



**Malvern Common SSSI
Worcestershire**

***Notification under Section 28 of the Wildlife
and Countryside Act 1981***

Contact points and further information

This notification document is issued by Natural England's West Midlands Team. The address for correspondence is:

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Worcester WR5 2NP

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Email: Email: west.midlands.enquiries@naturalengland.org.uk

Online: please visit the following website: <https://consult.defra.gov.uk/natural-england/malvern-common>

Your contact point for specific enquiries relating to this notification is **Katey Stephen**.

A second document (*Malvern Common SSSI – supporting information*) is available on request from the address above. This contains information and extracts from relevant documents that have been used in the decision to notify this SSSI.

The date of notification of Malvern Common SSSI is: **24 May 2018**.

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1. Summary

- 1.1 This document explains why Malvern Common is notified by Natural England as a Site of Special Scientific Interest (SSSI). Malvern Common SSSI, covering an area of 20.75 ha, is nationally important for its species-rich neutral grasslands and rush pastures.
- 1.2 The SSSI is located on the eastern flanks of the Malvern Hills Area of Outstanding Natural Beauty (AONB) and comprises a large open area of common land. The SSSI notification gives formal recognition to this key environmental asset on the urban fringe of Malvern, for the benefit of local people and wildlife.
- 1.3 The annexes to this document comprise the legal papers that detail the interest and the management required to maintain that interest. You have a right to make representations or objections to this notification. Part 3 of this document explains how to do this.
- 1.4 Natural England's consent is required by owners and occupiers before any of the operations listed in *Annex 3* can be carried out. We will work closely with owners and managers, as well as other bodies, to ensure that existing operations and new works that are not considered likely to damage the special features of the SSSI can be carried out.

2. The legal background

- 2.1 Malvern Common SSSI is notified under section 28 of the Wildlife and Countryside Act 1981 (as amended).
- 2.2 Part 8 of this notification document contains the following legal documents required by section 28 of the Wildlife and Countryside Act 1981:
 - a citation detailing the reasons for notification (*Annex 1*);
 - a statement of Natural England's views on the management of the SSSI (*Annex 2*);
 - a list of operations requiring Natural England's consent (*Annex 3*); and
 - a map identifying the land subject to this notification (*Annex 4*).
- 2.3 This notification has several effects. The key ones can be summarised as follows:
 - owners and occupiers must give Natural England notice before carrying out, causing or permitting to be carried out any of the activities in the list of operations (*Annex 3*);
 - owners of land included in the SSSI have a legal obligation to notify Natural England within 28 days if the ownership or occupancy of the land changes;
 - it is an offence for any person intentionally or recklessly to destroy or damage the special features of the SSSI or to disturb any of the fauna; and,
 - other public bodies must consult Natural England before carrying out or authorising any works that may damage the SSSI.
- 2.4 If you require any further information or advice on how this notification affects you, please do not hesitate to contact Natural England at the address shown at the beginning of this notification document.

3. Making representations

- 3.1 You have a legal right to make objections and representations about this notification. Any representations, including those supporting the notification, or objections should be made in writing to Natural England's West Midlands Team by **24 September 2018**. Representations can be sent by post, e-mail or online to the addresses shown on page 2. You may wish to seek legal or independent advice and your representative may wish to write to us on your behalf.
- 3.2 Natural England's West Midlands Team will consider your objections or representations and will try to resolve them. If there are no unresolved objections, approval to confirm the

notification will be considered by an appropriate Natural England Director within nine months of this notification.

- 3.3 Any unresolved objections or representations will be considered by the Board of Natural England within nine months of this notification. If there are unresolved objections, confirmation of this notification is likely to be considered at the Board meeting provisionally scheduled for January 2019. Please note the desirability of the notification (for instance, for socio-economic reasons) will not form part of the Board's decision. Following consideration of objections and representations, the Board of Natural England may confirm or withdraw all or part of this notification. In reaching its decision the Board will consider whether, in light of the objections and representations received, Natural England remains of the opinion that the site is of special scientific interest. If you wish to emphasise any of your objections or representations to the Board in person, you should tell us when you write to us. You will then be advised of the date and location of the Board meeting. Following consideration of objections and representations, the Board of Natural England may confirm or withdraw all or part of this notification.
- 3.4 Natural England will accept correspondence relating to unresolved objections up to seven days prior to the Board meeting at which the confirmation is due to be considered. Correspondence received after this date will only be presented to the Board in very exceptional circumstances and you will be expected to provide justification as to why there has been a delay in providing the information. The decision whether this information will be submitted to the Board is entirely at Natural England's discretion. The reason that there is a seven day cut off is to allow Board members sufficient opportunity to consider all of the issues and read all the relevant paperwork before they meet to take their decision.
- 3.5 Natural England has a policy of openness, which reflects our obligations under the Environmental Information Regulations 2004 and the Freedom of Information Act 2000. This legislation provides a legal right of access to information held by public bodies. This means that we will provide information on how we make our decisions on SSSIs to any person on request. This includes details of objections and representations received. We will assume, therefore, that your representation or objection can be made publicly available unless you indicate with clear and valid reasons which (if any) part(s) of these you wish to be excluded from this arrangement. However, you should be aware that the requirements of the legislation may mean that we cannot comply with your request that this information be withheld. We do, however, respect people's privacy and will take all reasonable steps to consult you before reaching a decision on disclosure of the information.
- 3.6 As an individual with an interest in Malvern Common SSSI, your information will be stored and processed on a computer database that will be operated within the Data Protection Act 1998 and (from 25 May 2018) the General Data Protection Regulation 2016¹. The Act and the Regulation give individuals the right to know what data we hold on them, how we use it and to which third parties it is disclosed. The data controller is Natural England, Foss House, Kings Pool, 1-2 Peasholme Green, York, YO1 7PX.

4. Reasons for notification

4.1 Malvern Common SSSI is of special interest for its nationally important:

- **Species rich neutral grassland**

The site supports a nationally rare type of species-rich neutral grassland with a variety of grasses, including crested dog's-tail *Cynosurus cristatus*, sweet vernal-grass *Anthoxanthum odoratum*, common bent *Agrostis capillaris*, red fescue *Festuca rubra* and Yorkshire-fog *Holcus lanatus*. Characteristic herbaceous species include common bird's-foot-trefoil *Lotus corniculatus*, common knapweed *Centaurea nigra*, yellow-rattle *Rhinanthus minor*, red clover *Trifolium pratense* and meadow buttercup *Ranunculus acris*, with localised common spotted-orchid *Dactylorhiza fuchsii*. The grassland is a type of 'lowland meadow' which is included in the Government's list of habitats of

¹ Regulation (EU) 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation) 2016.

principal importance for the conservation of biodiversity in England², known as 'priority habitats'.

- **Rush pasture**

The site supports species-rich rush pasture vegetation, which occurs as discrete stands forming a mosaic with the neutral grassland. It is characterised by the dominance of sharp-flowered rush *Juncus acutiflorus*, with abundant common knapweed and localised tawny sedge *Carex hostiana*, common spotted-orchid, southern marsh-orchid *Dactylorhiza praetermissa* and greater bird's-foot-trefoil *Lotus pedunculatus*. This type of rush pasture is included in the 'purple moor grass and rush pastures' priority habitat.

5. Site boundaries

- 5.1 The boundary has been drawn to include land supporting the features of special interest and those areas required to ensure the long-term sustainability of these features.
- 5.2 The SSSI comprises a large open common area, dissected by roads. The boundary is marked by roads, hedgerows and fences. See *Annex 4* for detail of the SSSI boundary. Further clarification of the precise location of the boundary of the SSSI can be obtained from Natural England's West Midlands Team at the address on page 2 of this document.

6. Management of the SSSI

- 6.1 Landowners and managers are critical to the ongoing management of the SSSI. Natural England aims to foster the best possible relationship with those managing the land so that its biodiversity can be conserved whilst also securing wider benefits. This notification includes a statement (*Annex 2*) of the management that Natural England considers is needed to conserve and enhance the features of special interest. Different management may be appropriate in different parts of the site and this statement is not intended to detail the exact requirements at specific locations. It provides a guide for discussions with owners and managers on action to achieve positive management of the SSSI.
- 6.2 Owners and occupiers will require consent before undertaking some operations in the SSSI. This notification includes a list of operations requiring Natural England's consent in *Annex 3*. The basis for the selection of these operations is set out in the Supporting Information document. Some operations may already be taking place and where they do not cause any damage they will be given consent. We will work with landowners and managers to agree lists of such existing and planned operations which can be approved.
- 6.3 Where an operation has been granted a consent, licence or permission from another public body a separate consent will not generally be required from Natural England. However, other public bodies are required to consult Natural England before such consents, licences or permissions are issued.
- 6.4 In particular, we recognise the important roles of the owners and managers of the land in managing this site. We will continue to work with them to develop means to secure the sustainable management of Malvern Common SSSI.

7. Supporting information

- 7.1 The detailed information, which has been used to assess the importance of this SSSI, is available on request from the address on page 2 of this document.

8. Legal documents

- 8.1 Attached at *Annexes 1 - 4* are the legal documents, which are required by section 28 of the Wildlife and Countryside Act 1981.

² Under section 41 of the Natural Environment and Rural Communities Act 2006.

Annex 1

Citation

This is a legal document on which you have a right to make objections or representations, as explained in part 3 of this notification document

Site name: Malvern Common **County:** Worcestershire
District: Malvern Hills
Status: Site of Special Scientific Interest (SSSI) notified under Section 28 of the Wildlife and Countryside Act 1981 (as amended)
Local Planning Authority: Malvern Hills District Council; Worcestershire County Council
Ordnance Survey sheet: 150 **National Grid reference:** SO786442
Notification date: 24 May 2018 **Area:** 20.75 ha

Reasons for notification:

Malvern Common SSSI supports a mosaic of semi-natural habitats and is of special interest for its nationally important species-rich neutral grassland and rush-pasture.

General description:

Malvern Common SSSI includes one of the largest areas of unimproved neutral grassland with rush pasture in Worcestershire. The site comprises a large open common situated at the foot of the Malvern Hills, lying at between 60-85 metres above sea level. It slopes moderately towards poorly drained soils to the north and lies on soils derived from drift deposits which overlie the impermeable Sidmouth Mudstone Formation.

The neutral grassland supports a variety of grasses including crested dog's-tail *Cynosurus cristatus*, sweet vernal-grass *Anthoxanthum odoratum*, common bent *Agrostis capillaris*, red fescue *Festuca rubra* and Yorkshire-fog *Holcus lanatus*. The site supports a varied range of broad-leaved herbaceous species including common bird's-foot-trefoil *Lotus corniculatus*, common knapweed *Centaurea nigra*, yellow-rattle *Rhinanthus minor*, red clover *Trifolium pratense* and meadow buttercup *Ranunculus acris*, with localised common spotted-orchid *Dactylorhiza fuchsii*.

The rush pasture is located on waterlogged soils adjacent to Longridge Road. This is characterised by the dominance of sharp-flowered rush *Juncus acutiflorus*, with a high abundance of common knapweed and localised, notable species here include tawny sedge *Carex hostiana*, common spotted-orchid, southern marsh-orchid *Dactylorhiza praetermissa* and greater bird's-foot-trefoil *Lotus pedunculatus*.

Annex 2

Views about Management

This is a legal document on which you have a right to make objections or representations, as explained in part 3 of this notification document.



Views About Management

Wildlife and Countryside Act 1981 Section 28(4)

A statement of Natural England's views about the management of Malvern Common Site of Special Scientific Interest (SSSI)

Natural England has a duty to inform the owners and occupiers of land within the **Malvern Common SSSI** of its views on how to manage the habitats and species of interest for nature conservation. This statement sets out our views on how the SSSI's special conservation interest can be conserved and enhanced.

Please be aware not all of the management principles outlined in this statement will be equally appropriate to all parts of the SSSI. There may also be other management activities, not outlined here, which could be beneficial to the conservation and enhancement of the features of interest.

Also be aware that this statement does not provide consent for any of the 'operations requiring Natural England's consent'. You need to have written consent from Natural England if you want to carry out any of those operations. Natural England welcomes discussion with owners, occupiers and users of the SSSI to ensure that the management of this site conserves and enhances the habitats and species of interest, and to ensure that all necessary prior consents are obtained.

Management Principles

Neutral grasslands and rush pastures require active management if they are to retain their conservation interest. In order to maintain a species-rich sward, each year's growth of vegetation must be removed. Otherwise the sward becomes progressively dominated by tall and vigorous grasses or rushes which, together with an associated build up of dead plant matter, suppress less vigorous species and reduce the botanical diversity of the site.

At Malvern Common, the above objective is achieved by closing the fields to stock in the autumn and cutting the resultant growth as hay, usually in early July. The precise timing of the cut depends on local factors, including past management and current weather conditions, but should be after ground-nesting birds have fledged their young and any short-lived, characteristic plants have set seed. The aftermath is then grazed in late summer/autumn. Aftermath grazing is important for maintaining a species-rich sward, both through controlling competitive rushes and grasses such as false oat-grass and soft rush, and through hoof-prints providing suitable sites for seedlings to establish. Heavy poaching must be avoided, however.

In the absence of a hay cut, the objectives could be achieved by grazing. Grazing usually takes place at times between late spring and early autumn, but the precise timing and intensity of grazing will vary both between and within sites, according to local conditions and requirements (such as the type or availability of stock or the needs of individual plants or animals of conservation concern). The aim should be to keep a relatively open sward without causing excessive poaching. Cattle are often the preferred stock, being relatively tolerant of wet conditions in rush pastures and able to control tall grasses and rank vegetation. Cattle also tend to produce a rather uneven, structurally diverse sward. However, ponies, or even hill sheep, can be used if necessary. Light trampling can be of benefit by breaking down leaf litter and providing areas for seed germination.

An element of managed scrub, both within and fringing a field can be of importance to birds and invertebrates, as can a surrounding hedge. Careful maintenance of existing ditches and drains is usually acceptable practice, but abandonment or deepening of ditches can be harmful. The application of pesticides including herbicides or fertilisers would be damaging but periodic dressings of well-rotted farmyard manure may be acceptable on fields managed as hay meadows. Occasional dressings of lime may be acceptable.

Date notified: 24 May 2018

Annex 3

List of operations requiring Natural England's consent

This is a legal document on which you have a right to make objections or representations, as explained in part 3 of this notification document.

Operations requiring Natural England's consent

Wildlife and Countryside Act 1981 Section 28 (4)(b) substituted by Schedule 9 to the Countryside and Rights of Way Act 2000

The operations listed below may damage the features of interest of Malvern Common SSSI. Before any of these operations are undertaken you must consult Natural England, and may require our consent.

It is usually possible to carry out some of these operations in certain ways, or at specific times of year, or on certain parts of the SSSI, without damaging the features of interest. If you wish to carry out any of these activities please contact the Natural England Area Team who will give you advice and where appropriate issue you with a consent. Please help us by using the 'notice form' (provided at notification and available on request) to ask us for consent to carry out these operations.

In certain circumstances it will not be possible to consent these operations, because they would damage the features of interest. Where possible the Area Team will suggest alternative ways in which you may proceed, thereby enabling consent to be issued. To proceed without Natural England's consent may constitute an offence. If consent is refused, or conditions attached to it, which are not acceptable to you, you will be provided with details of how you may appeal to the Secretary of State.

Standard reference number	Type of operation
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| 1. | Cultivation, including ploughing, rotovating, harrowing and re-seeding. |
| 2. | Grazing and alterations to the grazing regime (including type of stock, intensity or seasonal pattern of grazing). |
| 3. | Stock feeding and alterations to stock feeding practice. |
| 4. | Mowing or cutting vegetation and alterations to the mowing or cutting regime (such as from haymaking to silage). |
| 5. | Application of manure, slurry, silage liquor, fertilisers and lime. |
| 6. | Application of pesticides, including herbicides (weedkillers) whether terrestrial or aquatic, and veterinary products. |
| 7. | Dumping, spreading or discharging of any materials. |
| 8. | Burning. |
| 9. | Release into the site of any wild, feral, captive-bred or domestic animal, plant, seed or micro-organism (including genetically modified organisms). |
| 10. | Killing, injuring, taking or removal of any wild animal (including dead animals or parts thereof), or their eggs and nests, including pest control and disturbing them in their places of shelter. |
| 11. | Destruction, displacement, removal or cutting of any plant or plant remains, including tree, shrub, herb, hedge, dead or decaying wood, moss, lichen, fungal fruiting-body, leaf-mould or turf. |
| 12. | Tree and/or woodland management and alterations to tree and/or woodland management (including planting, felling, pruning and tree surgery, thinning, coppicing, changes in species composition, removal of fallen timber). |
| 13a. | Draining (including the use of mole, tile, tunnel or other artificial drains). |

Standard reference number	Type of operation
13b.	Modification to the structure of water courses e.g. streams, springs, ditches, dykes, drains, including their banks and beds, as by re-alignment, regrading, damming or dredging.
13c.	Management of aquatic and bank vegetation for drainage purposes.
14.	Alterations to water levels and water tables and water utilisation (including irrigation, storage and abstraction from existing water bodies and through boreholes). Also the modification of current drainage operations.
15.	Infilling or digging of ditches, drains, ponds, pools, marshes or pits.
20.	Extraction of minerals including peat, hard rock, topsoil, subsoil and spoil.
21.	Destruction, construction, removal, rerouting, or regrading of roads, tracks, walls, fences, hardstands, banks, ditches or other earthworks, including soil and soft rock exposures or the laying, maintenance or removal of pipelines and cables, above or below ground.
22.	Storage of materials.
23.	Erection of permanent or temporary structures or the undertaking of engineering works, including drilling.
26.	Use of vehicles or craft.
27.	Recreational or other activities likely to damage or disturb the features of special interest.
28a.	Game and waterfowl management and hunting practices and alterations to game and waterfowl management and hunting practice.

Notes

- i. This is a list of operations appearing to Natural England to be likely to damage the special features of the SSSI, as required under section 28 (4) (b) of the Wildlife and Countryside Act 1981.
- ii. Where an operation has been granted a consent, licence or permission from another authority separate consent will not be required from Natural England. However, other authorities are required to consult Natural England before such consents, licences or permissions are issued.
- iii. Any reference to 'animal' in this list shall be taken to include any mammal, reptile, amphibian, bird, fish, or invertebrate.

Date notified: 24 May 2018

National Grid Reference: SO786442

Annex 4

Map showing the land notified

This is a legal document on which you have a legal right to make objections or representations, as explained in part 3 of this notification document.

Insert map here