

## **Walshaw Moor – background to the original case**

Walshaw Moor lies north of Hebden Bridge and west of Haworth in West Yorkshire and is part of the South Pennine Moors and its distinctive landscape. The site comprises an important area of blanket bog - a globally rare and threatened habitat comprising delicate mosses, which over thousands of years form the blanket bog that supports scarce breeding wading birds such as dunlin and golden plover.

In 2010, in response to concerns about the way the protected habitats and species on the site were managed, Natural England took steps to review the historic consents (permissions) that underpinned the estate's management practices. The estate challenged this action and a public inquiry (January and February 2012) was called to resolve the dispute – the RSPB submitted evidence to the inquiry. Around the same time, Natural England attempted to take steps to halt the burning of blanket bog on the Walshaw Moor estate and also began a prosecution against alleged damage. Their action was designed to restore Walshaw Moor and included 45 grounds of alleged damage to the European and national protected areas.

However, in March 2012, Natural England announced it had dropped all legal actions against the Estate. Following this announcement, we asked Natural England for clarification of the reasons behind its decision.

Having assessed Natural England's explanation and information, we considered its decisions were in breach of the requirements of the European Habitats Directive and Birds Directive to protect the South Pennine Moors. For this reason, we submitted a formal complaint to the European Commission to seek to get the decisions overturned and appropriate conservation management put in place that will enable the blanket bog habitats (and the wildlife that depends on them) to be restored to and then maintained in favourable condition (when all the protected habitats and species are in a healthy condition and thriving).

### **Our position**

The Walshaw Moor Estate Limited owns and manages Walshaw and Lancashire Moors for grouse shooting and over recent years had introduced management changes designed to significantly increase the number of grouse which can be shot each year.

Until March 2012, Natural England was taking action to secure appropriate conservation management which would ensure the delicate blanket bog habitats found on the estate were protected and restored to favourable condition. These actions included:

- Prosecuting the estate on 45 grounds of alleged unconsented damage to the European and national protected areas in order to secure their restoration;
- Modifying historic consents with the aim of securing more appropriate management to protect and restore the blanket bog habitats and the wildlife that depends on them, in particular by regulating the extent to which the blanket bog habitats are burnt to provide habitat for red grouse.

On 9 March 2012, Natural England announced it had reached a settlement with the estate relating to the type and level of management of the estate's land in the South Pennine Moors. Natural England and the estate agreed to halt all legal actions against each other. Having followed these issues for several years, we were very surprised and concerned at this turn of events and sought immediate clarification from Natural England as to its reasons. This clarification confirmed that Natural England had granted the estate a new consent on 1 March 2012 that set out how the estate can manage its land in the SAC and SPA. Natural England decided the estate's proposed management measures would cause no harm to the habitats and species protected by the SAC and SPA.

However, these measures included:

- Maintaining existing infrastructure, including some that was the subject of prosecution by Natural England in order to secure restoration of damage to the SAC and SPA;
- Allowing burning of blanket bog which it had previously been seeking to halt. This includes burning of degraded blanket bog that would prevent it being restored to favourable condition.

We considered Natural England's justification for granting this new consent carefully and decided to submit a formal complaint to the European Commission as we considered that Natural England's decision was in breach of the requirements of the Habitats and Birds Directives' protection for SACs and SPAs.

After we submitted the complaint, we analysed additional information formally obtained from Natural England regarding the implications of its 2012 decisions for Walshaw Moor. Further detail can be found in the various summary updates available, but among other things, this analysis revealed:

- The majority of damage to protected SAC/SPA habitats caused by the infrastructure (tracks, car parks, ponds and grouse butts) would not be restored by the new management measures agreed.
- Approximately 14 square kilometres of SAC/SPA active and degraded blanket bog could still be burned thus, in the RSPB's view, prevented from being restored to favourable status.
- A further three and a half out of the five square kilometres mapped by NE as "dry heath" (and subject to more frequent burning) seemed to overlay (deep) peat soils meaning it was, in effect, degraded blanket bog in need of restoration.

**RSPB**

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