

Natural England Board



Title: **Confirmed minutes of the fifty seventh Natural England Board meeting on 4 November 2015**

Members attending	Senior Leadership Team
Andrew Sells (Chairman)	James Cross, Chief Executive
Julia Aglionby	Tim Hill, Chief Scientist
Andy Clements	Paul Lambert, Chief Finance and Governance Officer
Will Cockbain	Alan Law, Chief Strategy and Reform Officer
Teresa Dent	Julie Lunt, Chief Legal Adviser
David Hill	Guy Thompson, Chief Operating Officer
Joe Horwood	Ken Roy, Director Chairman and Executive Office
Simon Lyster	Invited speakers
Nigel Reader	Mike Burke, Area Manager (item 3)
	Tim De-Keyzer, Manager Biodiversity
	Liz Newton, Director, Landscape, Access and Geodiversity.
	Observers for the OPEN session
	7 Natural England staff
Apologies	Secretariat
John Varley	Gill Hunt

Welcome from the Chairman

The Chairman extended his welcome and asked for declarations of interest. Declarations were received from:

- Nigel Reader for item 3 - Spending Review 2015 due to being a Board Member for the Marine Management Organisation (MMO).
- Andy Clements and Teresa Dent in relation to Annex 3 of item 2 and item 13.

The Chairman was satisfied there were no conflicts of interest but asked that during the decision with regard to accepting NESACs advice on hen harrier brood management Teresa Dent and Andy Clements leave the room.

1. Confirmation of the September 2015 Minutes and Matters Arising (NEB M56 01)

- 1.1 The minutes of the September Board meeting were confirmed subject to changes:
- 2.4.1 in relation to the action. The remit of the work led by Simon Lyster had been widened to include all ideas to promote conservation action to farmers and landowners not just those going into (or coming out of) agri-environment schemes.

Action: Board and Executive Services to amend the wording of 2.4.1 and the related action and send to Simon Lyster for approval.

Action: Board and Executive Services to produce confirmed September minutes.

- 1.2 The Board noted the following updates under Matters Arising:
- In relation to action 15, John Holmes had spoken to Devon Wildlife Trust and any application for a licence to introduce new beavers will not take place until 2016.
 - In relation to Annex 2, noted the update and asked for the Executive to explore the arrangements made by the Forestry Commission in relation to HS2.

2. Chief Executive Report (NEB 57 01)

- 2.1 James Cross introduced his new performance and risk report and welcomed Mike Burke, Area Manager for Lancashire and Cheshire. In discussion the Board:
- 2.1.1 Welcomed the balanced scorecard section of the report and requested refinement in relation to staff metrics.
- 2.1.2 Welcome the successful conclusion to Natural England's work on Yorkshire Dales / Lake District National Park boundaries extensions – and commended the team who had worked on this over a lengthy period including David Vose.
- 2.1.3 Explored the reasons for the shortfall in the income generation target but accepted the direction of travel was positive and some demand for services could not be met due to resource issues and welcomed the Executives decision to move staff to address the demand.
- 2.1.4 Noted the future steps would include the potential to offer enhanced services giving customers the option to choose a free service or pay for an enhanced one.
- 2.1.5 Sought clarification on the status of NNRs in the report and an improvement in the accompanying narrative.
- Action: Guy Thompson to brief Andy Clements on the NNR target and the quality of information supporting it.**
- 2.1.6 Noted that Defra have requested Natural England and other Defra NDPBs should no longer publish individual corporate plans and have asked for Key Performance Indicators to be published on GOV.UK.
- 2.1.7 Advised that Natural England would still need a fit for purpose internal business plan for 2016/17 and subsequent years to steer the organisations delivery any business plan would require Board approval.

Action: Senior Leadership Team to begin development of a business plan to be presented to the Board in early 2016.

- 2.2 The Board noted issues outlined at Annex 2 of the paper and identified the following actions:

Action: Board and Executive Services to schedule a specific update on the England Coastal Path to cover both methodological issues and longer term funding scenarios. Invite the programme manager from the England Coastal Path team to support this item.

Action: Tim Hill to ensure the JNCC report in relation to the Wildlife and Countryside Act review is circulated to Board Members.

- 2.4 The Board noted Julie Lunt's update on the legal issues at Annex 3.
- 2.5 Mike Burke gave a drill down into the activity of the Cheshire, Lancashire and Merseyside Area Team. The Board noted:
- 2.5.1 The complexity and diversity of the Area Team coverage with particular issues round urban development and a designated coastline.
- 2.5.2 Team morale was an issue but similar in level to other Area Teams and there was a challenge to change the way staff perceive risk management.
- 2.5.3 A number of reforms were needed to get off the treadmill of reactive work.
- 2.5.4 The introduction of focus areas which can be used to help demonstrate leadership by Natural England staff and the ability of Natural England to occupy a neutral space in contentious issues and bring people together to find mutually agreeable solutions.
- 2.5.5 The need to encourage staff to get involved early on in any process rather than at the end in order to influence decision making and outcomes including the need to be clear about the use of legislative levers in combination with others.

3. Finance Update (NEB 57 02)

- 3.1 Paul Lambert introduced the paper and gave context to the external influences on budgets including SR 2015 and in year cuts. In discussion Board Members:
- 3.1.1 Expressed disappointment in regard to cuts in the programme budget for this year given previous cuts to this budget.
- 3.1.2 Explored the ratio of pay to programme spend and requested a paper be brought to a Board meeting in the near future.

Action: Paul Lambert to bring a paper to the December Board on the medium term financial plan.

- 3.1.3 Advised caution in cutting spend from areas where income could be generated in the future including exploring HLF funding opportunities.

- 3.1.4 Acknowledged it was the skills and expertise of staff that made Natural England's offer special and created the organisations unique selling point.

4. SR2015 and Transformation (NEB 57 03)

- 4.1 James Cross introduced the item and the Board noted:
 - 4.1.1 ExCo had taken the decision not to change the structure of Pillar 2 work and current Natural England responsibilities in regard to Pillar 2 would remain with the organisation.
 - 4.1.2 Work was being done to explore closer alignment with the Environment Agency in our operations and customer interaction.
 - 4.1.3 The success of the Marine Programme Board and its use as a leading example of cross organisational working at an operational level.

5. Defra 25 year plan for the Environment (NEB 57 04)

- 5.1 Alan Law introduced Liz Newton as the lead on strategy and communications for this item and clarified that a steer was required from the Board around the direction of Natural England's input in to Defra's 25 year plan. In discussion the Board:
 - 5.1.1. Noted Liz Newton's attendance at the steering group and workshops on Natural England's behalf.
 - 5.1.2 Advised that Natural England had the correct specialist and operational knowledge to input positively into the plan.
 - 5.1.3 Explored opportunities for a demonstrator project linked with the Conservation Strategy and Defra's 25 year plan.

6. Countryside Stewardship and the legacy scheme update (NEB 57 05)

- 6.1 Tim De-Keyzer gave an update on the applications and progress of the Countryside Stewardship Scheme. In discussion the Board:
 - 6.1.1 Noted there were concerns about the real and perceived complexity of the scheme and advised of the need to manage reputational risks.
 - 6.1.2 Welcomed the continuation of the lessons learned exercise and its use in redesigning the application process for 2016.
 - 6.1.3 Recognised a major part of the issues faced this year were in connection with the availability of the IT system.
 - 6.1.4 Advised there were opportunities to promote the scheme in a positive way using stakeholders and partners and encouraged the finding of some case studies to help.
 - 6.1.5 Recognised there were continued challenges for delivery next year including the IT

system but were satisfied that accepting and committing to this early would allow for better planning and early engagement.

7. Bovine TB Update (NEB 57 06)

7.1 The Board noted Tim Hill's update on Bovine TB.

8. Outcomes Approach Programme (NEB 57 07)

8.1 Guy Thompson introduced the paper and gave context. In discussion the Board:

8.1.1 Noted that people were already talking about the new approach and there was support from staff towards it.

8.1.2 Welcome the specific work that our own staff (notably Mark Owen) were doing to develop the way that we describe and implement this approach.

8.1.2 Advised of the need to ensure that future papers (and ongoing communication to staff and stakeholders) on this topic start with an overview of why Natural England were taking this approach and what we believe it will deliver in terms of environmental outcomes. This will be central in bringing people with us.

8.1.3 Recognised the outcomes approach was the core methodology and not the overall purpose of natural England but it was helpful for the approach to have a label to help with internal culture change.

9. Audit and Risk Assurance Committee Update (NEB 57 08)

9.1 Nigel Reader gave an update on activity within ARAC.

10. Board Innovation Group Update (NEB 57 09)

10.1 The Board noted David Hill's update on BIG. In discussion the Board:

10.1.1 Sought clarification on the projected shortfall in income generation and requested further details of the breakdown of income streams.

Action: BES to circulate David Drake's spreadsheet of income generation through Board Round-Up.

11. Conservation Strategy Group Update (NEB57 10)

11.1 Teresa Dent gave an update on activity from CSG and the Board noted:

11.1.1 The workstreams outlined in the paper and the need for these to come to future Board meetings for discussion and approval.

11.1.2 The link with Defra's 25 year plan needed to be more specific.

12. Natural England Science Advisory Committee Update (NEB 57 11)

- 12.1 Andy Clements gave an update on the last NESAC meeting. In discussion the Board:
- 12.1.1 Noted the formal advice from NESAC to the Board in relation to Hen Harrier Brood Management.
- 12.1.2 Reviewed the advice and were satisfied there was sufficient information for the Board to make a decision about whether to accept the advice.
- 12.1.3 Requested Teresa Dent and Andy Clements leave the room whilst the remaining Board made a decision on the hen harrier brood management advice.
- 12.2 In conclusion the Board thanked NESAC for their thorough advice and were all in agreement to formally accept the advice and agreed to communicate the advice to the Minister for the Environment.

13. Upland Working Group (UWG) Update

- 13.1 Julia Aglionby gave a verbal update on UWG and the decision by both the Senior Leadership team and UWG to postpone the publication of the assurance package.

14. Remuneration Committee Update

- 14.1 David Hill gave a verbal update on the Remuneration Committee meeting of that morning. The Board noted the Committee was in fact one of the main formal sub committees of the Board and therefore there was a need for proper governance to be followed and in future full minutes to be presented to the Board.

Action: Board and Executive Services to ensure that appropriate governance arrangements are put in place for the Remuneration Committee.

15. Health, Safety and Wellbeing (NEB 57 12)

- 15.1 The Board noted Paul Lambert's update on Health, Safety and Wellbeing in particular the detailed report of the near miss incident.

16. Board Diary for 2015 and 2016 (NEB 57 13)

- 16.1 The Board noted the 2016 dates and requested the July meeting be brought forward to 20 July.

Action: Board and Executive Services to amend the July Board meeting to the 20 July.

- 16.2 The Board noted the proposal at Annex 3 to amend the distribution of Board Round-Up and agreed a reduction as proposed in the paper.

Action: Board and Executive Services to implement the new timetable for Board Round-Up and inform regular contributors of the agreed publication dates.

17. Any Other Business

- 16.1 No other business was raised.

18. Legal Briefing

- 18.1 The Board noted Julie Lunt's legal briefing on the board's role in relation to SSSI confirmation of notification. The Board satisfied themselves their role was to view any confirmation on scientific grounds only. They also noted that they had powers to make amendments where necessary to reduce the boundary or amend the list of operations requiring consent.

OPEN SESSION

19. Confirmation of Bolton Fell and Walton Mosses SSSI (NEB PU57 14)

- 19.1 Chairman welcomes all to the meeting and introduced the item which was to be led by Simon Humphries and Rob Cooke.
- 19.2 Julie Lunt gave a legal reminder of the role of the Board.
- 19.3 Simon Humphries gave a presentation in relation to the site which included the wider importance of Lowland Raised Bogs (LRB) as well as site specific details. In discussion the Board noted:
- 19.3.1. Natural England owned 280ha on Bolton Fell Moss.
- 19.3.2 Walton Moss was the least damaged LRB in England.
- 19.3.3 Area Team staff were gaining good expertise in LRB restoration and management though other sites such as the South Solway and South Cumbria Mosses.
- 19.3.4 The Area Team had spent a number of years gaining support for the notification using meetings and workshops with key partners and the sending of newsletters and interaction with parish councils to engage local people.
- 19.4 Chairman opened the meeting to questions and in discussion the Board:
- 19.4.1. Sought clarification on the importance of the peripheral areas of the site in maintaining the water levels within the LRB and were satisfied the peripheral areas identified were integral to the success of the restoration and maintenance of the LRB.
- 19.4.2 Noted there were 2 remaining objections to the notification and that one objection could have been removed had the landowner agreed to split unit management.
- 19.4.3 Congratulated the team on the very thorough process that had been undertaken to address and resolve objections and all the work that had been done in the process of notification.
- 19.4.4 Noted there were no reservations on the part of the Area Team and their recommendation was to confirm the notification of Bolton Fell and Walton Mosses SSSI.

19.5 In conclusion the Board voted unanimously to confirm the notification of Bolton Fell and Walton Mosses SSSI.

19.6 The Board noted a full transcript of the item was taken by an independent stenographer.

Actions log

No	Agenda Item/Paper	Ref	Action	Owner
1	Confirmation of the September 2015 Board Briefing Minutes and matters Arising (NEB M56 01)	1.1	Amend the wording of 2.4.1 and the related action and send to Simon Lyster for approval.	BES
2	Confirmation of the June 2015 Board Briefing Minutes and matters Arising (NEB M54 01)	1.1	Confirm the September 2015 Board minutes.	BES
3	Chief Executive Report (NEB 57 02)	2.1.4	Brief Andy Clements on the NNR target and the quality of information supporting it.	Guy Thompson
4	Chief Executive Report (NEB 57 02)	2.1.6	Begin development of a business plan to be presented to the Board in early 2016.	Senior Leadership Team
5	Chief Executive Report (NEB 57 02)	2.2	Schedule a specific update on the England Coastal Path to cover both methodological issues and longer term funding scenarios. Invite the programme manager from the England Coastal Path team to support this item.	BES/Alan Law
6	Chief Executive Report (NEB 57 02)	2.2	Ensure the JNCC report in relation to the Wildlife and Countryside Act review is circulated to Board Members.	Tim Hill
7	Finance Update (NEB 57 03)	2.3	Bring a paper to the December Board on the medium term financial strategy.	Paul Lambert
8	Board Innovation Group Update (NEB 57 13)	13.1	Circulate David Drake's spreadsheet of income generation through Board Round-Up.	BES
9	Remuneration Committee	14.1	Ensure that appropriate governance arrangements are put	BES

	Update		in place for the Remuneration Committee.	
10	Board Diary for 2015 and 2016	16.1	Amend the July Board meeting to the 20 July.	BES
11	Board Diary for 2015 and 2016	16.2	Implement the new timetable for Board Round-Up and inform regular contributors of the agreed publication dates.	BES



Natural England Board Meeting

Agenda 4 November 15

Location: Room 211, Electra Way, Crewe Business Park, Crewe CW1 6GJ

	Natural England office - Crewe	Paper Number	Lead/s
14:20	PUBLIC SESSION		
	Confirmation of Bolton Fell and Walton Moss SSSI	NEB PU57 14	Rob Cooke/Simon Humphries
	CLOSE		

Natural England Board



Meeting: 57
Date: 4 November 2015

Paper No: NEB PU57 14

**Title: Bolton Fell and Walton Mosses Site of Special Scientific Interest (SSSI)
– confirmation of notification**

**Lead/s: Alan Law Chief Strategy and Reform Officer/Simon Humphries Cumbria
Area Team Manager**

1. Purpose

1.1 The purpose of this paper is to seek approval to confirm the notification of Bolton Fell and Walton Mosses SSSI. The Natural England Board confirmation report is attached at Annex 1.

2. Recommendation

2.1 The Board is asked to:

- Approve confirmation of the notification of Bolton Fell and Walton Mosses SSSI with modifications to remove nine areas of land (totalling 26.75 ha) from the boundary and, consequently, to the area stated on the citation. The recommended confirmed area of the SSSI is 982.52 ha. The documents recommended for confirmation are attached at section 3 of Annex 1.

3. Report

3.1 Background

3.1.1 Bolton Fell and Walton Mosses SSSI was notified on 13 March 2015 under section 28C of the Wildlife and Countryside Act 1981, as inserted by Schedule 9 to the Countryside and Rights of Way Act 2000. A decision upon whether or not to confirm the notification of the SSSI is required on or before 12 December 2015, or it will lapse. If it lapses, there would be no SSSI in place on Bolton Fell Moss and Walton Moss would revert to the SSSI as notified in 1985.

3.1.2 Bolton Fell and Walton Mosses SSSI is of special interest for its nationally important:

- lowland raised peat bog habitat and associated vegetation communities, including the surrounding 'lagg' zones (where waters from surrounding mineral ground mix with rain-derived run-off from the bog); and

- peat sequences dating back to the Early Holocene containing evidence for variations in climate and cultural change over time through their pollen records, dated via radiocarbon analysis.
- 3.1.3 Previously, two SSSIs were notified covering some of the lowland raised peat bog habitats in the Bolton Fell and Walton Mosses area. These two SSSIs were Bolton Fell Moss SSSI (last notified 2001) and Walton Moss SSSI (notified 1985). Bolton Fell and Walton Mosses SSSI includes both of these previously notified SSSIs. The notification rationalises and clarifies the special interests of the overall area within a single designation, combining the two previously notified SSSIs and with substantial extensions covering 468.76 ha. The total area of the enlarged SSSI as notified is 1,009.27 ha.
- 3.1.4 The enlarged SSSI encompasses the whole of the unique and internationally important complex of lowland raised peat bogs in the area. The SSSI provides some of the key management mechanisms to protect and restore what is, in parts, a degraded landscape, following decades of commercial peat extraction and agricultural intensification. It also puts in place the necessary management provisions to enable the effective conservation and restoration of the Bolton Fell Moss Special Area of Conservation, which is due to be designated under the EU Habitats Directive by Defra Ministers in December 2015.
- 3.1.5 Restoration of lowland raised bogs and management of the functionally related land brings positive benefits in our changing climate, by improving their role as a carbon store, reducing carbon dioxide emissions, and providing a habitat rich in the specialised flora and fauna associated with the Cumbria bogs. Indeed Walton Moss is one of the most pristine lowland raised bogs in England and already part of our suite of National Nature Reserves, whilst restoration at Bolton Fell Moss will reinstate a functioning ecosystem capable of forming peat.
- 3.1.6 The confirmation plays into the Cumbria area team's wider bog restoration strategy, which will make a significant contribution to the favourable condition of these sites. The team has secured a variety of external funding through Heritage Lottery Fund, Water Framework Directive and, more recently, LIFE+ to undertake extensive restoration of these special bogs across the county. LIFE+ provides funding to share our restoration and management practices with national and international audiences.
- 3.1.7 The notification document (attached at section 2 of Annex 1) was issued on 13 March 2015 and explains why Bolton Fell and Walton Mosses is notified as a SSSI. The selection of this site against the relevant guidelines is dealt with fully in the supporting information document to the SSSI notification (also attached at section 2 of Annex 1).

3.2 Issues

- 3.2.1 Bolton Fell and Walton Mosses SSSI has 68 owners/occupiers, including 20 common rights holders on Walton Moss. Natural England has been in the process of purchasing land within the SSSI from 11 owners, some of which were completed shortly after the notification date on 13 March 2015.
- 3.2.2 The notification is the subject of six unresolved objections and a further three objections that have been resolved subject to the Board agreeing the officers' recommended boundary modifications. The period for making objections and representations ran from 13 March 2015 to 13 July 2015.

- 3.2.3 Eight owners/occupiers were identified after the notification date and, where possible, all were given four months in which to submit objections or representations. The latest identified occupier, Mr B Calvert, was given the statutory minimum of three months, which is due to expire on 25 November 2015. Mr Calvert has indicated that he does not intend to object to the notification and officers have requested that he confirm this in writing.
- 3.2.4 Annex 1 describes the site and its special interest, and considers the objections and representations made in respect of the 13 March 2015 notification. The grounds for the objections have been carefully considered by officers of Natural England.

Natural England Board Confirmation Report: Bolton Fell and Walton Mosses SSSI, Cumbria

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Section 4 Senior Leadership Team paper and minutes

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Section 1

Report to the Board of Natural England meeting on 4 November 2015

Bolton Fell and Walton Mosses Site of Special Scientific Interest, Cumbria

1.1. Executive summary

The Bolton Fell and Walton Mosses Site of Special Scientific Interest (SSSI) is made up of an extensive complex of closely juxtaposed peat bogs. It is of special interest for its nationally important: lowland raised peat bog habitat and associated vegetation communities, including the surrounding 'lagg' zones (where waters from surrounding mineral ground mix with rain-derived run-off from the bog); and peat sequences dating back to the Early Holocene containing evidence for variations in climate and cultural change over time through their pollen records, dated via radiocarbon analysis.

Previously, two SSSIs have been notified covering some of the raised bogs in the Bolton Fell and Walton Mosses area: Bolton Fell Moss SSSI (last notified in 2001) and Walton Moss SSSI (notified in 1985). The Bolton Fell and Walton Mosses SSSI includes both of these SSSIs. It also rationalises and clarifies the special interests of the overall area within a single designation, combining the two previously notified SSSIs with substantial extensions covering 468.76 ha. The total area of the enlarged SSSI as notified is 1,009.27 ha.

The notification document issued on 13 March 2015 explains why Bolton Fell and Walton Mosses is notified by Natural England as an SSSI. Bolton Fell and Walton Mosses SSSI has 68 owners and occupiers, including 20 common rights holders. The notification is the subject of six unresolved objections and three objections that are resolved subject to the Board agreeing the officers' recommended boundary modifications. The grounds for the objections have been carefully considered by officers of Natural England.

Officers recommend to the Board of Natural England that the notification of the SSSI under section 28C of the Wildlife and Countryside Act 1981 (as amended), should be confirmed with modifications to the boundary and, consequently, to the area stated on the citation. The boundary modifications are to remove nine areas of land (total area of 26.75 ha) where consideration of objections has resulted in officers recommending that land should not be considered to be of special scientific interest.

1.2. Introduction

Bolton Fell and Walton Mosses was notified on 13 March 2015 under section 28C of the Wildlife and Countryside Act 1981 (as amended). The notification under section 28C enlarged the site previously known as Bolton Fell Moss SSSI, previously notified in 2001, and incorporates the previously notified Walton Moss SSSI (as notified in 1985). Section 28C(5) of the Wildlife and Countryside Act 1981 has the effect that the previous notification of Bolton Fell Moss SSSI ceased to have effect from 13 March 2015.

Natural England has a duty to notify land as SSSI where it is of the opinion that land is of special interest. Having formed an opinion that the land is of special interest, Natural England has discretion as to whether to enlarge a previously notified SSSI under section 28C. That discretion was exercised in this case.

This report describes the site and its special interest, and considers the objections and representations made in respect of the 13 March 2015 notification.

1.3. Site description and special interest

Bolton Fell and Walton Mosses SSSI is situated on a relatively flat area between tributaries of the River Irthing and the River Lyne, 8 km west of Brampton at 110 metres above sea level. The site includes Bolton Fell, Moss View Moss, Walton Moss, Broomhill Moss, The Flish, The Breaks and Little Moss. The peat deposits across the site range up to approximately 11 metres in depth, overlying Devensian glacial deposits. The site includes the most extensive complex of basin lowland raised bogs in the Solway Basin National Character Area (NCA)¹.

The key features of this site in terms of the SSSI notification strategy are related to the extensions and additional interest features in the context of the previously notified SSSIs. Specifically:

- The site includes all of the lowland raised bog and associated lagg zone habitats, including degraded but restorable areas, in the Bolton Fell and Walton Mosses area. Of the total 1,009.27 ha notified, approximately 28% is intact bog, 22% is degraded bog, 26% is milled peat and 5% comprises lagg communities. The remaining 19% is other land supporting the hydrology or falling within identifiable boundary features. All of these habitats occupy a series of closely juxtaposed and connected peat bodies that collectively form a mire macrotope². Critically the site also includes all of the land required to ensure the hydrological integrity of the lowland raised bog habitats. Accordingly, there is no basis for excluding parts of the site without diminishing the ecological and hydrological coherence of the whole (subject to the officers' recommended boundary modifications).
- The reasons for notification include the nationally important peat stratigraphy interests that have been formally ratified through the Geological Conservation Review (GCR) process since the previous notifications of the Bolton Fell Moss SSSI and Walton Moss SSSI. Inclusion of this geological interest as a notified feature ensures the full representation of sites identified in 'The Holocene history and record of northern England' GCR network.

1.3.1. Lowland raised bog

The site supports large areas of lowland raised bog, including areas of the rarer intermediate bog habitat. Intermediate bogs share features of both raised and blanket bog and are often described as 'semi-confined', in the sense that they have escaped the confines of the basin in which they originally formed, and spread a blanket of peat across parts of the surrounding landscape.

Active (peat-forming) raised bog is present in the form of the National Vegetation Classification (NVC) type M18 cross-leaved heath *Erica tetralix* – papillose bog-moss *Sphagnum papillosum* raised and blanket mire. This comprises

¹ National Character Areas (NCAs) divide England into 159 natural areas, each defined by a unique combination of landscape, biodiversity, geodiversity and economic and cultural activity. Bolton Fell and Walton Mosses SSSI lies within the Solway Basin NCA. For more information on NCAs, see <https://www.gov.uk/government/publications/national-character-area-profiles-data-for-local-decision-making>

² A mire macrotope is a large scale complex of peat bodies originating as different hydrological units, which have become closely juxtaposed and in some areas merged together as dependent hydrological units.

characteristic bog mosses *Sphagnum* species, together with abundant heather *Calluna vulgaris*, cross-leaved heath, hare's-tail cotton-grass *Eriophorum vaginatum* and crowberry *Empetrum nigrum*.

There are also large areas of degraded bog capable of restoration on Walton Moss and peat has been commercially milled from much of Bolton Fell Moss since 1959, with extraction coming to an end in 2013. These worked areas are predominantly bare peat but vegetation has started to recolonise the older workings. Both the degraded bog and milled peat areas are vital to the maintenance and full recovery of the hydrological and ecological integrity of Bolton Fell and Walton Mosses.

The presence of lagg vegetation, although partly modified, adds to the importance of the site, as most English raised bogs have little or no lagg remaining. Piecemeal peat cutting, drainage and agricultural activity, around the periphery of the mosses have resulted in a mixture of lagg communities. This includes wet woodland dominated by downy birch *Betula pubescens* and purple moor-grass *Molinia caerulea*; and acidic mire and rush-pasture characterised by communities including the NVC types M6 star sedge *Carex echinata* – flat-topped bog-moss/cow-horn bog-moss *Sphagnum fallax/denticulatum* mire, M23 soft-rush/sharp-flowered rush *Juncus effusus/acutiflorus* – common marsh-bedstraw *Galium palustre* rush-pasture, M25 purple moor-grass *Molinia caerulea* – tormentil *Potentilla erecta* mire, and M27 meadowsweet *Filipendula ulmaria* – wild angelica *Angelica sylvestris* tall-herb fen.

1.3.2. Geology

Bolton Fell Moss and Walton Moss are key sites providing a detailed record of the palaeoecology and palaeoclimatology of the Holocene. They have produced a wealth of high resolution palaeoenvironmental records significantly contributing to our understanding of past ecological and climatic change, as well as human impact in the landscape of northern Britain, and further afield.

Bolton Fell Moss is of international importance for its peat stratigraphy dating back to the Early Holocene. Similarly, Walton Moss is arguably the most intact intermediate bog in England and has also produced a record of natural and cultural change dating from the Early Holocene.

1.4. SSSI boundary as notified

The boundary has been drawn to include land supporting the features of special interest and those areas required to ensure the long-term sustainability and hydrological integrity of these features. The site comprises:

- Bolton Fell Moss – has recently been extensively milled for peat but retains areas of active raised bog and peripheral lagg communities.
- An area of raised bog between Bolton Fell and Walton Moss – it is unnamed on the Ordnance Survey map, but it is referred to as 'Moss View Moss' in this document.
- Walton Mosses – made up of five deep peat bodies:
 - Walton Moss is the largest peat body joining up with the smaller Broomhill Moss peat body. These two peat bodies were previously notified as the Walton Moss SSSI;
 - The Flosch is to the north of Walton Moss, separated from it by Hether Burn;
 - Breaks Moss is a large peat body to the south of Walton Moss connected to it by a thin band of peat; and

- Little Moss lies to the east of the Walton Road, connected to the larger Walton Moss by a strip of thin peat. This incorporates the land south of Hill House.

The SSSI boundary encompasses all land necessary for maintaining and recovering the hydrological integrity of the site. This includes land deemed necessary to prevent an increase in the hydrological gradient at the site boundary, which may occur as a consequence of water losses, in particular by drainage. This would lead to a lowering of water levels in hydrologically sensitive features and also oxidisation, slumping and peat shrinkage, all of which would negatively impact upon the identified biological and geological interest features. Each point around the boundary therefore includes the 'hydrological protection zone' identified as necessary for the maintenance and recovery of the biological and geological interest features. In the majority of cases this is closely related to the edge of the peat body. In places where the surrounding land slopes down towards (and therefore drains towards) the peat bogs and where there is no intercepting drain or ditch outside the peat bog, the SSSI boundary extends to the first break of slope. This is to ensure appropriate management of water quality in run-off that drains into the peat bogs.

The SSSI boundary extends to include lagg streams where they exist. Many of the lagg streams have now been modified to form ditches alongside agricultural land but Leaps Floss running along the eastern side of Bolton Fell Moss and a stream to the south-west of Bolton Fell Moss are likely to approximate to the original lagg streams. As such they represent distinct hydrological boundaries. These streams, and any ditches or modified lagg around the periphery of the peat bogs, are included within the SSSI because their management is important for maintaining and recovering the hydrological integrity of the raised bogs. Similarly, outlet streams (where the bog is the main source of the water) have also been included as they form part of the functional bog ecosystem.

The boundary of the SSSI has been drawn to follow the nearest physical feature on the ground where possible. This usually follows existing fence lines, ditches, drains, tracks and roadsides. Where the boundary follows a road or track, the inner edge has been used and the road or track has therefore been excluded from the SSSI. Where the boundary is drawn to a stream, ditch or drain, the outer bank has been used, therefore including the stream, ditch or drain in the site. Where there is no mapped feature that can be used to delineate the extent of an interest feature, the boundary has been drawn as a straight line from one point distinguishable on the ground to another, or using map co-ordinates, or has been drawn a set distance from an identifiable feature.

1.5. Assessment of Bolton Fell and Walton Mosses against the SSSI selection guidelines

The selection of this site was assessed against:

- the *Guidelines for the selection of biological SSSIs. Part 1: Rationale, Operational Approach and Criteria for Site Selection* (JNCC, 2013); and *Part 2: Detailed guidelines for habitats and species groups. Chapter 8: Bogs* (JNCC, 1994), hereafter referred to as 'the Guidelines'; and
- the selection guidelines listed in *An Introduction to the Geological Conservation Review* (Ellis *et al.*, 1996).

The assessment is dealt with fully in the supporting information to the SSSI notification document, which is attached as an annex to this report (please refer to pages 39-78 of section 2).

1.6. Procedures

1.6.1. Pre-notification

Bolton Fell Moss was first notified as a SSSI (named 'Bolton Fell') in 1954 under section 23 of the National Parks and Access to the Countryside Act 1949. The notification was revised in 1968 and covered 315.9 ha. In 1994 the SSSI was re-notified under Section 28 of the 1981 Act with extensions to the south and east of the area notified in 1968. The notification of the extensions was objected to by the site operators, William Sinclair Horticulture Ltd (WSH), primarily on the grounds that there was no evidence of natural vegetation within them and neither was there evidence that the hydrological system was intact with the rest of the site. The extensions were not confirmed so, that the SSSI boundary remained as previously notified in 1968.

A further notification (extending beyond the 1968 boundary) under section 28 was served on 16 August 2000, concurrently with a proposal to submit Bolton Fell Moss (along with the adjacent Walton Moss) to the European Commission as a proposed Site of Community Importance. WSH objected to the 16 August 2000 notification and an injunction was granted to prevent English Nature from confirming the notification, pending the Judgement of the House of Lords in the *Alconbury* Case, which concerned rights to a fair hearing under Article 6 of the Human Rights Convention. The 16 August 2000 notification was not confirmed within the nine month time limit and it lapsed on 16 May 2001.

The notification process had to start again following the injunction and English Nature served a further notification under section 28 on 24 August 2001 (by which time section 28 had been re-enacted in a substituted form by Schedule 9 to the Countryside and Rights of Way Act 2000), with the same boundary as that served in 2000. WSH again objected primarily on the grounds that there was no evidence of hydrological integrity between the areas of intact vegetation and the land in the east of the site. When the notification was confirmed in 2002 it excluded the whole of the eastern peat milling fields (known as 'Russell', 'Dalgleish' and 'Slack'). The reason for exclusion of these areas was the lack of evidence for hydrological integrity with the intact bog vegetation in the west, at least in part because of the presence of a sub-peat mineral ridge which was considered to form a barrier to the hydrological integrity of the site as a whole.

The Board may wish to note the following facts that distinguish the current notification from previous attempts to extend the SSSI at Bolton Fell Moss (as described above):

- The complex of closely juxtaposed and connected peat bodies is treated as a single mire macrotope where ecological integrity is a consideration alongside hydrological integrity.
- Vegetation surveys carried out in 2009³ and 2013⁴ have identified active and degraded raised bog vegetation and associated lagg communities beyond the previously notified SSSIs (and beyond areas previously proposed for notification).

³ Averis, B. 2009. National Vegetation Classification Survey of Bolton Fell Moss

⁴ Jerram, R. 2013. Walton Moss SSSI, Cumbria – National Vegetation Classification Survey

- Our understanding of the hydrology and extent of the peat bodies has increased, for instance through an assessment of the hydrological protection zone in 2009⁵.
- The publication of the revised SSSI selection guidelines in 2013 has clarified the application of the 'potential value' criterion to degraded raised bogs where the underlying substrate remains relatively intact, characteristic species are still present or can recolonise, and recovery is likely to take place once adverse pressures are lifted. This is set out in pages 52-53 of section 2 of this report.
- Peat milling has ceased on Bolton Fell Moss and a restoration plan is being implemented by Natural England, which now owns much (280 ha) of the site.

Preparations for the current notification commenced in 2009 with the commissioning of a vegetation survey of Bolton Fell Moss. The site has 68 owners/occupiers of which 20 are common rights holders. Sixty owners/occupiers were informed of the proposed notification prior to receiving the formal papers. Eight owner/occupiers were identified after the 13 March 2015 notification (see 1.6.2 below) and therefore did not receive pre-notification consultation.

1.6.2. Notification

The SSSI was notified on 13 March 2015 following approval by the Chief Executive on 10 March 2015. In addition to despatching notification documents by post, nine notices were posted on site at convenient access points and a notice was placed in the Cumberland News on 20 March 2015. Letters were also sent to observing bodies on 13 March 2015. The period for making objections and representations ran from 13 March to 13 July 2015.

Eight owners/occupiers were identified after the site was notified on 13 March 2015. They have all since been informed of the notification. The final periods for these late notified owners/occupiers to submit an objection or representation have now expired with the exception of the latest identified occupier, Mr B Calvert, who was given the statutory minimum of three months, which is due to expire on 25 November 2015. Mr Calvert has indicated that he does not intend to object to the notification and officers have requested that he confirm this in writing.

Objections were received from ten owners/occupiers, one of which (from Mr & Mrs J Moore) has subsequently been withdrawn, following clarification from officers that the majority of their land is not within the SSSI.

Of the nine outstanding objections, six objections are unresolved (in some cases pending formal conformation that they are resolved subject to agreement of officers' recommended boundary modifications):

- Mr & Mrs J Baty
- Mr J Gibson
- Mr J Kyle
- Mr W G Kyle
- Mr & Mrs N Calvert
- Mr & Mrs B Thompson

⁵ Low, R. 2009. Determination of a boundary to support the hydrological functioning of Bolton Fell Moss

The remaining three objections are confirmed to have been resolved, subject to the Board agreeing officers' recommended boundary modifications:

- Mr P A Bainbridge
- Mr & Mrs J K Fisher
- Mrs J Potts

One additional representation (from RSPB) expressed support for the notification.

1.6.3. Decision

The Board is required to take a decision upon whether or not to confirm the notification of Bolton Fell and Walton Mosses SSSI under section 28C on or before **12 December 2015**.

1.7. Objections and representations

Objections and representations to the notification of Bolton Fell and Walton Mosses SSSI have been received from the owners, occupiers and interested parties detailed in sections 1.8-1.16, below. The land subject to each of the objections is shown in the map that follows section 1.20 of this report. The key correspondence relating to each objection and representation is presented at section 5 of this report.

1.8. Objection from Mr & Mrs J Baty

Following the notification, officers wrote to Mr & Mrs Baty on 1 July 2015 as they had not acknowledged receipt of the notification. Officers also advised Mr & Mrs Baty of a small modification to the SSSI boundary that will be recommended to the Board to correct a cartographical error. Mr & Mrs Baty set out their grounds for objecting to the SSSI notification in a letter from their agent on the 8 July 2015.

1.8.1. Objection

Mr & Mrs Baty object to the notification of their land adjacent to Broomhill Moss within the SSSI because they maintain that the land in question is agriculturally improved and drained. They also maintain that the soil type over most of the area is clay. The detailed points raised in support of their objection are presented in Table 1 (below).

1.8.2. Consideration of objection

A Natural England officer attended a site meeting with Mr Baty and his agent Robin Steel of C&D Rural on the 22 July 2015 to discuss the notification and the management of the land. This was followed up by a further survey of the land to determine the peat extent on the 31 July 2015.

Officers wrote to Robin Steel on 18 August 2015, confirming the results of the peat survey and the views of officers regarding the SSSI boundary. Robin Steel responded to this letter on the 30 September 2015 requesting consent for Mr & Mrs Baty's farming activities. An email from Natural England was sent on the 4 October 2015 acknowledging the request and this was followed up by a letter on the 4 October 2015 (incorrectly dated as the 29 September 2015) offering consent for the land management and information regarding the new Countryside Stewardship Scheme. The letter also requests confirmation of the status of their objection.

Consideration of points raised in the objection is presented in .

Table 1: Unresolved objections from Mr & Mrs BatyTable.

1.8.3. Scientific justification

The land in question consists of semi-improved grassland that slopes downwards towards the edge of an area known as Broomhill Moss. The rationale for the inclusion of this piece of land is that part of the field supports peaty soils and is therefore hydrologically connected to the wider peat bog. This area is clearly discernible by the presence of a band of rushy vegetation of between 20m and 50m in width along the boundary of the bog, totalling an area of over 2 ha.

Furthermore, the field slopes into the bog edge and therefore its management can influence the nutrient status of the peat soils. Regular inputs of fertiliser, lime and manure have altered the vegetation on the area of peat soils resulting in the loss of lagg fen vegetation in favour of soft rush. Regular high inputs on adjacent mineral ground have further exacerbated this impact through diffuse and overland inputs.

It is therefore crucial to the long term management of the lowland raised bog that this area of land be managed sensitively to ensure the restoration of the remnant lagg fen and the favourable condition of the lowland raised bog habitat.

An area at the western end of this field has been included in error at the time of notification. The land supports clay and the direction of drainage is away from the bog. It is therefore recommended that this portion (4.6 ha) of the field be removed from the SSSI boundary at confirmation.

1.8.4. Site management issues

In addition to their objection, Mr & Mrs Baty confirmed that they wish to undertake a number of operations requiring consent. Some of the existing operations that Mr & Mrs Baty undertake would not damage the interest features of the SSSI.

Officers confirmed (in their letter of 18 August 2015) that consent could be given to continue managing the upper regions of the field with specified light dressings of fertiliser and that grazing would not be detrimental to the special interest.

Mr & Mrs Baty are eligible to apply for the Countryside Stewardship Scheme, which would provide a generous payment for the large area of lowland raised bog, as well as the area of remnant lagg fen within the adjacent field.

An officer visited Mr & Mrs Baty on the 7 October 2015 to discuss the options available to them under the Higher Tier of Countryside Stewardship. Mr & Mrs Baty signed an Expression of Interest for entry into the scheme in January 2017.

1.8.5. Officers' recommendation

With respect to the objection from Mr & Mrs Baty, the Board is recommended to approve confirmation of the notification of Bolton Fell and Walton Mosses SSSI with a modification to the SSSI boundary to exclude 4.6 ha at the western end of their field, as shown on the map that follows section 1.20 of this report.

Table 1: Unresolved objections from Mr & Mrs Baty

Grounds for objection	Consideration of objection
<p>Improved land – much of the area outside of Broomhill Moss is improved grassland which receives regular applications of fertiliser, lime and manure. Most of the land is cut for hay/silage and intensively grazed.</p>	<p>The scientific justification for the inclusion of this land is set out in section 1.8.3. Whilst the much of the land may be improved, it still nonetheless supports peat soils and remnant degraded lagg fen habitat. It is therefore part of the lowland raised bog and its supporting habitats. Removal of drains within the peat and the cessation of the application of fertilisers and lime to the areas of peat, will allow the lagg fen to be restored. The restoration of this supporting habitat is important since it allows the water levels on the larger lowland raised bog to be maintained at levels that ensure favourable condition. The management practices of grazing and cutting are unlikely to be damaging if carried out in a sensitive manner.</p>
<p>Drainage and soil – the soil over most of this area is clay with only a small strip of peat adjoining Broomhill Moss. The improved grassland is almost all under drained with tile drains.</p> <p>During the site visit Mr Baty showed an example of a tile drain that he suggested was situated in the clay adjacent to the peat. He maintained that this drain presented a hydrological boundary between the mineral ground and the peat soils. Mr Baty wished to create a new open drain north of the tile drain to visually delineate the SSSI. He believed that this would be in clay and therefore be of no detriment to the lowland raised bog.</p>	<p>In order to fully understand the extent and depth of the peat with regard to the tile drain, a survey (peat coring) was undertaken to examine the peat within the improved grassland. The peat was found to extend further into the grassland and beyond the tile drain, therefore confirming that the tile drain did not represent a hydrological barrier, but rather a damaging feature to the lagg fen that would have once established on this area of peat. The presence of this tile drain is continuing to have a detrimental impact on the lowland raised bog habitat by drawing water from Broomhill Moss.</p> <p>The survey also confirmed that it would be inappropriate to establish a further drain in this location as this would be detrimental to the lowland raised bog by further drawing down the water table. Officers concluded that the field represents part of the bog's hydrology and remnant lagg system. Owing to the majority of the field sloping toward Broomhill Moss, officers concluded that in this instance an amendment to the boundary of the SSSI was not appropriate, with the exception of the far western end of the field, as described in section 1.8.3.</p>
<p>Profitability of the land – inclusion of this land within the SSSI will affect the use and profitability of Mr & Mrs Baty's farm business.</p>	<p>Officers have provided consent for a number of Mr & Mrs Baty's existing agricultural operations and have also raised the possibility of entry into Countryside Stewardship. Broomhill Moss will be eligible for a habitat area payment as well as funding for 100% of the works necessary to repair the edges of the bog. The larger field will also be eligible for a payment for the restoration of fen, to reflect that this area of field should be managed with a higher water level and drainage will not be permitted within the SSSI. The payment for the latter option is very generous and should go some way to offset any loss of productivity.</p>

1.9. Objection from Mr J Gibson

Having expressed concerns prior to the formal notification, Mr Gibson set out his objection to the SSSI notification in a letter from his agent dated 10 July 2015.

1.9.1. Objection

Mr Gibson objects to the inclusion of his land within the SSSI since it will present difficulties for him in managing the land as part of his agricultural holding. The detailed points raised in support of his objection are presented in Table 2 (below).

1.9.2. Consideration of objection

Following the notification, Natural England commissioned (at Mr Gibson's request) an investigation into the peat depths on his land within the notified boundary. Officers wrote to Mr Gibson on the 3 July 2015 detailing the outcome of the peat survey and a possible boundary revision. Mr Gibson responded by telephone and declined to pursue the possible boundary revision. Following the receipt of the letter of objection on 10 July 2015, a further visit to the land and meeting with Mr Gibson was carried out by Natural England officers on the 14 August 2015.

Officers wrote to Mr Gibson's agent Robin Steel of C&D Rural, on 18 August 2015 detailing the rationale for retaining the land within the SSSI. Robin Steel responded on 30 September 2015 requesting clarification of the boundary. Natural England responded by email on the 4 October 2015 clarifying the notified boundary of the SSSI includes the whole field. Officers wrote to Mr Gibson on 12 October 2015 to set out the rationale for the SSSI boundary, the options available under Countryside Stewardship, and offering to draft a notice and consent for grazing. Consideration of points raised in the objection is presented in Table 2.

1.9.3. Scientific justification

The land within the notified boundary comprises a semi-improved agricultural field with impeded drainage. Whilst the land does not support lowland raised bog habitat, it does support semi-improved vegetation and elevated water levels.

The results of the peat depth surveys show that the land does support peat in the north-east corner but not elsewhere. Maintaining elevated water levels assists in the protection of the peat bodies to the north and south.

1.9.4. Site management issues

The land is currently used as pasture for cattle and sheep and appears to be managed with low inputs of fertilisers. This is apparent through the observation of many species indicative of low intensity wet grasslands. Mr Gibson maintains that the inclusion of all or part of this land within the SSSI will hinder his use for farming. However, it is currently managed with very low inputs and Natural England is unlikely to require many changes to the land in order to maintain the hydrology.

Furthermore, the land is eligible for entry into Countryside Stewardship and would be ideally suited to fen creation adjacent to the lowland raised bog habitats to the north and south. An officer met with Mr Gibson to discuss the detail of entering the land into Countryside Stewardship on 6 October 2015. However, Mr Gibson declined the offer to apply for Countryside Stewardship.

1.9.5. Officers' recommendation

With respect to the objection from Mr Gibson, the Board is recommended to approve confirmation of the notification of Bolton Fell and Walton Mosses SSSI without modification.

Table 2: Unresolved objections from Mr Gibson

Grounds for objection	Consideration of objection
<p>Peat – there is little or no peat on the land in question.</p>	<p>Mr Gibson is correct that there is little or no peat on the land in question, but the land is managed with a high water table and this is important for the maintenance of water levels on the deep peat bodies to the north and south of the field.</p> <p>Natural England did suggest a possible boundary modification to reduce the notified area to two buffer strips delineated by new ditches. This would provide space to re-profile the edges of the areas of deep peat and relocate the drains to avoid impacting the hydrology. Mr Gibson declined to pursue this suggestion. In light of the peat depth surveys and additional site visits, officers recommend that the whole field should be retained within the boundary since it is important for the maintenance of the hydrology of the areas of deep peat.</p>
<p>Land use – inclusion into the SSSI will hinder agricultural management.</p>	<p>Officers have offered to draft a notice and consent for grazing and to consider any other operations that Mr Gibson proposes. Mr Gibson has been invited to apply for the Higher Tier of Countryside Stewardship but has not pursued this offer.</p>

1.10. Objections from Mr W G Kyle & Mr J Kyle

Mr W G Kyle and Mr J Kyle are father and son with two separate holdings but which they farm together. As such they have made separate objections but are dealing with them together through their agent, Robin Steel of C&D Rural. As the grounds for objection are identical and the objectors are being jointly represented by one agent, they are presented together in this report but are recognised as separate objections. Robin Steel set out their grounds for objecting to the SSSI notification in letters dated 8 July 2015.

1.10.1. Objection

Messrs Kyle object to the notification of their land because much of it is grassland that has been improved agriculturally and is under drained. They also maintain that the land comprises clay with only some areas of peat and that notification will adversely affect their farm businesses.

The detailed points raised in support of their objection are presented in Table 3 Table (below).

1.10.2. Consideration of objection

Following receipt of the objection, a Natural England officer attended a site meeting with Messrs Kyle and Robin Steel on the 13 August 2015. Officers wrote to Robin Steel on the 18 August 2015, detailing proposed modifications to the SSSI boundary, Countryside Stewardship options and management that could be consented. Natural England wrote to Messrs Kyle on the 29 September, setting out the rationale for notifying their land, the proposed boundary modifications and providing draft notice and consent for the land management. An email was received from Robin Steel on 30 September 2015 requesting further consideration of an additional piece of land.

Officers wrote to Robin Steel on 4 October to confirm that they would be meeting his clients on 6 October 2015. Following the meeting on 6 October, officers wrote (also on 6 October) to Messrs Kyle regarding the additional piece of land, draft consent and Countryside Stewardship. On 21 October 2015, following a further site visit, officers wrote to Messrs Kyle to confirm that a further field would be recommended for removal from the SSSI and enclosed a draft revised notice and consent.

Consideration of points raised in the objection is presented in Table 3.

1.10.3. Scientific justification

The enclosed fields on the raised ground adjacent to Walton Moss and Little Moss have been included within the SSSI since the margins of the land support peat and therefore are modified areas of the lowland raised bog. The rest of the fields in this area have been included for hydrological reasons since they drain into the lowland raised bog and therefore the management of these fields can have a direct impact upon the condition of the bog.

The enclosed fields adjacent to Little Moss are separated into two meadows by a hedgerow. The northern field issues into a ditch into peat soils and is therefore linked to the hydrology and water quality of the bog, while the southern field drains southwards into a tile drain through clay soils to the other side of Little Moss.

Following the site visits and consideration of the concerns raised by Messrs Kyle, including information about drainage, officers agreed to recommend boundary modifications to exclude: the enclosed fields on the raised ground adjacent to

Walton Moss (11.81 ha); the field to the east of Little Moss (0.49 ha); and the southern enclosed field adjacent to Little Moss (2.71 ha).

1.10.4. Site management issues

The enclosed fields on the raised ground adjacent to Walton Moss are currently used as pasture for cattle and sheep, while the enclosed fields adjacent to Little Moss are managed as a hay meadow and grazing. All land is managed with relatively low inputs although these are a little higher than would be recommended for the favourable management of the lowland raised bog. Officers have specified appropriate levels of fertiliser input and other activities in the draft notice and consent provided to Messrs Kyle.

On the 8 October 2015, an officer of Natural England discussed entry of the land into Countryside Stewardship with Messrs Kyle. Messrs Kyle agreed to put their land forward for entry into the new scheme commencing in January 2017.

1.10.5. Officers' recommendation

With respect to the objections from Mr W G Kyle and Mr J Kyle, the Board is recommended to approve confirmation of the notification of Bolton Fell and Walton Mosses SSSI with modifications to the SSSI boundary to exclude three areas totalling 15 ha on the margins of Walton Moss and Little Moss, as shown on the map that follows section 1.20 of this report.

Table 3: Unresolved objections from Mr W G Kyle and Mr J Kyle

Grounds for objection	Consideration of objection
<p>Improved land – much of the land is improved grassland which receives regular applications of fertiliser, lime and manure. Most of the land is cut for hay/silage or intensively grazed.</p>	<p>The parcels of land within the notified boundary have been included since they either support modified bog edge where the peat soils have been drains and are now within the margin of a field; or form part of the catchment of the bog and therefore the management of these areas of land can have a direct impact upon the lowland raised bog habitat.</p>
<p>Drainage and soil – the land is under drained and the soil comprises clay with minimal peat.</p>	<p>During the site visit on 13 August 2015, officers identified some areas of enclosed fields on the raised ground adjacent to Walton Moss that do not drain into the bog. The drainage of enclosed fields adjacent to Little Moss and the area on the edge of Little Moss was also discussed.</p> <p>Officers agreed that a portion of the enclosed fields on the raised ground adjacent to Walton Moss and the southern enclosed field adjacent to Little moss could be removed from the boundary as they do not drain into the bog and contain no peat. The northernmost of the two enclosed fields adjacent to Little Moss is directly linked to the bog and therefore would have to remain within the SSSI boundary.</p> <p>It was also agreed that the strip of land to the east of Little Moss could be recommended for removal from the SSSI as it does not contain peat and is not hydrologically linked to the bog.</p>
<p>Profitability of the land – inclusion of the land within the SSSI will affect the use and profitability of Messrs Kyle’s farm businesses.</p>	<p>Messrs Kyle are eligible for Countryside Stewardship and, following discussions with an officer of Natural England, they have agreed to put their land forward for entry to the scheme in January 2017. Officers have drafted consent for agricultural activities in the meantime.</p>

1.11. Objection from Mr & Mrs N Calvert

Mr & Mrs Calvert set out their objection in a letter from their representative (Keith Twentyman, North Cumbria NFU) dated 10 July 2015, whereby they suggest two alternative lines which the SSSI boundary can take as opposed to that notified on 13 March 2015.

1.11.1. Objection

Mr & Mrs Calvert object to the location of the SSSI boundary on their land as they are concerned that it will cause disruption and confusion when the fields are cut, grazed or re-seeded. They propose two alternative locations for the boundary that would exclude some of their land.

1.11.2. Consideration of objection

Following the receipt of the objection from Keith Twentyman, officers met with Mr N Calvert and his son, Mr B Calvert, who undertakes the management of the land in question. The rationale for the boundary was discussed and officers agreed to return with a Global Positioning System to mark-up exactly where the notified boundary is on the ground. On the 4 September 2015, officers held a site visit with Mr B Calvert and wrote on 21 September 2015 to confirm that they would be recommending a small boundary modification to align the SSSI with markers in the field. A further visit was undertaken by officers to confirm the extent of the boundary on the 22 September 2015.

1.11.3. Scientific justification

The land within the notified boundary is part of a larger agriculturally improved grassland. The majority of the field slopes away from the bog with a smaller area sloping towards the bog. The land immediately adjacent to the bog is underlain by deep peat, grading to shallower peat and supports modified lagg vegetation.

The notified boundary has been drawn just above the modified lagg vegetation just below the break of slope on the improved area of land. The rationale for the boundary is that it includes the area of deep peat as well as the adjacent mineral ground that slopes into the peat and therefore, intensive land use of this area of the field can have a detrimental impact upon the quality of the peat and its vegetation.

Wherever possible and where practical, the boundary of the SSSI will follow existing fence lines, ditches, drains, tracks and roadsides. However, in this instance, it was not appropriate to use existing boundaries since this would either result in the inclusion of the whole field, much of which slopes away from the bog and is therefore not of relevance to the lowland raised bog; or would result in the exclusion of part of the peat body where the modified lagg habitat is represented. It was therefore necessary to delineate the extent of the feature from two grid referenced points using map co-ordinates.

At the site visit on 4 September 2015, boundary rationale was discussed and, on 22 September 2015, officers attended the site to mark the boundary using a high accuracy Global Positioning System and tape measure to ensure clarity for Mr & Mrs N Calvert over the extent of the SSSI. There are two posts that are located close to the notified boundary. Mr B Calvert agreed to paint these white and use as the markers for the extent of the SSSI. The use of these markers requires a minor amendment to the SSSI boundary to exclude a sliver of land (0.06 ha).

1.11.4. Officers' recommendation

With respect to the objection from Mr & Mrs N Calvert the Board is recommended to approve confirmation of the notification of Bolton Fell and Walton Mosses SSSI with a minor modification to the boundary to exclude 0.06 ha, as shown on the map that follows section 1.20 of this report.

1.12. Objection from Mr & Mrs B Thompson

Mr & Mrs Thompson expressed concerns about the SSSI boundary in a site meeting with officers on 23 April 2015.

1.12.1. Objection

Mr & Mrs Thompson objected to the location of the boundary in their land on the north-west side of Bolton Fell Moss.

1.12.2. Consideration of objection

Officers met Mr Thompson on site on 23 April and set out in a letter dated 26 May 2015 a possible boundary modification and reiterated this in a letter dated 1 July. Following a further site visit on 22 July 2015, officers wrote to Mr & Mrs Thompson on 21 August to clarify the recommended boundary amendment and enclosing draft notice and consent. On 18 September 2015, Natural England provided formal consent for agricultural management and on 20 September wrote to Mr & Mrs Thompson to seek confirmation that their concerns had been addressed. Mrs Thompson informed officers that the objection is resolved in a telephone conversation on 27 October 2015 and that written confirmation of this has been posted to Natural England. Officers will clarify whether Mr & Mrs Thompson's objection may be formally considered to have been resolved subject to the Board agreeing the officers' recommended boundary modification at the Board meeting on 4 November 2015.

1.12.3. Scientific justification

The land within the notified boundary is part of a larger agriculturally improved grassland. The majority of the field slopes away from the bog with a smaller area sloping towards the bog. The land immediately adjacent to the bog supports peat which gradually thins north of the bog across the field.

The notified boundary has been drawn just above the peat just below the break of slope on the improved area of land. The rationale for the boundary is that it includes the area of peat as well as the adjacent mineral ground that slopes into the peat and therefore, intensive land-use of this area of the field can have a detrimental impact upon the quality of the peat and its vegetation.

Wherever possible and where practical, the boundary of the SSSI will follow existing fence lines, ditches, drains, tracks and roadsides. However, in this instance, it was not appropriate to use existing boundaries since this would either result in the inclusion of the whole field, much of which slopes away from the bog and is therefore not of relevance to the lowland raised bog; or would result in the exclusion of part of the peat body where the modified lagg habitat is represented. It was therefore necessary to delineate the extent of the feature from two grid referenced points using map co-ordinates.

During a site visit on the 23 April 2015, officers recognised that the boundary extended further into the field than was necessary. Officers agreed that the boundary could be reduced without compromising the special interest of the SSSI and it is recommended to be realigned by excluding approximately 0.91 ha of Mr & Mrs Thompson's land.

1.12.4. Site management issues

During the site visit, Mr & Mrs Thompson detailed a number of operations undertaken on the land. Officers prepared a draft notice and consent, which has been signed and was issued by Natural England on the 18 September 2015.

1.12.5. Officers' recommendation

With respect to the objection from Mr & Mrs Thompson the Board is recommended to approve confirmation of the notification of Bolton Fell and Walton Mosses SSSI with a modification to the boundary to exclude 0.91 ha of land, as shown on the map that follows section 1.20 of this report.

1.13. Resolved objection from Mr P A Bainbridge

Mr Bainbridge expressed concerns regarding the SSSI notification during a telephone conversation with officers on 23 March 2015.

1.13.1. Objection

Mr Bainbridge maintains that much of the land included comprises two clay drumlins (oval-shaped hills, largely composed of glacial drift, formed beneath a glacier or ice sheet and aligned in the direction of ice flow) with a remnant area of peat between and therefore is not part of the larger peat body. He does acknowledge that the lower portion of the field supports deep peat and has no objection to the inclusion of that within the SSSI. Mr Bainbridge wishes the boundary to be amended to reflect the ground conditions present.

1.13.2. Consideration of objection

Following the notification, officers discussed Mr Bainbridge's concerns with him and visited his land to investigate the extent of peat within the field. On 26 May 2015, officers wrote to Mr Bainbridge confirming the boundary modification that they will recommend to exclude part of his land from the SSSI. Letters requesting confirmation that Mr Bainbridge's concerns have been addressed were sent on the 1 July and 20 September 2015, and Mr Bainbridge confirmed that his objection is resolved subject to the recommended boundary modification on 7 October 2015.

1.13.3. Scientific justification

Mr Bainbridge's field is undulating in topography owing to the glacial deposits that make up the land. The peat has grown around this complex land form making the determination of a definitive boundary in this area challenging. The notified boundary took in the whole field which comprises a mixture of clay, gravels and peat. Upon a re-examination of the soil conditions, officers concluded that the boundary could be re-drawn to the lower glacial till drumlin since the peat above this area was sufficiently separated so as not to be considered part of the larger peat bog anymore.

1.13.4. Site management issues

Mr Bainbridge confirmed via a telephone conversation that he currently undertakes a number of operations on the land, some of which would not damage the interest features of the SSSI. On 19 August 2015, Natural England gave consent for continued management of the upper regions of the field and a small area of the lower field with light dressings of fertiliser and grazing, together with spot spraying.

1.13.5. Officers' recommendation

With respect to the objection from Mr Bainbridge, the Board is recommended to approve confirmation of the notification of Bolton Fell and Walton Mosses SSSI with a modification to the boundary to remove 0.08 ha of land, as shown on the map that follows section 1.20 of this report.

1.14. Resolved objection from Mr & Mrs J K Fisher

Mr & Mrs Fisher's agent, Matthew Bell of H&H Land and Property, set out their objection to the SSSI notification boundary in a letter dated 26 May 2015.

1.14.1. Objection

Mr & Mrs Fisher object to the notification because they maintain that it will restrict their agricultural management practices, with a consequential detrimental impact upon the value of the land. Mr Bell therefore sets out a case for compensation. Mr & Mrs Fisher's objection also questions the hydrological rationale for the inclusion of the whole field and Mr Bell states that they would be willing to install an open drain within the field to intercept water from the field.

1.14.2. Consideration of objection

Following the receipt of the objection from Mr Bell, officers undertook a reinvestigation (through peat coring) of the extent of the peat on Mr & Mrs Fisher's land on the 12 June 2015. Subsequently, officers met with Mr Fisher's agent on the 18 June 2015 to discuss on site the issues raised in the objection. Officers wrote to Mr Bell on 25 June 2015, setting out a proposed modification to the SSSI boundary and clarifying the notice and consent process. Mr Bell replied on 8 July 2015 to confirm that his clients are willing to install a new catch drain to delineate the proposed modified boundary. Officers wrote again on 29 September 2015 concerning Countryside Stewardship and to clarify a minor amendment to the proposed modified boundary. On 19 October 2015, Mr Bell confirmed that his client's objection is resolved subject to the Board agreeing the officers' recommended boundary modification.

1.14.3. Scientific justification

The land within the notified boundary comprises a flat agriculturally improved field. Bolton Fell and Walton Mosses are intermediate mires and therefore are characterised by sprawling boundaries of peat that can at times be diffuse and difficult to determine. In the case of Mr & Mrs Fisher's land, a thin drift of peat has extended over the field but soon peters out giving way to the underlying clay soil. Since the field does not slope towards the bog edge, it is possible in this instance to reconsider the SSSI boundary.

Upon the receipt of Mr & Mrs Fisher's objection and request to install a catch drain, officers undertook a field investigation into the peat depths and in light of that agreed that a drain could be installed in the clay at the edge of the peat margin, with the remainder (4.53 ha) of the field to be recommended for exclusion from the SSSI at confirmation.

1.14.4. Socio-economic issues

Mr & Mrs Fisher asserted that their farm business would be financially compromised by the inclusion of the whole field as SSSI. Mr & Mrs Fisher have not challenged the opinion that the land is of special interest and indeed their objection letter acknowledges the link to the hydrological integrity of the SSSI. This element of the objection therefore is primarily socio-economic in nature.

Officers attended a site visit with Mr & Mrs Fisher's agent and explained the rationale for the notification and that an objection can only be considered where it challenges the scientific rationale for notification. Mr Fisher's agents inquired whether there was any compensation for the land but the officers explained that financial agreements comprise agri-environment schemes such as the Higher Level Scheme of Environmental Stewardship. Mr Fisher had a Higher Level Stewardship agreement until July 2015 but chose to exercise his break clause at the five year mid-point.

The Guidelines on Management Agreement Payments and Other Related Matters (February 2001) emphasise that Ministers expect that management agreements on SSSIs will be used to facilitate their positive management. The Guidelines state that Ministers are not prepared for public money to be paid out simply to prevent new operations which could destroy or damage these national assets.

Mr Bell has since confirmed that his clients' objection is resolved subject to the recommended boundary modification.

1.14.5. Officers' recommendation

With respect to the objection from Mr & Mrs Fisher, the Board is recommended to approve confirmation of the notification of Bolton Fell and Walton Mosses SSSI with a modification to the boundary to remove 4.53 ha of land, as shown on the map that follows section 1.20 of this report.

1.15. Resolved objection from Mrs J Potts

Mrs Pott's agent, Robin Steel of C&D Rural, set out his client's objection in a letter dated 8 July 2015.

1.15.1. Objection

Mrs Potts objects to the notification of her land because it is agriculturally improved grassland that has been under-drained. Mrs Potts also maintains that the land comprises clay with only some areas of peat and that notification will adversely affect her farm business.

1.15.2. Consideration of objection

Officers attended a site visit with Mrs Potts on 23 April 2015 to discuss land management and Mrs Potts' concerns about boundary. Following this meeting, officers wrote to Mrs Potts on 26 May 2015 with a recommended boundary modification and with consent for specified operations.

Following receipt of the formal objection dated 8 July, officers responded to Robin Steel on 18 August 2015 regarding the proposed boundary modifications and land management. Robin Steel responded to this letter on 30 September 2015 requesting a long-term consent for the current activities. Following an initial reply to Mr Steel on 4 October, officers wrote to Mrs Potts on 12 October 2015 confirming the boundary that will be recommended to the Board and clarifying the consented activities. The letter also requested clarification of the status of Mrs Potts' objection. Mr Steel emailed on 16 October 2015 to confirm that Mrs Potts' objection is resolved subject to the Board agreeing the officers' recommended boundary modification and agreement of the consent drafted by officers.

1.15.3. Scientific justification

The land within the notified boundary is situated on the periphery of the lowland raised bog over a series of complex underlying landforms, which the peat has grown around and in some places, over. The lower area of the field comprises

deep peat, as acknowledged by Mr Potts. The upper part of the field comprises glacial deposits of clay and sand. There are few features on the ground to which to draw a boundary, so the notified boundary has been drawn using grid reference points on each side of the field, connected by a straight line. This roughly corresponded to the break of slope within the field and therefore included the mineral ground that drains into the peat soils at the base of the slope.

During the site visit on the 23 April 2015, officers agreed that the boundary could be reduced without compromising the integrity of the special interest of the SSSI.

1.15.4. Site management issues

During the site visit on the 23 April 2015, officers agreed to draw up a notice and consent for the operations that Mrs Potts undertakes on the dry areas of the land on sands and clay, which were identified during the site visit. The management of the peat soils was discussed, concluding that these should not receive any artificial inputs of fertiliser or lime but could continue to be grazed. Mrs Potts' agent has confirmed that she is content with the draft consent and officers are awaiting a signed copy from Mrs Potts before issuing formal consent.

1.15.5. Officers' recommendation

With respect to the objection from Mrs Potts, the Board is recommended to approve confirmation of the notification of Bolton Fell and Walton Mosses SSSI with a modification to the boundary to remove 0.1 ha of land, as shown on the map that follows section 1.20 of this report.

1.16. Representation from the RSPB

A letter expressing support for the enlarged SSSI notification was received from RSPB dated 18 March 2015.

1.17. Additional area team recommendations

Officers recommend that the Board approves confirmation with two boundary modifications in addition to those recommended in respect of objections received.

Firstly, in the course of investigating possible boundary modifications in light of objections received, officers identified a recommended boundary modification in an area of land on the eastern side of Walton Moss owned by Mrs Wilkinson, who has not submitted any objection or representation. The land directly abuts land owned by Messrs Kyle (see section 1.10), which is also recommended for exclusion from the SSSI at confirmation. As is the case with the land owned by Messrs Kyle, part (1.35 ha) of Mrs Wilkinson's land is recommended for removal from the SSSI because it is not considered to be hydrologically linked to the lowland raised bog.

The second additional recommendation is on land owned by Mr Roddam on the western side of The Flosch to the north of Walton Moss. The boundary as notified was drawn to include an area of peat soils hydrologically connected to the lowland raised bog. The precise location of the boundary has now been more accurately determined using a Global Positioning System. The resultant recommended boundary modification would remove 0.12 ha from the SSSI at confirmation.

Officers therefore recommend that the Board approves the confirmation of Bolton Fell and Walton Mosses SSSI with modifications to the boundary in each of these locations owned by Mrs Wilkinson and Mr Roddam, as shown on the map that follows section 1.20 (below).

1.18. Legal considerations

Natural England's functions in respect of the designation of SSSIs are set out in sections 28-28D of the Wildlife and Countryside Act 1981(as amended).

Section 28C (enlargement) enables an area to be notified as being of special interest which includes an existing area of special interest.

Section 28C(1) provides that:

“(1) Where Natural England are of the opinion that any area of land which includes, but also extends beyond, a site of special scientific interest (“the SSSI”) is of special interest by reason of any of its flora, fauna, or geological or physiographical features, Natural England may decide to notify that fact.”

To summarise, a notification under section 28C may be given where Natural England is of the opinion that an area of land is of special interest by reason of its flora, fauna or geological or physiographical features and that area includes, but extends beyond, an existing site of special scientific interest.

A notification under section 28C may identify different features by reason of which the larger area is of special interest; it may also identify different operations that appear likely in Natural England's view to damage the features by reason of which the area is of special interest; and it may contain a different statement of Natural England's views about the management of the land.

Where a SSSI is simply enlarged under section 28C, the original SSSI ceases to have effect when the notification for the larger site is served. The situation in this case however is slightly more complicated. Here we are not only enlarging one SSSI (Bolton Fell Moss SSSI) we are also subsuming one or more other previously notified sites (Walton Moss SSSI). Whilst section 28C is clear that in the case of the enlargement the previous SSSI ceases to have effect when the 28C notification is served, it does not state that a wholly subsumed site ceases to have effect when the larger site is notified. What this means in this case is that if the enlargement is not confirmed then whilst the Bolton Fell Moss SSSI would disappear (as it ceased to exist on notification of the larger site) in fact Walton Moss SSSI would not as it was not extinguished on notification.

It is the decision whether to confirm or withdraw this SSSI that the Board have to consider on 4 November 2015.

Section 28C appears to give Natural England a discretion as to whether it notifies the area or not. Natural England has sought Leading Counsel's advice on the scope of its discretion around SSSI confirmation decisions. The advice is clear that there is in effect no discretion if the Board is of the opinion that the site is of special interest.

In reaching its decision the Board must however also have regard to Natural England's other more general legislative duties, in particular:

Section 40 NERC Act which states that Natural England must in exercising its functions:

“...have regard, so far as is consistent with a proper exercise of those functions, to the purpose of conserving biodiversity.”

and section 37 Countryside Act 1968 which states that:

“...it shall be the duty of Natural England to have due regard to the needs of agriculture and forestry and to the economic and social interests of rural areas.”

Counsel has advised that section 37 considerations are irrelevant to the decision as to whether or not a site is of special interest.

Natural England has also taken Leading Counsel's advice on the scope it has to take account of socio-economic issues and the weight, if any, that should be attached to them as part of the designation process. The advice may be summarised as follows:

- (1) There are four elements to the designation process which the Board must consider:
 - (i) whether the land is of special interest;
 - (ii) the specification of the features by which the site is of special interest;
 - (iii) the specification of those operations likely to damage the features; and
 - (iv) the statement about Natural England's views about the management of the land.
- (2) The main question for the Board is a scientific one. The Board must be satisfied that the area of land notified is of special interest. If the Board is of that opinion, having heard the scientific case for notification, it has a duty to confirm the notification of that area as a SSSI. Counsel's advice is absolutely clear on this and points out that if Parliament had intended to confer a discretion on Natural England to withdraw a notification because it was undesirable given its consequences then Parliament could have chosen to do that but it did not. In the absence of any such discretion the scope to withdraw the notification is limited to where the Board is of the opinion that the area notified is not of special interest.
- (3) The Board may not withdraw the notification if they remain of the opinion that the area, or any part of it, is of special interest.
- (4) If it is not open to the Board to withdraw the notification because it is satisfied that the site is of special interest then the only other decision open to it is to confirm the notification with or without modification. In doing so the Board must consider each of the four elements of the notification in the light of any objections, representations or further information that has become available in addition to the information available at the time of the initial notification.
- (5) In considering whether to confirm the specification of any operations likely to damage the special features, Natural England has to decide whether or not such operations are likely to damage those features and to confirm the list with or without modification. The list should be specific and relevant to the site. However where, as here, there is a large site it is recognised that not all the operations have to apply to every part of the site. The specification of the operations may engage a person's rights under the European Convention on Fundamental Rights and Freedoms but in Counsel's opinion the statutory regime which requires a person to apply for consent before carrying out an operation allows a fair balance to be struck, at that point, between likely harm to the nature conservation interests and any likely detriment to the owner/occupier. This coupled with the fact there is a right of appeal if consent is not granted means the regime is not disproportionate and does not infringe the owner/occupiers human right to quiet enjoyment of their possessions.
- (6) When considering whether to confirm the views on management Natural England should seek to promote its general purpose whilst having regard to the purpose of conserving biodiversity (as required by section 40 of the NERC Act) and giving such regard as it considers appropriate in all the circumstances to the needs of agriculture and forestry and to the social and economic interests of any rural area (in accordance with section 37 of the Countryside Act 1968).

In this respect it may also bear in mind that the statement has no legal effect itself. It should have regard however to the Code of Guidance⁶ issued by the Secretary of State which states:

“the Secretary of State expects the [statement of views on management] to be a simple statement of the way in which the land needs to be managed in order to maintain its special interest”

- (7) The notification of the fact that Natural England is of the opinion that an area is of special interest does not of itself interfere with a landowner’s peaceful enjoyment of their possessions and therefore is not contrary to their human rights.

1.19. Additional Human Rights issues

In relation to human rights, from a procedural perspective the obligation is to undertake a fair and public hearing in determination of the civil rights and obligations of all of the owners and occupiers of this area of land. The courts have determined that the combination of the process followed by Natural England, to include this meeting today, in addition to the supervisory jurisdiction of the High Court by way of judicial review, is compatible with the requirements of the Human Rights Act.

1.20. SSSI which the Board is recommended to confirm

The SSSI notification that the Board is considering for confirmation is the subject of nine objections, six of which remain unresolved and three which are resolved, subject to the Board agreeing the officers’ recommendations. The SSSI notification is also the subject of one additional representation which supports the notification.

With respect to:

- the resolved objections from Mr P A Bainbridge, Mr & Mrs J K Fisher, and Mrs J Potts;
- the unresolved objections from Mr & Mrs J Baty, Mr W G Kyle, Mr J Kyle, Mr & Mrs N Calvert, and Mr & Mrs B Thompson; and
- the additional area team recommendations concerning two areas of land owned by Mrs Wilkinson and Mr Roddam;

officers recommend that the Board approves confirmation with modifications to the SSSI boundary to exclude nine areas of land totalling 26.75 ha, and consequently with a modification to the area stated on the SSSI citation. The recommended confirmed area of the SSSI is 982.52 ha.

With respect to the unresolved objection from Mr J Gibson, officers recommend that the Board approves the confirmation without modification.

The Board is recommended to approve confirmation of the notification of Bolton Fell and Walton Mosses SSSI with modifications to the SSSI boundary and citation.

⁶ *Sites of special Scientific Interest: Encouraging Positive Partnerships – Code of Guidance, Defra, 2003*