

The Walshaw Effect - Northern England's protected blanket bogs RSPB complaint to the European Commission – update April 2016

Overview

This case began with the RSPB's concerns over Natural England's actions in relation to an upland shooting estate, Walshaw Moor, in the South Pennines. It has now expanded to cover the way in which Natural England and the UK Government permits and financially supports the ongoing burning of our globally important blanket bog habitats on grouse moors in protected Special Areas of Conservation in northern England.

The RSPB's complaint

In October 2012, the RSPB submitted a complaint to the European Commission concerning decisions by Natural England (NE) in March 2012 over the management and protection of the part of the South Pennine Moors owned and managed by the Walshaw Moor Estate (WMEL). The RSPB considered that decisions, taken on behalf of the UK Government, were in breach of the requirements of the European Habitats Directive and Birds Directive to protect the special wildlife of the South Pennines. They related to the SSSI Consent 2012 and the dropping by Natural England of its prosecution of WMEL on 45 alleged offences in March 2012. Earlier updates on the progress of the complaint can be found [here](#) and [here](#).

The UK Government's response

Over the last 3 years, the UK Government responded to the European Commission's questions relating to the RSPB's complaint. In answering those questions, the UK Government accepted that, in addition to Walshaw, grouse moors are the only places in England with NE's permission to burn blanket bog on SACs and that management activities, including burning, are funded by EU agri-environment money. The UK Government made a commitment to the Commission to carry out a review of these permissions (consents) following completion of NE's review of its upland evidence: that evidence review concluded that ongoing burning of blanket bog habitat would prevent its maintenance and restoration (see NE Upland Evidence Review, [Glaves et al \(2013\)](#)).

The bigger picture – wider issues relating to blanket bog management on SACs and SPAs in England

Blanket bog (a globally important priority habitat) is a climax habitat, characterised by a high water table and associated cover of peat-forming vegetation. Over millennia, the characteristic peat-forming vegetation has laid down a deep layer of peat. Where blanket bog has been damaged by atmospheric pollution (largely historic), drainage and managed burning, the vegetation is often dominated by heather and may resemble dry heath: on many such areas, the deep layer of underlying peat would suggest that such areas of vegetation should properly be regarded as degraded blanket bog requiring restoration.

Over the last 3 years, the RSPB has gathered evidence to better understand the situation in respect of the management of blanket bog on upland SACs and SPAs in England. This was based on information provided by NE. A summary of our initial evidence was published in March 2014 [here](#).

We have since obtained a more comprehensive and accurate picture of the situation using information provided by NE. This is based on the individual SSSI management units to which the consents to burn blanket bog have been granted. We have been able to relate the information on the SSSI units with consent to burn blanket bog with the distribution of deep peat soils (National Soil Resources Institute data). This information was provided to the European Commission in June 2015.

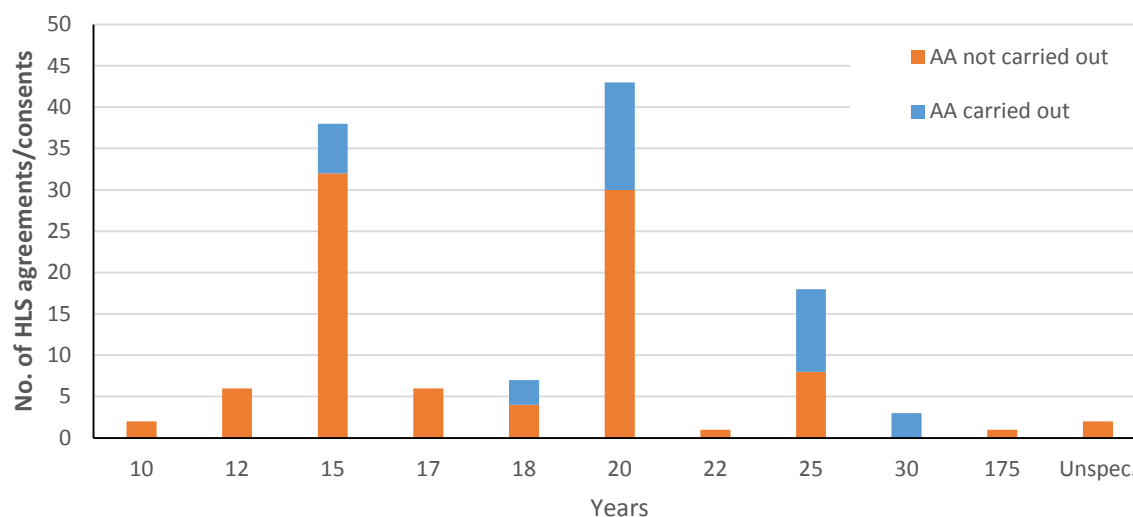
What we found – burning consents

5 of the 10 SACs designated for blanket bog in England have consent to burn the habitat. The associated Special Protection Areas (SPAs), designated for their upland birds are also affected, including Bowland Fells SPA. Consent from NE to burn blanket bog on SACs in Northern England is routine and widespread.

A total of 116 consents permit burning of blanket bog in the 5 SACs: a further 6 consents relate to the Bowland Fells SPA. All but 4 consents are listed by NE as being on grouse moors: the remaining 4 show signs of typical grouse moor burning. Overall, grouse production is THE driver behind the burning of blanket bog habitat in SACs in Northern England designed to protect and restore this globally important habitat.

Burning rotations typically range from 10 to 30 years (see Figure 1). This is confirmed by a report commissioned by NE (and supported by the EU's LIFE programme) that found the frequency of burning of blanket bog in England is 20 times more frequent than the evidence suggests is required for full ecosystem recovery. There are 46 rotations with a minimum length of 15 years or less, while two are not time-limited. Where detail is given, shorter rotations apply to already degraded blanket bog, further exacerbating the extent of damage.

Figure 1
Minimum burning rotations authorised by Natural England agri-environment agreements¹ or consents (with or without Appropriate Assessment) on blanket bog within SACs and SPAs in England.



Consent to carry out activities that could potentially damage an SAC or SPA can only be given after an “appropriate assessment” under the Habitats Directive has been carried out and confirmed there will be no risk of damage to the SAC or SPAs conservation interests. However, only 35 of the 122 consents to burn blanket bog within SACs and SPAs in England were subject to appropriate assessments under the Habitats Directive. All but 1 of these were carried out since March 2012 and NE continued to permit the burning of blanket bog.

Whether they have been subject to appropriate assessment or not, permitting ongoing burning prevents the blanket bog habitats being restored to favourable conservation status. The RSPB considers this to be in breach of Articles 6(2) and 6(3) of the EU Habitats Directive.

What we found – area of deep peat soils affected

The 5 SACs contain around 120,500 ha of deep peat. Using the National Soil Resources Institute definition, these are soils greater than 50cm in depth and which should be maintained as or restored to blanket bog.

- Just under 73,000 ha (60%) of the deep peat lies in SSSI units that NE has consented to burn blanket bog (see Table 1 and Figure 3).

¹ Some agreements are counted twice, because they specify different rotation lengths for different circumstances e.g. according to whether blanket bog is active or degraded, or altitude.

- Around another 2,200ha of deep peat appears to lie in SSSI units with consent to burn dry heath only. This suggests that some degraded blanket bog is consented to be burned on more frequent rotations.

Table 1
Summary, by SAC, of information relating to consents to burn blanket bog.

SAC	Area of deep peat soils in SAC (ha) ¹	Area of SSSI Units with consent to burn blanket bog (ha) ²	Area of SSSI Units with consent to burn blanket bog overlaying deep peat soils (ha)	% of deep peat soils in SAC with consent to burn blanket bog	% area of SSSI units with consent to burn blanket bog supported by HLS funding ²
Lake District High Fells	5436	636	621	11.4	100
Moor House–Upper Teesdale	27236	23180	19232	70.6	98.5
North Pennine Moors	47559	69870	33393	70.2	100
North York Moors	4031	17151	2884	71.5	97.8
South Pennine Moors	36293	26969	16789	46.2	98.7
TOTAL	120555	137806	72919	60.4	99.2

Notes

¹ Based on National Soil Resource Institute data.

² Based on Natural England data.

What we found – role of agri-environment funding

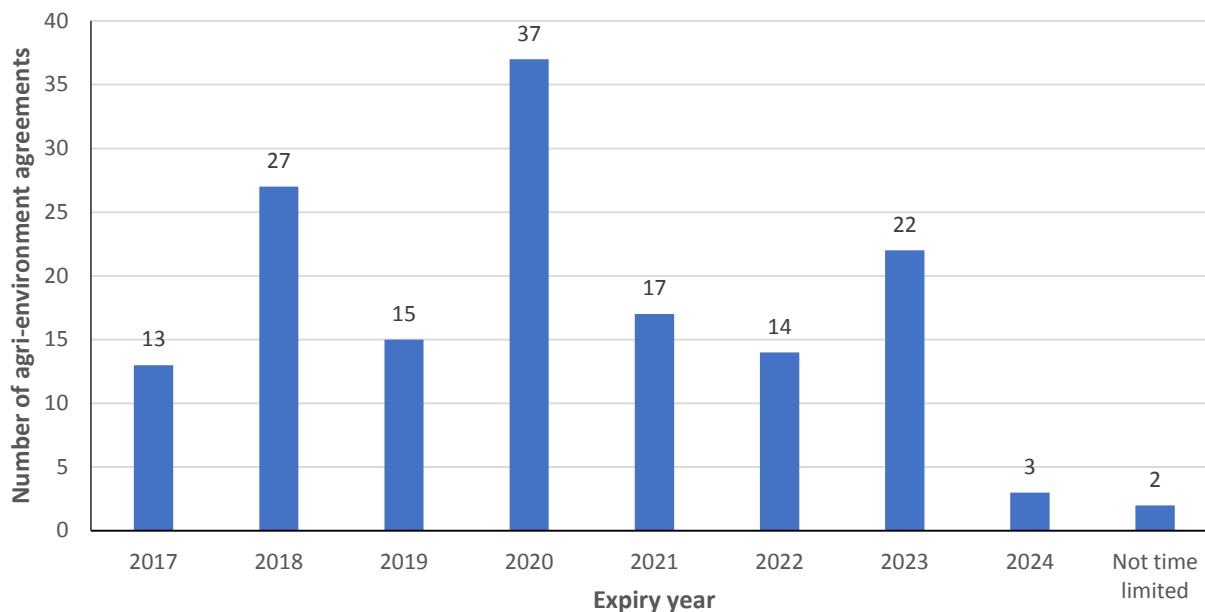
Almost 100% of the SSSI management units with consent to burn blanket bog are also covered by Higher Level Stewardship agri-environment funding. That funding applies to an area that covers c.60% of the deep peat in the 5 SACs. In almost 100% of the cases, the HLS agreement provides the current consent to burn blanket bog.

Agri-environment agreements typically last for 10 years. Figure 2 illustrates the total number of HLS and other agri-environment agreements that permit burning on blanket bog in SACs and SPAs in England, by their expiry date.

Figure 2

Total number of HLS and other agri-environment agreements (typically 10-year duration) that permit burning on blanket bog in SACs and SPAs in England, by expiry date.

Note: This graph relates to 149 agreements that have not yet expired. One of those agreements contains two different expiry periods (in 2018 and 2020) which relate to different pieces of land. Therefore, a total of 150 “expiry periods” are shown on the graph. The overwhelming majority are 10-year agreements: two are non-time limited agreements.



Recent scientific evidence

This information also aligns with recent research by both NE and the RSPB that shows the area and intensity of burning on deep peat soils (active and degraded blanket bog) is increasing (Douglas et al, 2015², and Thacker *et al* (2014)³):

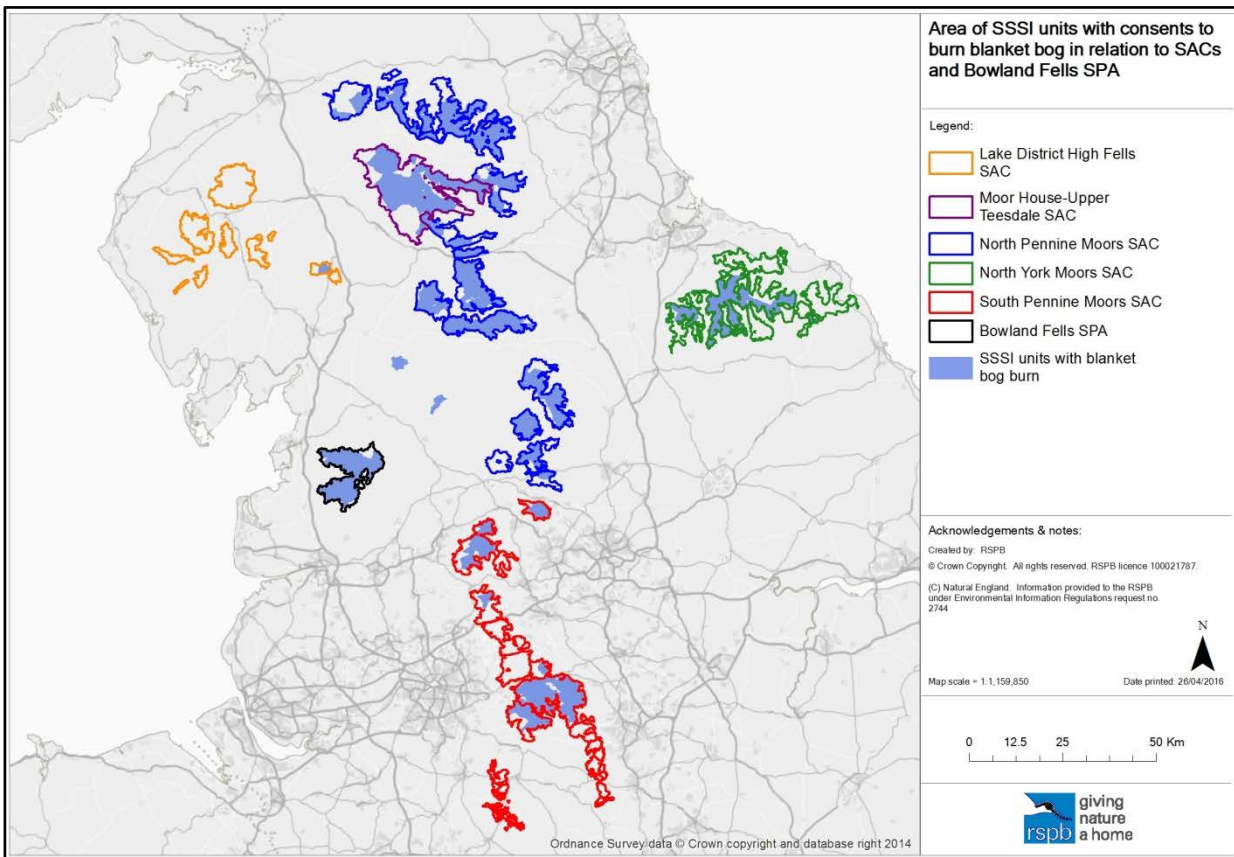
- The increase in burning in England from the 1940s to 2000s was more pronounced in areas of deep peat and at least 40% of all burning in England now occurs on deep peat.
- On average the frequency of burning in England is 20 times more frequent than evidence suggests is required to permit full ecosystem recovery (i.e. 3-400 years).
- There has been a significant increase in burning on deep peat soils since the year 2000.
- The area of burning is greatest at peat depths of 1-2m.
- SACs in Northern England have the highest levels of burning of all UK upland SACs.
- At a UK level, the area burned inside SACs was 82% higher than equivalent areas outside SACs.

These changes are coincident with an increase in the intensity of management for driven grouse shooting.

² Douglas, D.J.T., Buchanan, G.M., Thompson, P.S., Amar, A., Fielding, D.A., Redpath, S.M. & Wilson, J.D. (2015) Vegetation burning for game management in the UK uplands is increasing and overlaps spatially with soil carbon and protected areas. *Biological Conservation*, 191, 243-250.

³ Thacker, J I, Yallop, A R and Clutterbuck, B (2014) *IPENS 055: Burning in the English Uplands. A Review, Reconciliation and Comparison of Results of Natural England’s Burn Monitoring: 2005-2014.*

Figure 3
Area of SSSI units with consents to burn blanket bog in relation to SACs and Bowland Fells SPA



RSPB
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