously alter the nature of the balance of vegetation and/or retard re-growth;
- Regular use of 4wds and off-road motorcycles.

'Destruction' would not include such positive alternative heathland management tools as cutting or bush-hogging. These activities would not require a licence as long as they were undertaken in a beneficial manner and during the burning season.

## **Applications and Licences to Destroy Heath**

The Department will licence destruction of heathland for a legitimate purpose in a similar manner to that adopted for burning activity with restrictions and conditions appropriate to the method of destruction. Where destruction of heath forms part of a planning development the Planning Committee would consider all associated works.

## **Reviews and Appeals**

Under the Heath Burning (Review and Appeals) Regulations, the owner or occupier of land may apply to the Department for a review of a decision to register, de-register or otherwise modify the details of a registration. An application for review should be made in writing within 21 days of the date of the Notice of Registration being issued, stating the reasons for requesting a review. In reviewing the Registration, the Department may place a notice in the press and/or invite representation from other sources.

Where a person is aggrieved by a reviewed registration decision, a licensing decision or a rehabilitation notice, he or she may appeal in writing to the Department within 21 days of service of the decision or notice for the matter to be passed to the Appeal tribunal which is headed by the High Bailiff.

## **Important Note**

**The Code of Practice should be followed by anyone intending to burn heath, even in an area which is not Registered under the Heath Burning Act 2003.**

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## Further Information

Further information on the Act, Code, Registered Heathland or licensing procedures and forms, as well as advice and guidance on other aspects of heathland management, can be obtained from:

**Department of Environment, Food and Agriculture  
Forestry, Amenity and Lands Directorate  
The Slieau Whallian  
Foxdale Road  
St. Johns  
Isle of Man  
IM4 3AS**

**Telephone: 01624 801263  
E-mail: forestry@gov.im**

### Other useful numbers:

<b>Emergency Services Joint Control Room (Fire and Police Control)</b>	<b>697327</b>
<b>DEFA Forestry Ranger</b>	<b>452428</b>
<b>DEFA Forestry Warden</b>	<b>490714</b>
<b>DEFA Agricultural Field Officers</b>	<b>685835</b>
<b>Police Wildlife Crime Officers</b>	<b>842208</b>
<b>Highways Division</b>	<b>686606</b>
<b>Isle of Man Water &amp; Sewerage Authority</b>	<b>695949</b>
<b>Manx National Heritage</b>	<b>648000</b>
<b>Meteorological Office Weather Line</b>	<b>0900 6243 300</b>

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## Checklist for each Burn

### Prior to the Burning Season

- To burn Registered Heath contact D.E.F.A. to discuss and obtain the necessary Licence.
- Liaise with other bodies i.e. Water or Highway Authority if necessary.

### 1 - 7 days before

- Inform neighbours.
- Organise sufficient helpers and equipment.
- Plan the burn. Consider site, fire breaks and size of burn.
- Check the weather forecast.

### On the day

- Inform Fire Service, and D.E.F.A if heath is Registered.
- Inform neighbours as appropriate.
- Have enough helpers and equipment.
- Appoint someone to be in control.
- Can help be summoned quickly by mobile phone?
- Burn only in suitable wind conditions. Stop if it changes.
- Keep fires small enough to control.
- Ensure fire is out and inform Fire Service accordingly.
- Check again later.

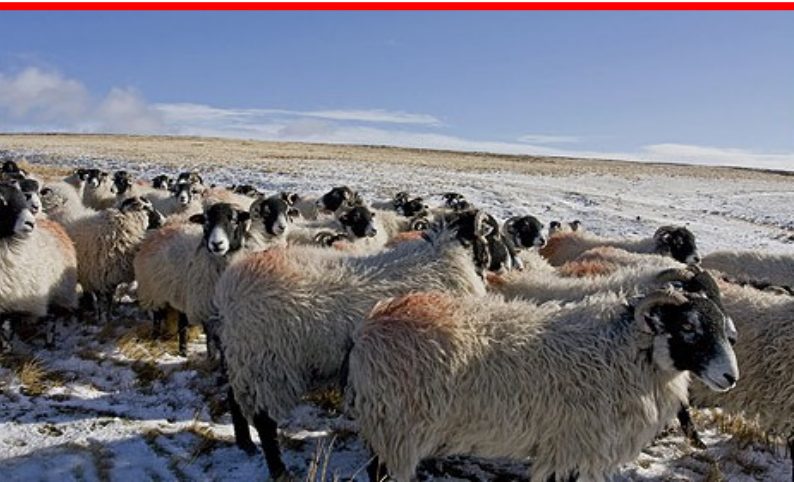
### Never

- Endanger or cause nuisance to road users or others.
- Burn alone.
- Leave a fire unattended.
- Start burning between sunset and sunrise.
- Burn near flammable materials.
- Take small children with you.
- Burn so much that it is likely to lead to contamination of watercourses and/or reservoirs.

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The information in this booklet can be provided in large print  
or in audio format on request



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