

Introduction

This briefing by Ban the Burn outlines:

- The history of Walshaw Moor Estate's contentious intensification of grouse shooting on the Natura 2000 site above Hebden Bridge.
- Attempts by Natural England and local and national conservation groups to enforce compliance with habitat and wildlife laws.
- Growing scientific evidence that mismanagement of the blanket bog contributes significantly both to increased flood risk in Calder Valley and to destruction of a globally significant habitat and carbon sink, with bad consequences for climate change.

Much of this will already be familiar to you. But we believe it's unlikely to have come to your attention that since the 25 year WME restoration plan 2017-2042 was drawn up, we have seen the estate's continued burning of sphagnum moss and apparently unconsented construction of infrastructure. Information about this is on pages 5-7.

We reported this to Natural England in correspondence that started over six months ago. Last November, they committed to investigate these matters by a desk assessment followed by a site visit if they think this is needed. Since then we have heard nothing from them. Today we ran into Craig Whittaker MP after you had left Hebden Bridge and asked him to chase Natural England about this. We hope you will too. We have just written to Natural England asking them to get their skates on.

Ban the Burn are sorry we were not able to speak to you while you were in Hebden Bridge

We are very sorry we were not able to speak to you while you were in Hebden Bridge. Craig Whittakers's constituency office had told us on 11 February that you and he would be doing a walkabout in Mytholmroyd between 9 and 10 am on 12 February. The office agreed that it would be appropriate for us to talk with you about the need to make sure that

the Government's proposed legislation to ban peatland burning does not permit any exemptions or loopholes. And to find out when this legislation is to be introduced in Parliament.

After waiting over an hour in the freezing cold in Mytholmroyd, we were very disappointed to hear from Craig Whittaker's constituency office that you were not doing a walkabout but were having a private meeting with the Leader and Chief Executive of Calderdale Council, in an unknown place.

We then gave up and drove back to Hebden Bridge where we found Craig Whittaker on his way to the train station. He told me the meeting had not been in Mytholmroyd, but Hebden Bridge. And he excused his constituency office's failure to tell us this by saying your office had only notified him of this change of plan at 9pm the day before and he had not had time to let his constituency office know.

We learned from Hebden Bridge people who work in the Town Hall and from ITV News reporters that your staff basically blockaded the Town Hall and refused public and reporters access to the building. We are very disappointed that you chose to insulate yourself from local people and the media.

Ban the Burn have useful local knowledge, built up over years, that we wanted to share with you. And we wanted to support and encourage the government's plans for legislation to ban burning on peatland. We also are the ones who suffer the consequences of flooding and we can't understand why you are not prepared to have a conversation with us, however brief that may have been due to the pressures on you of national responsibility for flooding and environmental issues.

I hope you at least take the time to read this briefing, which Craig Whittaker's constituency office worker said he would make sure to send to you.

Craig Whittaker told me it didn't matter that we'd not managed to speak with you, because he is fully up to date with all the issues relating to the management of Walshaw Moor Estate. We know this is not the case and we were also interested to learn from him that Natural England has told him one thing and us another, regarding their capacity to monitor

whether Walshaw Moor Estate is complying with relevant Habitats and Wildlife laws and regulations.

Climate Change

It's clear that climate change is a major cause of the floods that have grown more frequent this century in Calder Valley, as extreme rainfall becomes more common. There was serious flooding in Todmorden in June 2001, which is why the town was very early in getting flood alleviation works in the park and elsewhere on the Calder and Walsden water. (But this time it came over the top of all those new walls.) There were more bad floods in the Calder Valley in 2007, 2012 (one in June and twice in July), the worst of all by far on Boxing Day 2015 and now this in February 2020.

The floods are flash floods, in other words they happen really fast. Usually they are fluvial (river) floods that flood from the valley bottom, but the second or third flood in the summer of 2012 was a pluvial (rain) flood that flooded from the tops down into the valley. So there is now a feeling that nowhere is really safe from flooding.

Walshaw Moor

As you will know, this is a large upland tract that is both a Site of Special Scientific Interest and a Natura 2000 site, a Special Conservation Area and a Special Protected Area. It is also the source of Hebden Water, one of the two rivers that flow through Hebden Bridge.

The reasons for its special protected conservation status are its blanket bog habitat - one of the rarest wildlife habitats in the world - and a variety of wildlife the habitat supports.

Walshaw Moor Estate Ltd. own a significant part of the moorland catchment above Hebden Water. The company came to public attention when Natural England initiated a prosecution for 43 environmental breaches in the Estate's management of land in a Site of Special Scientific Interest (SSSI). These occurred as a result of WME's huge intensification of grouse density for shooting after Richard Bannister bought the estate from Lord Saville, and were mostly to do with burning, draining, unconsented shooting butts and creation of illegal tracks.

Again, as you will know, Natural England abruptly dropped the case in March 2012, half way through a public enquiry. The Defra minister, grouse moor owner Richard Beynon, was meeting with the grouse moor owners' Moorland Association and the public enquiry wasn't in the MA's interest. At that point, Natural England entered an Environmental Stewardship agreement with the Walshaw Estate. This agreement was pay the Estate over £2.5 million in public subsidies over the next ten years, for measures to make good the damage WME did through trashing the moor for grouse shooting. However, the ES agreement still permits "controlled" burning activities on blanket bog, under an exemption from the Heather and Grass Burning Code's rule that burning must not take place on sensitive areas such as peat bog and wet heathland.

Ban the Burn and RSPB legal challenges to the legality of the WME Environmental Stewardship Agreement

In January 2013 Ban the Burn challenged the legality of the WME Environmental Stewardship Agreement by asking the head of the European Commission's unit for enforcing EU environmental law in the UK, to investigate whether Natural England and the Defra Secretary of State acted unlawfully in deciding that Walshaw Moor Estate's grouse shooting operations would not adversely affect the integrity of the protected moors.<http://www.energyroyd.org.uk/archives/6472> The RSPB also put in a similar legal challenge about the ESA to the EU Commission.

A 2015 blog by the RSPB Director Martin Harper

<http://www.rspb.org.uk/community/ourwork/b/martinharper/archive/2015/09/18/walshaw-moor-a-turning-point-for-england-s-uplands.aspx> indicated that although the EU Commission people were holding their cards close to their chests, a good result seemed possible.

However as you will know, this has dragged out for years. The European Commission started its own legal action in April 2016. They argued the UK had failed properly to protect the globally important blanket bog in these European protected areas and to take positive measures to make sure it was restored to good health.

Lack of progress by the UK led to the EC escalating its legal action in April 2017. By the end of 2017/early 2018, the UK Government had responded, committing Government to end burning of blanket bog in the Special Areas of Conservation s by June 2019 by:

- Asking Natural England to negotiate with each estate requesting they voluntarily give up their (402) legal consents to burn blanket bog;
- If this was not successful in ending all burning, Government to introduce a legal ban.

Initially Natural England sought to tackle the 402 consents by agreeing new, long-term (25 year) plans with each estate. This included the Walshaw Moor Estate Catchment Restoration Plan 2017-2042.

(<http://publications.naturalengland.org.uk/publication/6389907001442304>)

Since the new 25 year WME restoration plan was drawn up, we have seen the estate's burning of sphagnum moss and apparently unconsented construction of infrastructure

The RSPB , Ban the Burn and others criticised these new 25 year plans heavily because they:

- Perpetuated burning under the guise of “restoration burning”
- Allowed each estate to pretty much decide where and when they would burn blanket bog and how frequently;
- In some cases, facilitated the burning of perfectly healthy blanket bog;
- In other cases, gave permission where there was no pre-existing consent or it had lapsed.

In April 2019, Ban the Burn was among a group of charities, academics and local campaigners with a track record of working on peatland conservation, which wrote to Michael Gove urging him to implement a complete ban on the practice of burning on upland peatland habitats. We did this because we saw plenty of evidence of continued burning on protected peatland, despite the government's introduction of a voluntary ban on burning.

We considered the lack of compliance with the voluntary ban on burning was likely to worsen, thanks to Natural England's recent 'restoration burning' position statement. This was made despite Natural England's associated Protocol for Upland Peatland Monitoring, which admitted that the evidence base for burning for restoration purposes is limited.

And since there is already convincing evidence that controlling heather growth through cutting is highly effective in blanket bog restoration, there can be no need or justification for so-called "restoration burning".

We strongly urge you to make sure that the government's proposed legislation to ban peatland burning does not include any exemptions or loopholes such as Natural England's restoration burning caveats.

Natural England has committed to investigate Walshaw Moor Estate burning of sphagnum and apparently unconsented infrastructure construction – but has done nothing

For the last six years, Ban the Burn and Upper Calderdale Wildlife Group have been monitoring Walshaw Moor Estate through volunteers walking the blanket bog areas and documenting the Estate's activities.

We have had to do this because 47% of Sites of Special Scientific Interest (such as Walshaw Moor Estate) have not been monitored by Natural England in the last six years, in breach of national monitoring guidelines.

This is because successive governments have slashed Natural England's budget by more than half.

So Natural England doesn't have enough staff to monitor Walshaw Moor Estate's compliance with the Walshaw Moor Estate Catchment Restoration Plan 2017-2042 and Environmental Stewardship Agreements.

Between August and November 2019, we drew Natural England's attention to the grouse-shooting estate's burning of sphagnum moss and apparently unconsented construction of infrastructure.

In November, Natural England agreed to investigate Walshaw Moor Estate's:

- apparent deepening and widening of ditches that they've been paid to block, on Heather Hill blanket bog
- unconsented construction of steps up to newly constructed grouse shooting butts in deep peat/blanket bog adjacent to Hole Sike
- apparently unconsented construction of a tarmac car park
- burning which destroyed sphagnum moss

Natural England said this investigation would take the form of a desk assessment, followed by a site visit "if necessary". We are now asking them to complete the desk assessment and let us have the report and to agree a date for a site visit, as we can't see how they can adequately investigate these matters without seeing them. More information here <http://www.energyroyd.org.uk/archives/16506>

Yorkshire Water is stopping driven grouse shooting on its land

We are very encouraged by Yorkshire Water's decision to stop driven grouse shooting on its land.

Mismanagement of protected upland sites is more than a Calder Valley problem

The mismanagement of protected upland sites that are also catchments above populated river valleys is nationwide.

In the process of draining and burning blanket bog, the sphagnum moss is destroyed and a carbon sink is turned into a carbon source. Damaged UK peatlands release almost 3.7 million tonnes of CO₂e a year – more than all the households in Edinburgh, Cardiff and Leeds (Source – The Commission of Enquiry into UK Peatlands).

And the peat on WM is deep peat that has taken thousands of years to lay down - at a rate of 1mm/year, it takes 1,000 years to create 1m.

The EMBER research project (Effects of Moorland Burning on the Ecohydrology of River Basins)

This is crucial because it is the first and so far the only scientific evidence that permitted burning results in increased runoff during the biggest 20% of rain storms, and so increases the risk of flash flooding in river valleys below the moors.

<http://www.energyroyd.org.uk/archives/14692>.

The 2015 EMBER report is downloadable here

http://www.wateratleeds.org/fileadmin/documents/water_at_leeds/Ember_report.pdf

2016 Durham University study finds ANY burning on Walshaw Moor Estate increases flood risk in Hebden Bridge

An Honorary Fellow in the Department of Geography at Durham University, Nick Odoni, carried out a modeling study and investigation into how annual burning on the Walshaw Moor Estate may affect high river flows in Hebden Bridge. It showed that the most effective way of managing the moors in order to reduce the peak flow at Hebden Bridge is to eliminate burning and encourage conservation and restoration of Sphagnum. Over time, this will allow sphagnum to replace some or much of the cotton and moorland grasses and heather.

Practiced over the whole Hebden Water catchment, this management for sphagnum restoration would reduce the peak flow at Hebden Bridge by between 5%-10%.

This kind of management on WME only, leaving the rest of the Hebden Water catchment unchanged, causes a reduction in the flow peak at HB of about 2.5-5%.

More generally, the study indicates strongly that management focused on such conservation and restoration is likely to assist and reinforce the effects of other measures introduced on the moorland to reduce peak flows at HB.

More information here: <http://www.energyroyd.org.uk/archives/15838>

No-burn management of Geltsdale blanket bog and heath is restoring habitats and wildlife

Ban the Burn has made a study visit to RSPB's Geltsdale reserve in Cumbria to find out how their no-burn management is restoring blanket bog and heath. The whole reserve – mostly blanket bog with some dry heath – is a Site of Special Scientific Interest and Natura 2000 site. There is more information here: <http://www.energyroyd.org.uk/archives/16365> . There is no reason why Walshaw Moor Estate could not use these no-burn habitat restoration methods.

Natural flood reduction measures

Calderdale Council has worked with voluntary groups to promote natural flood management (NFM) to help slow runoff from the upland catchment. They've developed a strategy to prioritise where NFM measures will have the greatest impact, and where they should focus their efforts. And they have employed a Natural Flood Management Officer.

Non-Council groups have been cracking on with it, mostly the Calderdale Slow the Flow group and groups that are part of the SOURCE project.

This is a partnership made up of 11 organisations including:

- Calderdale Council
- Calder and Colne Rivers Trust
- Environment Agency
- Moors for the Future/MoorLIFE
- National Trust
- Treesponsibility
- Upper Calderdale Wildlife Group

These various organisation are working on natural flood management in Calderdale, coming at it from different angles.

It aims to :

- minimise flash flooding through appropriately-sited tree planting & moorland restoration
- treat damaged land and control erosion
- slow storm water run off through small-scale landscape interventions
- improve the river quality of the river calder
- educate the public and encourage conservation volunteering

Current state of play with natural flood management in the Upper Calder catchment

The evidence is that natural flood management can reduce the flood risk to the Upper Calder Valley - in a flood, inches can count. Reducing flood peaks by 5-10% would have a significant impact.

As well as the Leeds and Durham Universities studies already mentioned, evidence about this includes the Moors for the Future Making Space for Water research programme 2010-15, which produced very promising results, and Calderdale Council study of the Colden catchment showing how sphagnum introduction could 'slow the flow'.

SOURCE project - their 2019 Report is downloadable here:

<http://www.treesponsibility.com/wp-content/uploads/2019/04/SOURCE-Report-2019.pdf>

SOURCE work started in 2010. It is part of the Aire and Calder catchment plan. Water quality issues, flooding issues, biodiversity issues etc are all part of catchment planning.

The Upper Calder catchment is divided into 5 areas - the maps are attached with this briefing, including the Hebden Water catchment map.

This is the HW catchment map:



Source's work includes:

- Calderdale Council's Natural Flood Management grants scheme to landowners. This pays towards the costs of attenuation ponds, tree planting, hedgerows, leaky dams and fascines.
- Gorpley Landscapes for Water project.
- The EU-funded Calder Greening Project.
- Treesponsibility's work – their treeplanting has passed the quarter of a million mark
- Slow the Flow Community-led Natural Flood Management Conference.

Ban the Burn campaign

The Ban the Burn campaign group was launched on August 12 2012, after the June/July floods. <http://www.energyroyd.org.uk/archives/4719> Its aims are:

- a ban on burning and draining blanket bog
- an end to loopholes in the Heather & Grass Burning Code and other regulations

Ban the Burn's goal is to restore sphagnum and blanket bog, because their destruction by mismanagement of the uplands for grouse shooting creates:

- increased flood risk in Hebden Water
- very significant carbon emissions
- adverse impacts on water quality
- the destruction of a globally significant habitat type

There is a more info about Ban the Burn here

<http://www.energyroyd.org.uk/?s=ban+the+burn&submit=Search>

Ban the Burn 12 February 2020

Jenny Shepherd

changingmorethanlightbulbs@gmail.com