



**South Pennine Moors Site of Special Scientific Interest, West Yorkshire, Lancashire, Greater Manchester, North Yorkshire. ("the SSSI"), South Pennine Moors Special Area of Conservation ("SAC"), South Pennine Moors Special Area of Conservation ("SPA")**

**NOTICE OF WITHDRAWAL OR MODIFICATION OF CONSENT**

**Section 28E(6) Wildlife and Countryside Act 1981 (as amended and inserted by section 75 and Schedule 9 of the Countryside and Rights of Way Act 2000)**

**To:**

Mr R Bannister  
Walshaw Moor Estate Ltd  
Vivary Way  
Colne  
Lancashire  
BB8 9NW

**Whereas:**

A. The SSSI was duly notified on 26th September 1994. South Pennine Moors SSSI is a nationally important site as it is the largest area of unenclosed moorland within West Yorkshire and contains the most diverse and extensive examples of upland plant communities in the county. Extensive areas of blanket bog occur on the upland plateaux and are punctuated by species rich acidic flushes and mires. There are also wet

and dry heaths and acid grasslands. Three habitat types which occur on the site are rare enough within Europe to be listed on Annex 1 of the EC habitats and Species Directive (92/43) EEC. These communities are typical of and represent the full range of upland vegetation classes found in the South Pennines. This mosaic of habitats supports a moorland breeding bird assemblage which, because of the range of species and number of breeding birds it contains, is of regional and national importance. The large numbers of breeding merlin *Falco columbarius*, golden plover *Pluvialis apricaria* and twite *Carduelis flavirostris* are of international importance.

B. The SSSI comprises 164 units of land. SSSI units 35 – 37, 40 - 51, 55 - 57, 79 - 84, 90, and 166 are under your management. Natural England has assessed the condition of the features of special scientific interest throughout the SSSI and has determined that various units of land within the SSSI are in the following condition:

<b>Unit</b>	<b>Condition Assessment Category</b>	<b>Date of Condition Assessment</b>
35	Unfavourable Recovering	07/03/2013
36	Unfavourable Recovering	12/03/2014
37	Unfavourable Recovering	12/03/2014
40	Unfavourable Recovering	12/03/2014
41	Unfavourable Recovering	12/03/2014
42	Unfavourable Recovering	04/02/2014
43	Unfavourable Recovering	03/02/2014
44	Unfavourable Recovering	12/03/2014
45	Unfavourable Recovering	12/03/2014
46	Unfavourable Recovering	12/03/2014
47	Unfavourable Recovering	12/03/2014
48	Unfavourable - No change	29/01/2009
49	Unfavourable - No change	29/01/2009
50	Unfavourable Recovering	12/03/2014
51	Unfavourable - No change	29/01/2009
55	Unfavourable Recovering	12/03/2014
56	Unfavourable Recovering	12/03/2014
57	Unfavourable Recovering	12/03/2014
79	Unfavourable Recovering	12/02/2009

80	Unfavourable Recovering	12/03/2014
81	Unfavourable Recovering	12/03/2014
82	Unfavourable Recovering	12/03/2014
83	Unfavourable Recovering	12/03/2014
84	Unfavourable Recovering	12/03/2014
90	Unfavourable Recovering	29/01/2009
166	Unfavourable Recovering	15/07/2009

C. Natural England and Walshaw Estate Ltd ("WME") have been working together to prepare a Catchment Restoration Plan for the Estate.

D. On 1<sup>st</sup> March 2012 Natural England granted consent in the following terms:

*LAND ON WHICH THE OPERATIONS ARE TO BE CARRIED OUT:*

*Units 35, 36, 37, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 55, 56, 57, 79, 80, 81, 82, 83, 84, 90, 166 of the South Pennine Moors SSSI.*

*THE PROVISIONS OF THIS NOTICE AND CONSENT TAKE EFFECT FROM 1 MARCH 2012 AND SHALL REMAIN IN EFFECT UNTIL 1 MARCH 2037.*

*PROPOSED OPERATIONS:*

*Grazing:*

*On the following units at the following stocking densities:*

<i>Grazing parcel name</i>	<i>Grazing parcel area (ha)</i>	<i>SSSI unit number (s)</i>	<i>Summer ewes</i>	<i>Winter ewes</i>
<i>Brink Ends</i>	<i>672.36</i>	<i>36,37</i>	<i>330</i>	<i>277</i>
<i>Stanbury Moor</i>	<i>415.74</i>	<i>41</i>	<i>245</i>	<i>245</i>
<i>Wolfstones</i>	<i>183.60</i>	<i>35</i>	<i>70</i>	<i>Nil</i>
<i>Wadsworth Moor, Widdop, Grieve Height, Pisser Rough and Sutcliffe</i>	<i>1502.09</i>	<i>44, 45, 46, 47, 48, 49, 50, 51' 55, 90</i>	<i>700</i>	<i>300</i>

*The provision of supplementary feeding will not occur other than in Unit 55.*

*Burning:*

*Where heather cover exceeds 50% burning shall be permitted on the basis of the following definitions and rotations:*

*Definitions:*

*For the purposes of burning there shall be the following categories of area/habitat:*

- Dry Heath:*

- *Communities dominated by dwarf shrubs, largely heather, on more mineral soils or shallow organic soils with peat depth at 0.5 metres or below. The moss layer, if present will be dominated by spreading, mat forming (pleurocarpous) mosses.*
- *Degraded Blanket Bog:*
  - *Where peat depth is greater than 0.5 metres and where sphagnum species are patchily distributed or absent.*
  - *If sphagnum and/or cotton grass cover increases to greater than 50% on areas with a high water table then such areas shall be reclassified as active blanket bog.*
- *Active Blanket Bog:*
  - *Areas with a high water table where the moss layer is dominated by sphagnum species and/or cotton grass is dominant and the peat depth is greater than 0.5 metres.*
- *Sensitive areas:*
  - *Areas defined as sensitive areas shall not be burned once mapped as provided for herein.*
- ***"Dominant" or "dominated by" means 50% cover or more.***

### *Mapping:*

*Pursuant to s. 28E(3)(b) of the Wildlife and Countryside Act 1981 and Regulation 20*

*{2}{b) Natural England and Walshaw Moor Estate Limited agree to carry out mapping of the area of land affected by this proposal on the following basis:*

- *The intention of the mapping is to identify the extent of dry heath, degraded blanket bog, active blanket bog and sensitive areas. Areas of wet heath (shallow wet peats with Erica tetralix) will be mapped with areas of degraded blanket bog.*
- *Sensitive areas shall be mapped on the basis of the definitions provided by the Heather and Grass Burning Code 2007 (save that it shall not be necessary to identify the category described as "Peat bogs and wet heathland");*
- *The mapping shall be carried out on a unit by unit basis in relation to the units of the SSSI set out at the start of this proposal;*
- *The mapping shall be jointly undertaken by representatives of Natural England and Walshaw Moor Estate Limited acting together ;*
- *If, by 1 March 2013 , the mapping is not complete or dispute remains between the parties an independent third party shall be appointed with the agreement of the parties and that person shall complete the mapping or resolve areas of dispute by 31 December 2013 and their decisions shall be final;*
- *If the parties are unable to reach agreement as to the identity or terms of appointment of the independent third party that person shall be identified and their terms of appointment ascertained by the Chairman of the Institute of Environmental Management and Assessment;*
- *The mapping shall be reviewed after 14 years from the date of this agreement.*

#### *Rotations:*

- |   |                    |
|---|--------------------|
| • <i>Dry heath:</i>                         | <i>12-16 years</i> |
| • <i>Degraded blanket bog and wet heath</i> | <i>15-20 years</i> |
| • <i>Active blanket bog</i>                 | <i>20-25 years</i> |
| • <i>Sensitive areas</i>                    | <i>no burning</i>  |

*For the avoidance of doubt, the extent of any one habitat that may be burned per annum in any single unit of the SSSI under a burning rotation = area of habitat in that unit divided by period of rotation ("the Annual Quota").*

### *Catch-up burning:*

*If in any year the Annual Quota is not burned, the unburned portion of the quota may be carried forward into the next or a subsequent burning season.*

*Catch up burning is permissible in relation to burning permitted by this consent but not by prior consents.*

### *Picking up areas:*

*Areas within a 50metre radius of a grouse butt may be burned when the heather reaches 10cm.*

### *The Heather and Grass Burning Code:*

*WME will use reasonable endeavours to comply with the Heather and Grass Burning Code 2007 (or as from time to time amended) save where this is not compatible with the terms of this proposal and consent. For the avoidance of doubt, heather may only be burned on the basis of the rotations set out above and not on the basis of heather height.*

### *Legal control of pest species:*

*Is permitted.*

### *Maintenance of existing infrastructure:*

*Is permitted, but for the avoidance of doubt:*

- "maintenance" means the repair or reinstatement of infrastructure where the feature already exists and/or the component parts already exist, including replacement of grouse butts. Change of location and/or enlargement is not permitted.*

- *"existing" means visible from an aerial photograph, shown on an OS map or shown in photograph(s) to be taken by WME prior to repair, to include roads/tracks, car parks, grouse butts.*
- *"infrastructure" means roads, tracks, walls, fences, hardstands, banks, ditches, cables and grouse butts, ponds and buildings and footbridges.*

*No maintenance of moorland drainage is permitted except where immediately adjacent to surfaced roads/tracks, walls and within a 50 metre radius around grouse butts.*

#### *Turves for butts:*

*The cutting of turves for the placement on butt tops, including the means of doing so and locations in such a manner as determined by WME may be undertaken.*

#### *Gritting*

*The setting out of quartz (medicated or otherwise) either directly on the ground or within bespoke containers, including the means of doing so and locations in such a manner as determined by WME may be undertaken but only in compliance with applicable laws or codes of practice;*

#### *Weed Treatment:*

*The spot application of an appropriate herbicide of noxious weeds as defined by the WA 1959, plus soft rush (*Juncus effusus*) where it occurs within heather dominated vegetation, plus bracken (*Pteridium aquilinum*) where it occurs within heather dominated vegetation, in accordance with all applicable laws and codes of practice may be undertaken.*

### *Use of Vehicles:*

*Vehicles may be used for the following purposes:*

- *General grouse management including direct dosing, setting out of grit, moor burning, transportation of water bowsers and misting equipment, and grouse shooting;*
- *The protection of the welfare and safety of those working on WME, or guests of WME and for the transportation of personnel.*
- *Sheep and stock management such as shepherding, gathering and inspection;*
- *General estate management such as, but not exclusively restricted to, the erection and repair of infrastructure, grip blocking, tree planting, bracken control, legal control of pest species etc.*

*Vehicles may be used at all times of the year. However, due care will be taken to avoid disturbance to vegetation and to avoid disturbance to nesting birds. If the ground or the vegetation is damaged as a result of vehicle passage, use of that route will cease immediately until the vegetation has recovered. Intervention methods to achieve re-vegetation as may be appropriate may be used subject to separate consent from NE.*

*Any vehicle used on un-surfaced vegetation will be of low ground pressure.*

A copy is attached.

E. Natural England and Walshaw Moor Estate have developed a Catchment Restoration Plan that modifies elements of this consent as detailed below.

F. Section 28E(6) of the 1981 Act provides that Natural England may modify or withdraw consents to carry out, cause or permit operations likely to damage the special features of SSSIs.

G. The following modifications are directly connected with and necessary to the management of the site.

**Take notice that:**

1. Pursuant to section 28E(6) of the Wildlife and Countryside Act 1981 (as amended and inserted by section 75 and Schedule 9 of the Countryside and Rights of Way Act 2000) (“the 1981 Act”) Natural England hereby modifies the Consent.

2. The terms of the modified consent are as set out in the Schedule to this Notice.

3. There is a right of appeal to the Secretary of State against this Notice. Notice of appeal must reach the Secretary of State within the period of two months beginning with the date of this Notice. The Sites of Special Scientific Interest (Appeals) Regulations 2009 (SI 2009 No. 197) establish the procedure to be used in any such appeal. Guidance for taking part in appeals is provided by “Sites of Special Scientific Interest Consent Appeals – A Guide for taking part in appeals under section 28F of the Wildlife and Countryside Act (as amended) 1981 – Defra, February 2009”.

4. This Notice comes into effect on the expiry of 2 months from the date hereof or, if an appeal is brought against it, at such time as the appeal is finally determined or withdrawn.

5. If you suffer loss as a result of this modification of consent section 28M of the 1981 Act provides that Natural England shall make a payment to you. The amount of such payment is to be determined in accordance with the Ministerial guidance: “Guidelines on Management Agreement Payments and Other Related Matters – DETR – February 2001”, which also provide that any claim should be made within 12 months of the date when this Notice comes into effect. See also section 50(3) of the 1981 Act, which provides that within one month of receiving an offer of payment from Natural England you may, if dissatisfied with that offer, require the amount of the payment to be determined by an arbitrator.

6. Once this Notice has come into effect none of the operations set out on the list of operations likely to damage the special interest of the SSSI may be carried out, caused or permitted unless clearly specified in the Schedule to this Notice as being permitted.

7. However, pursuant to section 28E(1) of the 1981 Act, any party for the time being in ownership or occupation of the land affected by this Notice may at any time give Natural England notice in writing of a proposal to carry out operations set out on the list of operations likely to damage the special interest of the SSSI. This applies to operations described in the Schedule to this Notice as not being permitted. Such

operations may then be carried out with Natural England's prior written consent or under the terms of a management agreement or a management scheme.

Signed for Natural England: [REDACTED] dated 25<sup>th</sup> January 2018

List of documents attached:

1. SSSI citation;



1007196.pdf

2. List of operations likely to damage the special interest of the SSSI;



1007196 PDO.pdf

3. Consent(s) referred to in D above



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If you are in any doubt about what you should or should not do within this SSSI please speak to ----Adelle Rowe----- (email-----, Direct Line: -----, Mobile -----, Postal address: Natural England, Foss House, Kings Pool, 1-2 Peasholme Green, York YO1 7PX)

**STATEMENT OF REASONS  
FOR MODIFYING CONSENT**

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Provisions in the 2012 consent have been replaced by the terms of the Catchment Restoration Plan which includes a programme of moorland restoration works as well as a set of agreed principles for key land management practices aimed at securing environmental improvement, including restoration of blanket bog habitat, to achieve a healthy and resilient ecosystem that supports sustainable land use, internationally, nationally and locally important biodiversity assets, natural flood management and improved water quality; and provides a range of cultural services .

**SCHEDULE**

**to**

**NOTICE**

**of**

**MODIFICATION OF CONSENT**

**Consent is modified as hereinafter specified:**

LAND ON WHICH THE OPERATIONS ARE TO BE CARRIED OUT:

Units 35, 36, 37, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 55, 56, 57, 79, 80, 81, 82,  
83, 84, 90, 166 of the South Pennine Moors SSSI.

THE PROVISIONS OF THIS NOTICE AND CONSENT TAKE EFFECT FROM 1 MARCH 2012 AND SHALL REMAIN IN EFFECT UNTIL 1 MARCH 2043. This is subject to the relevant planning permissions being obtained.

PROPOSED OPERATIONS:

**Grazing:**

On the following units at the following stocking densities:

Grazing parcel name	Grazing parcel	SSSI unit	Summer	Winter
Brink Ends	672.36	36,37	330	277
Stanbury Moor	415.74	41	245	245
Wolfstones	183.60	35	70	Nil
Wadsworth Moor, Widdop, Grieve Height.	1502.09	44, 45, 46, 47, 48, 49, 50, 51' 55, 90	700	300

The provision of supplementary feeding will not occur other than in Unit 55.

**Burning:**

Consent for burning has been replaced by the Walshaw Moor Estate Catchment Restoration Plan as detailed in section 2.4 and specified in the as described in *Figure 12* below and the Uplands Management Group Land Management Guidance for Blanket Bog.

**Figure 12**  
**Vegetation management on blanket bog (on areas of peat greater than 40cm deep)**

Sphagnum mosses	Feather mosses	Presence of Cotton-grasses	Heather	Other dwarf shrub species	How active is the bog?	Direction of change as shown by monitoring?	Is management required?
					very active less active inactive (modified)	No change (sphagnum and heather cover stable) Becoming less active (heather increasing, Sphagnum decreasing) Becoming more active (heather decreasing, Sphagnum increasing)	Not Required (see heather beetle management page) Cutting Burning
Often 50% or more cover and often seen as carpets or hummocks	Often absent or of very low cover	Yes, often abundant	Less than 20% cover	May be present	 very active	No change	Not required Regeneration of heather in beetle affected areas may be managed, subject to agreement with Natural England (see heather beetle management page)
Less than 50% cover and few carpets or hummocks	Present, and can often equal cover of Sphagnum	Yes, often abundant	More than 20% cover, heather canopy usually open and over 30cm in height	May be present	 less active	Becoming more active Are hydrological measures in place to support a more active bog (all artificial drains will be blocked by the grip blocking programme within the restoration plan)	May be required Cutting or burning for restoration purposes and Sphagnum \ Cotton-grass inoculation \ seeding.
As Above	As Above	As Above	As Above	As Above	As Above	No change or Becoming less active Are hydrological measures in place to support a more active bog? (all artificial drains will be blocked by the grip blocking programme within the restoration plan)	Likely to be required Cutting or burning for restoration purposes and Sphagnum \ Cotton-grass inoculation \ seeding.
Less than 10% cover, and usually absent	Often extensive cover, usually more than Sphagnum mosses	Usually present, but sometimes just a few strands	75% cover or more, usually with a dense, closed heather canopy and over 30cm in height	May be present	 inactive (modified)	Inactive Are hydrological measures in place to support a more active bog? (all artificial drains will be blocked by the grip blocking programme within the restoration plan)	Required Cutting or burning for restoration purposes and Sphagnum \ Cotton-grass inoculation \ seeding

Vegetation management on heath (growing on shallow peat less than 40cm deep or other soils and rocky areas)

Sphagnum mosses (red, brown or green)	Feather mosses	Presence of Cotton-grasses	Heather	Other dwarf shrub species	Habitat	Management
					Sensitive Damp Heath ('Rocky Bog') Sensitive Dry Heath Dry Heath	Not Required Not Required Rotational Burning
Usually present as carpet	Usually present	No	Present, often dominant	Often present	 Sensitive Damp Heath ('Rocky Bog') on steep slopes in heathes and above watercourses on shady slopes	Not Required
Usually absent	Usually present	No	Present, often dominant	Often present	 Sensitive Dry Heath on steep slopes, exposed rock and scree	Not Required
Usually absent	Usually present	No	50% cover or more and 30cm height or more	May be present	 Dry Heath areas in mature or degenerate growth phase of heather	Burning on 10 year rotation

## Mapping:

Pursuant to s. 28E(3)(b) of the Wildlife and Countryside Act 1981 and Regulation 20

{2}{b) Natural England and Walshaw Moor Estate Limited agree to carry out mapping of the area of land affected by this proposal on the following basis:

- The intention of the mapping is to identify the extent of dry heath, degraded blanket bog, active blanket bog and sensitive areas. Areas of wet heath (shallow wet peats with *Erica tetralix*) will be mapped with areas of degraded blanket bog.
- Sensitive areas shall be mapped on the basis of the definitions provided by the Heather and Grass Burning Code 2007 (save that it shall not be necessary to identify the category described as "Peat bogs and wet heathland");
- The mapping shall be carried out on a unit by unit basis in relation to the units of the SSSI set out at the start of this proposal;
- The mapping shall be jointly undertaken by representatives of Natural England and Walshaw Moor Estate Limited acting together ;
- If, by 1 March 2013 , the mapping is not complete or dispute remains between the parties an independent third party shall be appointed with the agreement of the parties and that person shall complete the mapping or resolve areas of dispute by 31 December 2013 and their decisions shall be final;
- If the parties are unable to reach agreement as to the identity or terms of appointment of the independent third party that person shall be identified and their terms of appointment ascertained by the Chairman of the Institute of Environmental Management and Assessment;
- The mapping shall be reviewed after 14 years from the date of this agreement.

## Picking up areas:

Vegetation will not be cut or burnt unless it is more than 30cm in height. With the exception of areas within a 50 metre radius of a grouse butt, which may be cut or burnt when the vegetation reaches a height of 10cm. Cutting is the preferred

management technique for managing vegetation within 50 metres of grouse butts and will be used where conditions allow.

### **The Heather and Grass Burning Code:**

WME will use reasonable endeavours to comply with the Heather and Grass Burning Code 2007 (or as from time to time amended) save where this is not compatible with the terms of this proposal and consent. For the avoidance of doubt, heather may only be burned on the basis of the rotations set out above and not on the basis of heather height.

### **Legal control of pest species:**

Is permitted.

### **Maintenance of existing infrastructure:**

Is permitted, but for the avoidance of doubt:

- "maintenance" means the repair or reinstatement of infrastructure where the feature already exists and/or the component parts already exist, including replacement of grouse butts. Change of location and/or enlargement is not permitted.
- "existing" means visible from an aerial photograph, shown on an OS map or shown in photograph(s) to be taken by WME prior to repair, to include roads/tracks, car parks, grouse butts.
- "infrastructure" means roads, tracks, walls, fences, hardstands, banks, ditches, cables and grouse butts, ponds and buildings and footbridges.

No maintenance of moorland drainage is permitted except where immediately adjacent to surfaced roads/tracks, walls and within a 50 metre radius around grouse butts.

**Turves for butts:**

The cutting of turves for the placement on butt tops, including the means of doing so and locations in such a manner as determined by WME may be undertaken.

**Gritting**

The setting out of quartz (medicated or otherwise) either directly on the ground or within bespoke containers, including the means of doing so and locations in such a manner as determined by WME may be undertaken but only in compliance with applicable laws or codes of practice;

**Weed Treatment:**

The spot application of an appropriate herbicide of noxious weeds as defined by the WA 1959, plus soft rush (*Juncus effusus*) where it occurs within heather dominated vegetation, plus bracken (*Pteridium aquilinum*) where it occurs within heather dominated vegetation, in accordance with all applicable laws and codes of practice may be undertaken.

For further control of invasive species please refer to the Walshaw Moor Estate Catchment Restoration Plan

**Use of Vehicles:**

Vehicles may be used for the following purposes:

- General grouse management including direct dosing, setting out of grit, moor burning, transportation of water bowsers and misting equipment, and grouse shooting;
- The protection of the welfare and safety of those working on WME, or guests of WME and for the transportation of personnel.
- Sheep and stock management such as shepherding, gathering and inspection;

- General estate management such as, but not exclusively restricted to, the erection and repair of infrastructure, grip blocking, tree planting, bracken control, legal control of pest species etc.

Vehicles may be used at all times of the year. However, due care will be taken to avoid disturbance to vegetation and to avoid disturbance to nesting birds. If the ground or the vegetation is damaged as a result of vehicle passage, use of that route will cease immediately until the vegetation has recovered. Intervention methods to achieve re-vegetation as may be appropriate may be used subject to separate consent from NE.

Any vehicle used on un-surfaced vegetation will be of low ground pressure.

**County:** West Yorkshire, Lancashire,  
Greater Manchester, North Yorkshire.

**Site Name:** South Pennine Moors

**District:** Bradford, Calderdale, Kirklees, Leeds, Craven, Burnley, Pendle, Oldham, Rochdale.

**Status:** Site of Special Scientific Interest (SSSI) notified under Section 28 of the Wildlife and Countryside Act, 1981

**Local Planning Authority:** Bradford Metropolitan District Council  
Calderdale Metropolitan Borough Council  
Kirklees Metropolitan District Council  
Leeds City Council  
Craven District Council  
Burnley District Council  
Pendle District Council  
Oldham Metropolitan Borough Council  
Rochdale Metropolitan Borough Council

**National Grid Reference:** SD 920300      **Area:** 20,938.05 (ha)

**Ordnance Survey Sheet 1:50,000:** 103, 104, 109, 110      **1:10,000:** SD 82 NE  
SD 83 SE  
SD 91 NW, NE,  
SW, SE  
SD 92 NW, NE,  
SW, SE  
SD 93 NW, NE,  
SW, SE  
SD 94 SW, SE  
SE 00 NW  
SE 01 NW, SW  
SE 02 NW, SW  
SE 03 NW, SW, SE  
SE 04 NW, SW, SE  
SE 14 NW, NE,  
SW, SE

**Date Notified (Under 1981 Act):** 26 September 1994      **Date of Last Revision:** –

**Other Information:**

1. This site incorporates the existing Haworth Moor, Derby Delph, Pule Hill and Standedge Road Cutting SSSIs.
2. This site includes land which has been proposed for designation as a Special Protection Area under the EC Directive 79/409 on the Conservation of Wild Birds.

**Description and Reasons for Notification:**

This site forms part of the Southern Pennines lying between Ilkley in the north and the Peak District National Park boundary in the south. The majority of the site is within West Yorkshire but it also covers areas of Lancashire, Greater Manchester and North Yorkshire. The largest moorland blocks are Ilkley Moor, the Haworth Moors, Rishworth Moor and Moss Moor.

The underlying rock is Millstone Grit which outcrops at Boulsworth Hill and on the northern boundary of Ilkley Moor. The moorlands are on a rolling dissected plateau between 300m and 450m AOD with a high point of 517m at Boulsworth Hill. The greater part of the gritstone is overlain by blanket peat with the coarse gravelly mineral soils occurring only on the lower slopes.

The site is the largest area of unenclosed moorland within West Yorkshire and contains the most diverse and extensive examples of upland plant communities in the county. Extensive areas of blanket bog occur on the upland plateaux and are punctuated by species rich acidic flushes and mires. There are also wet and dry heaths and acid grasslands. Three habitat types which occur on the site are rare enough within Europe to be listed on Annex 1 of the EC habitats and Species Directive (92/43) EEC. These communities are typical of and represent the full range of upland vegetation classes found in the South Pennines.

This mosaic of habitats supports a moorland breeding bird assemblage which, because of the range of species and number of breeding birds it contains, is of regional and national importance. The large numbers of breeding merlin *Falco columbarius*, golden plover *Pluvialis apricaria* and twite *Carduelis flavirostris* are of international importance.

The southern end of the site has good exposures of the Millstone Grit series and three localities are described under the heading 'Geology'.

### **Vegetation:**

The blanket bogs of the South Pennine Moorlands are dominated by cotton-grass *Eriophorum* spp., and heather *Calluna vulgaris*. Other dwarf shrubs such as crowberry *Empetrum nigrum* and bilberry *Vaccinium myrtillus* occur in varying amounts. Crowberry is abundant on the eroding margins of the blanket bogs of the South Pennine Moors. Unusually it is also abundant in some areas of the cotton grass and heather moors. This crowberry dominant moor is restricted to the South Pennines and is particularly extensive on Ilkley Moor. Areas of wet heath containing cross-leaved heath *Erica tetralix* and cranberry *Vaccinium oxycoccos* have also developed on the blanket mires.

The lower slopes are dominated by heather moorland with large areas of acid grassland. Some parts of the heather moors are burnt for red grouse *Lagopus lagopus* and sheep management. Other dwarf shrubs occur on the heather moors including bilberry, crowberry and the locally uncommon cloud berry *Rubus chamaemorus*.

The large areas of acid grassland on former heathland reflect patterns of heavy grazing and burning. These grasslands are dominated by mat-grass *Nardus stricta* and wavy hair-grass *Deschampsia flexuosa*. On wet slopes purple moor grass *Molinia caerulea* is dominant with the wettest areas supporting heath rush *Juncus squarrosus*.

The most species rich and diverse habitats are the acidic flushes, mires and seepage lines. The more acidic flushes on the blanket peat are dominated by cotton-grass *Eriophorum vaginatum* with sedges like carnation sedge *Carex panicea*, star sedge *C. echinata* and commons sedge *C. nigra* present. In some of these flushes bog asphodel *Narthecium ossifragum* is present or even dominant amongst the moss *Sphagnum* spp/*Polytrichum* spp carpets which also often have dense populations of cranberry. The majority of flushes are less acidic and soft rush *Juncus effusus* tends to dominate in these wetlands with a few herbs like marsh bedstraw *Galium palustre* or bog stichwort *Stellaria alsine* present. Where the waters are richer in minerals, e.g. below springs, a wider range of herbs occur. Marsh violet *Viola palustris*, marsh

pennywort *Hydrocotyle vulgaris* and blinks *Montia fontana* are most common but in a few places rarer species like bogbean *Menyanthes trifoliata* and round-leaved sundew *Drosera rotundifolia* occur. The latter is now very rare in West Yorkshire. The most notable species in these flushes is the pale forget-me-not *Myosotis stolonifera*. This nationally scarce plant is found in only 32 1km squares in Britain, but occurs at two locations on the South Pennine Moors.

There are several regionally important plant communities within the site. Green Withins holds the largest population of bog pondweed *Potamogeton polygonifolius* within West Yorkshire and Ilkley Moor has the only known locality for chickweed wintergreen *Trientalis europaea* in the county. The latter is close to the site where the famous 17th century botanist John Ray found this species in the 1600s. Craggs within the cloughs have ungrazed ledge communities which include ferns not found in other parts of the moors. The beech fern *Phegopteris connectilis* which is now very rare in West Yorkshire survives in at least on clough at the southern end of the site.

### **Birds:**

The moorlands support nationally important numbers of golden plover *Pluvialis apricaria*, curlew *Numenius arquata*, merlin *Falco columbarius* and twite *Carduelis flavirostris*.

These species and the rest of the moorland breeding bird assemblage require the mosaic of habitats and large area of the moors for their survival. The blanket bogs are the main breeding grounds for the golden plover and dunlin *Calidris alpina*. These birds need relatively short vegetation to nest in and access to wet areas to feed, a combination provided by the blanket mires. The South Pennine Moors hold 1.3% of the British breeding population of golden plovers. The very large number of meadow pipits *Anthus pratensis* nesting on the bogs are a major food source for the merlin.

The deeper cover provided by the heather provides nest sites for a range of other species. The merlin population of the South Pennine Moors is particularly important. 4.7% of the British population nests on these moors and the numbers appear to be increasing. Merlin prefer nest sites in the older leggy heather, bracken beds or small trees on the moorland edge and they feed on skylarks *Alauda arvensis* and meadow pipits. Most reliant on the heather moors are the red grouse *Lagopus lagopus scoticus* a sub-species of the willow grouse restricted to the British Isles. Their stronghold is on the managed moors of the Haworth Moors complex. Golden plover are also known to nest on recently burnt areas of heather.

Curlews favour the wet acid grasslands and semi-improved areas on the edge of the moors to breed. A significant number (0.8%) of the British curlew population breed on the South Pennine Moors sharing this habitat with lapwing *Vanellus vanellus* and in the wettest areas snipe *Gallinago gallinago* and redshank *Tringa totanus*.

Twite *Carduelis flavirostris* on the South Pennine Moors represent 1% of the British breeding population. These birds are an isolated southern out-post of the race *pipilans* that occurs only in Scandinavia and the British Isles and is itself isolated from the rest of the world population in the mountains of Central Asia. The birds on the South Pennine Moors are vital to maintain the present world distribution. Twite use virtually all the moorland habitats at different stages of their lifecycle. They prefer heather for nesting but also use bracken, boulder scree, grass tussocks and dry stone walls. Feeding on small seeds they utilise grassy areas throughout the moorlands, weedy areas on the moorland edge, semi-improved pastures and even areas of burnt *Molinia* grassland.

Peregrine *Falco peregrinus* nest in small numbers on suitable crags and disused quarries and up to three pairs of short-eared owl *Asio flammeus* have nested in recent years. The moors also support wheatear *Oenanthe oenanthe*, whinchat *Saxicola rubetra*, ring ouzel *Turdus torquatus* and in some years stonechat *Saxicola torquata*.

The large reservoirs within and adjacent to the site provide feeding areas for moorland nesting birds like dunlin as well as nesting habitat for common sandpiper *Actitis hypoleucos* and grey wagtail *Motacilla cinerea*.

Two more unusual species that nest on the reservoirs are the little ringed plover *Charadrius dubius* and the shelduck *Tadorna tadorna*. The pair of shelduck nesting at Blackstone Edge reservoir are believed to be the highest altitude (1100 feet) nesting birds of this species in Britain. The streams draining the reservoirs and the moors support small numbers of dippers *Cinclus cinclus*.

### **Geology:**

Three locations of special geological interest are identified within the South Pennine Moors: two areas of deltaic sedimentary rocks and a type locality for two diagnostic fossils.

**Derby Delph Quarry** (SE 017161). This quarry is of considerable sedimentological interest, it displays sandstones of Namurian age displaying two distinct bed form types, one consisting of large scale cross-bedded units and the other showing undulatory bedding. The latter type of structure was first described from this locality, and its relationship to the cross-bedded units is clearly visible. The interpretation of these structures has been a key factor in establishing a model for coarse sediment deposition in distributary channels, and thus for deltaic sedimentation as a whole.

In layman's terms, the quarry and rock outcrops within this site provide excellent exposures of sandstone layers of the Namurian Series, formed during the Carboniferous Period of geological history, about 315 million years ago. The sandstones originally accumulated on the bed of a major river delta, perhaps comparable to the modern Mississippi delta. The form of the sandstone layers is remarkably well displayed and detailed research here has enabled geologists to understand for the first time some of the characteristics of sand deposits formed in river deltas. This is thus an important site for geological study of the Namurian which has made a significant contribution to the understanding of river-bed deposits.

**Standedge Road Cutting** (SE 018095-023098). This site provides one of the most complete sections through the Namurian Kinderscout Grit, almost in their entirety, with the Butterly Marine Band intervening. The readily accessible sequence presents an excellent example of deltaic cyclotherms, with shales and sandstones capped by seat earths and thin coals.

A key section of great sedimentological interest in a thick stratigraphically important sandstone sequence.

In layman's terms, this road cutting provides important exposures of the Kinderscout Grit which formed during the Carboniferous Period of geological time, about 320 million years ago. The rock sequence consists of thick sandstone layers separated by layers of shale, clay and thin coal seams. The rocks accumulated on a large river delta and contain important layers rich in the fossilised remains of marine animals which accumulated during periods when the delta became flooded by the sea. The rock layers accumulated in a repeated (or cyclic) sequence characteristic of sediments formed on a river delta. This is an important site for geological

study of the Namurian series, and is of special interest as a reference section for comparative purposes.

**Pule Hill** (SE 032112-0321117). The section here exposed contains the Namurian Pule Hill Grit, at its type locality, overlying a sequence of goniatite-bearing shales. These constitute the type locality of the stratigraphically diagnostic goniatites *Reticuloceras bilingue* and *R. gracile*. The Pule Hill Grit is of particular interest at this locality for containing abundant bivalve and gastropod fauna. A key locality for studies of Upper Carboniferous goniatites with important implications for stratigraphic studies of the late Namurian (Marsdenian Stage).

In layman's terms, the quarry faces and rock outcrops within this site provide excellent exposures of rocks of the Namurian Series originally formed during the Carboniferous Period of geological history, about 320 million years ago. The rocks consist of shales overlain by a thick sandstone layer known as the Pule Hill Grit, both rock-types containing fossils of particular interest. The most important fossils here are the remains of marine animals known as goniatites which can be used to accurately date the rocks for the purposes of comparison with rock sequences elsewhere in Britain and overseas. Pule Hill is the locality where two particularly useful goniatites were first found and described. This is an important site for geological study of the Namurian Series especially in respect of the fossils used for dating rocks of this age.

## Operations likely to damage the special interest

Site name: South Pennine Moors

OLD1007196

Ref. No.	Type of Operation
1	Cultivation, including ploughing, rotovating, harrowing, and re-seeding.
2	Grazing. The introduction of grazing and changes in the grazing regime (including type of stock, intensity or seasonal pattern of grazing).
3	The introduction of stock feeding and changes in stock feeding practice.
4	The introduction of mowing or other methods of cutting vegetation and changes in the mowing or cutting regime (including hay making to silage).
5	Application of manure, fertilisers and lime.
6	Application of pesticides, including herbicides (weedkillers).
7	Dumping, spreading or discharge of any materials.
8	Burning and changes in the pattern or frequency of burning.
9	The release into the site of any wild, feral or domestic animal*, plant or seed.
10	The killing or removal of any wild animal*, including pest control.
11	The destruction, displacement, removal or cutting of any plant or plant remains, including tree, shrub, herb, moss, lichen and turf.
12	The introduction of tree and/or woodland management+ and changes in tree and/or woodland management+.
13a	Drainage (including moor-gripping and the use of mole, tile, tunnel or other artificial drains).
13b	Modification of the structure of watercourses (eg streams, springs, ditches, dykes and drains), including their banks and beds, as by re-alignment, re-grading and dredging.
13c	Management of aquatic and bank vegetation for drainage purposes.
14	The changing of water levels and tables and water utilisation (including irrigation, storage and abstraction from existing water bodies and through boreholes).
15	Infilling of ditches, dykes, drains, pools or marshes.
16a	The introduction of freshwater fishery production and/or management and changes in freshwater fishery production and management, including sporting fishing and angling.
20	Extraction of minerals, including peat, topsoil and subsoil.
21	Construction, removal or destruction of roads, tracks, walls, fences, hardstands, banks, ditches or other earthworks, or the laying, maintenance or removal of pipelines and cables, above or below ground.
22	Storage of materials on the site.
23	Erection of permanent or temporary structures, or the undertaking of engineering works, including drilling.
24	Modification of natural or man-made features, clearance of boulders, large stones, loose rock or scree and battering, buttressing or grading rock-faces, infilling of pits and quarries.
26	Use of vehicles likely to damage or disturb the vegetation or breeding birds.
27	Recreational or educational activities likely to damage the vegetation or breeding birds.
28	The introduction of game or waterfowl management and changes in game and waterfowl management and hunting practices.

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\* 'animal' includes any mammal, reptile, amphibian, bird, fish or invertebrate.

+ including afforestation, planting, clear and selective felling, thinning, coppicing, modification of the stand or underwood, changes in species composition, cessation of management.



South Pennine Moors Site of Special Scientific Interest ("the SSSI")

South Pennine Moors Special Area of Conservation ("SAC")

South Pennine Moors Special Area of Conservation ("SPA")

#### NOTICE OF PROPOSAL TO CARRY OUT OPERATIONS

Section 28E(1)(a) Wildlife and Countryside Act 1981 (as amended and inserted by section 75 and Schedule 9 of the Countryside and Rights of Way Act 2000)

Regulation 20(1)(a) of the Conservation of Species and Habitats Regulations 2010

On behalf of the below-named person(s), Natural England has prepared this Notice of Proposal to carry out, cause or permit an operation (or operations) specified in the SSSI's notification. That operation (or operations) will be lawful if carried out, caused or permitted by the below-named person in the manner and on the land specified below once this document is signed by or for the below-named person(s) and for Natural England.

NAME AND ADDRESS OF OWNER(S) OR OCCUPIER(S):

Walshaw Moor Estate Limited (company number 04431454) whose registered office is Boundary Mill Stores Head Office, Vivary Way, Colne, Lancashire, BB8 9NW ("WME")

1/we give notice under Section 28(E)(1)(a) of the Wildlife and Countryside Act 1981 and Regulation 20(1)(a) of the Conservation of Habitats and Species Regulations 2010 of

my/our proposal to carry out cause or permit to be carried out the operation(s) specified below on the land specified below:-

LAND ON WHICH THE OPERATIONS ARE TO BE CARRIED OUT:

Units 35, 36, 37, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 55, 56, 57, 79, 80, 81, 82, 83, 84, 90, 166 of the South Pennine Moors SSSI.

THE PROVISIONS OF THIS NOTICE AND CONSENT TAKE EFFECT FROM 1 MARCH 2012 AND SHALL REMAIN IN EFFECT UNTIL 1 MARCH 2037.

PROPOSED OPERATIONS:

Grazing:

On the following units at the following stocking densities:

Grazing parcel name	Grazing parcel area (ha)	SSSI unit number (s)	Summer ewes	Winter ewes
Brink Ends	672.36	36,37	330	277
Stanbury Moor	415.74	41	245	245
Wolfstones	183.60	35	70	Nil
Wadsworth Moor, Widdop, Grieve Height, Pisser Rough and Sutcliffe	1502.09	44, 45, 46, 47, 48, 49, 50, 51, 55, 90	700	300

The provision of supplementary feeding will not occur other than in Unit 55.

## **Burning:**

Where heather cover exceeds 50% burning shall be permitted on the basis of the following definitions and rotations:

### **Definitions :**

For the purposes of burning there shall be the following categories of area/habitat:

- **Dry Heath:**
  - Communities dominated by dwarf shrubs, largely heather, on more mineral soils or shallow organic soils with peat depth at 0.5 metres or below. The moss layer, if present will be dominated by spreading, mat forming (*pleurocarpous*) mosses.
  
- **Degraded Blanket Bog:**
  - Where peat depth is greater than 0.5 metres and where sphagnum species are patchily distributed or absent.
  - If sphagnum and/or cotton grass cover increases to greater than 50% on areas with a high water table then such areas shall be reclassified as active blanket bog.
  
- **Active Blanket Bog:**
  - Areas with a high water table where the moss layer is dominated by sphagnum species and/or cotton grass is dominant and the peat depth is greater than 0.5 metres.
  
- **Sensitive areas:**
  - Areas defined as sensitive areas shall not be burned once mapped as provided for herein.
  
- **"Dominant" or "dominated by"** means 50% cover or more.

## **Mapping:**

Pursuant to s. 28E(3)(b) of the Wildlife and Countryside Act 1981 and Regulation 20 {2}(b) Natural England and Walshaw Moor Estate Limited agree to carry out mapping of the area of land affected by this proposal on the following basis:

- The intention of the mapping is to identify the extent of dry heath, degraded blanket bog, active blanket bog and sensitive areas. Areas of wet heath (shallow wet peats with *Erica tetralix*) will be mapped with areas of degraded blanket bog.

- Sensitive areas shall be mapped on the basis of the definitions provided by the Heather and Grass Burning Code 2007 (save that it shall not be necessary to identify the category described as "Peat bogs and wet heathland");
- The mapping shall be carried out on a unit by unit basis in relation to the units of the SSSI set out at the start of this proposal;
- The mapping shall be jointly undertaken by representatives of Natural England and Walshaw Moor Estate Limited acting together;
- If, by 1 March 2013, the mapping is not complete or dispute remains between the parties an independent third party shall be appointed with the agreement of the parties and that person shall complete the mapping or resolve areas of dispute by 31 December 2013 and their decisions shall be final;
- If the parties are unable to reach agreement as to the identity or terms of appointment of the independent third party that person shall be identified and their terms of appointment ascertained by the Chairman of the Institute of Environmental Management and Assessment;
- The mapping shall be reviewed after 14 years from the date of this agreement.

#### **Rotations:**

- |   |             |
|---|-------------|
| • Dry heath:                            | 12-16 years |
| • Degraded blanket bog<br>and wet heath | 15-20years  |
| • Active blanket bog                    | 20-25 years |
| • Sensitive areas                       | no burning  |

For the avoidance of doubt, the extent of any one habitat that may be burned per annum in any single unit of the SSSI under a burning rotation = area of habitat in that unit divided by period of rotation ("the Annual Quota").

#### **Catch-up burning:**

If in any year the Annual Quota is not burned, the unburned portion of the quota may be carried forward into the next or a subsequent burning season.

Catch up burning is permissible in relation to burning permitted by this consent but not by prior consents.

#### **Picking up areas:**

Areas within a 50metre radius of a grouse butt may be burned when the heather reaches 10cm.

### **The Heather and Grass Burning Code:**

WME will use reasonable endeavours to comply with the Heather and Grass Burning Code 2007 (or as from time to time amended) save where this is not compatible with the terms of this proposal and consent. For the avoidance of doubt, heather may only be burned on the basis of the rotations set out above and not on the basis of heather height.

### **Legal control of pest species:**

Is permitted.

### **Maintenance of existing infrastructure:**

Is permitted, but for the avoidance of doubt:

- "maintenance" means the repair or reinstatement of infrastructure where the feature already exists and/or the component parts already exist, including replacement of grouse butts. Change of location and/or enlargement is not permitted.
- "existing" means visible from an aerial photograph, shown on an OS map or shown in photograph(s) to be taken by WME prior to repair, to include roads/tracks, car parks, grouse butts.
- "infrastructure" means roads, tracks, walls, fences, hardstands, banks, ditches, cables and grouse butts, ponds and buildings and footbridges.

No maintenance of moorland drainage is permitted except where immediately adjacent to surfaced roads/tracks, walls and within a 50 metre radius around grouse butts.

### **Turves for butts:**

The cutting of turves for the placement on butt tops, including the means of doing so and locations in such a manner as determined by WME may be undertaken.

### **Gritting**

The setting out of quartz (medicated or otherwise) either directly on the ground or within bespoke containers, including the means of doing so and locations in such a manner as determined by WME may be undertaken but only in compliance with applicable laws or codes of practice;

### **Weed Treatment:**

The spot application of an appropriate herbicide of noxious weeds as defined by the WA 1959, plus soft rush (*Juncus effusus*) where it occurs within heather dominated vegetation, plus bracken (*Pteridium aquillinum*) where it occurs within heather dominated vegetation, in accordance with all applicable laws and codes of practice may be undertaken.

**Use of Vehicles:**

Vehicles may be used for the following purposes:

- General grouse management including direct dosing, setting out of grit, moor burning, transportation of water bowsers and misting equipment, and grouse shooting;
- The protection of the welfare and safety of those working on WME, or guests of WME and for the transportation of personnel.
- Sheep and stock management such as shepherding, gathering and inspection;
- General estate management such as, but not exclusively restricted to, the erection and repair of infrastructure, grip blocking, tree planting, bracken control, legal control of pest species etc.

Vehicles may be used at all times of the year. However, due care will be taken to avoid disturbance to vegetation and to avoid disturbance to nesting birds. If the ground or the vegetation is damaged as a result of vehicle passage, use of that route will cease immediately until the vegetation has recovered. Intervention methods to achieve re-vegetation as may be appropriate may be used subject to separate consent from NE.

Any vehicle used on un-surfaced vegetation will be of low ground pressure.

**Other operations listed as being likely to damage the special interest of the SSSI:**

Do not have Natural England's consent.

Signed for owner(s) or occupier(s)

Date:

1/3/2012

**CONSENT OF NATURAL ENGLAND**

**Section 28E(3)(a) Wildlife and Countryside Act 1981 (as amended and inserted by section 75 and Schedule 9 of the Countryside and Rights of Way Act 2000)**

**Regulation 20(2)(a) of the Conservation of Habitats and Species Regulations 2010**

Natural England gives you consent to carry out, cause or permit to be carried out, the operations specified above on the land specified above.

If you wish to change the proposed operations or their location or to carry out additional operations for which consent has not yet been given, or if a time period given in the notice, above, has expired, you are required to give further written notice to Natural England.

Unauthorised operations may destroy, damage or disturb features of special scientific interest.

It is the responsibility of the grantee of this consent to ensure that no other consents, whether of a public or a private nature, are needed and, if needed, to secure them him/herself . The grantee is also responsible for carrying out the consented operation(s) safely and in all ways according to the law

Signed for Natural England :

Date:

