Coniston Fell, Dunnerdale Fell, Seathwaite Fell and Torver High Common (Lancashire) CL29 Raven's Crag Fencing Variation 2025

Landscape and Visual Appraisal for EIA

A report by
Rigby Jerram
For Coniston, Dunnerdale, Seathwaite & Torver Commoners
8 January 2025

Rigby Jerram Ecological Consultants
4 Bankfield
Kendal
Cumbria
LA9 5DR
Tel & Fax: 01539 726618
e-mail: rigby@jerramecology.co.uk

Contents

1. Summary

This document is a Landscape and Visual Appraisal of the difference between the built line of a fence on common land on the Dunnerdale Fells and the line of the fence as it was approved under Section 38 of the Commons Act 2006. The modification of the fence alignment was made as it was realised that there was a risk that the fence would direct livestock over the edge of a quarry. The new alignment is 1,688m long compared to 1,556m for the approved line and creates an exclosure which is 137ha as opposed to 140ha as approved. The fence is entirely on common land and open access land and is within the Lake District National Park and English Lake District World Heritage Site.

The appraisal concludes that whilst the fence is slightly longer than the approved alignment the modified alignment has a negligible effect on the landscape and visual impacts of the fence as assessed for the original s38 application.

2. Introduction

2.1. Background

A Section 38 Commons Act (2006) application for fencing on Coniston Fell, Dunnerdale Fell, Seathwaite Fell and Torver High Common (Lancashire) (CDST) was made and approved in 2020. The fencing was required as part of a Countryside Stewardship Agreement which included the restoration of extensive tree and scrub habitat on the common through the creation of seven enclosures. When it came to erecting the fence to create the Raven's Crag exclosure it became apparent that the agreed fenceline route had potential to direct livestock over the edge of the Stainton Ground Quarry void in bad weather. To prevent this occurring the fence was rerouted around the south side of the knoll on the south-east side of the quarry, rejoining the approved line on the west side of Stephenson Haw (Maps 1 and 2).

This Landscape and Visual Appraisal forms part of a retrospective application for the approval of this divergence from the approved line.

2.2. Proposed works

The approved line of the fence ran directly from the northernmost corner of the fell wall some 500m north north-east of the farm buildings at Hoses to the south-east corner of the main void of Stainton Ground Quarries, then turning northwards above the edge of the void and below a small knoll to level ground, at which point it turned eastwards towards Stephenson Haw.

The actual line of the fence as built runs from the wall corner to the southern side of the quarry void and then turns south-east for 200m, following a shallow trough between two knolls, before turning northwards around the eastern side of the northern-most knoll and then north-eastwards and eastwards to rejoin the approved line. There is also a minor kink in the first section of fence where it avoids a small rock outcrop. Both lines are shown in Maps 1 and 2.

2.3. Location

The fence runs east – west across the middle section of the Dunnerdale Fells in the south-western English Lake District within the Lake District National Park and the English Lake District World Heritage Site (Map 3). The Dunnerdale Fells are an area of low, knolly fells with extensive areas of bracken on their lower slopes and areas of acid grassland on higher ground. There are frequent valley mires and flushes in the hollows and valleys between the knolls. The Raven's Crag exclosure extends along the ridge extending southwards from Stephenson Haw and Stainton Ground Quarries over Raven's Crag to The Knott. The area is typical of the Dunnerdale Fells, with extensive stands of bracken on the lower ground and acid grassland present along the knolly ridge top. There are a number of valley mires, mainly in the north-eastern part of the exclosure.

3. The Landscape, World Heritage Site and Lake District Management Plan

The Dunnerdale Fells, including the Raven's Crag exclosure lie within the Coniston Fells Distinctive Character Area (Area 70) and Rugged/Craggy Volcanic High Fell Landscape Character Type (Type F) as defined by the Lake District National Park Landscape Character Assessment and Guidelines (2021). The underlying geology of the Borrowdale Volcanic Group and the geological processes which have shaped these rocks largely determine the landscape form, with a dome shaped topography with ridges radiating out from high points.

The definitive Attributes of the Rugged/Craggy Volcanic High Fell landscape have been defined as:

- The underlying geology is the Borrowdale Volcanic Group of igneous rocks, with areas of granite to the west;
- At the largest scale, this type has a dome-shaped topography, with the highest point being Scafell Pike;
- From the highest point, ridges radiate out, with the landform gradually lowering towards the edges of the Lake District;
- Uplifting panoramic external views from the fell summits, including the Cumbria Coastal Plain, Irish Sea, Isle of Man and Morecambe Bay from western and southern fells, the North Pennines, Howgills and Yorkshire Dales from the Helvellyn Range and eastern fells;
- Superimposed on this are complex topographical patterns caused by glacial and fluvial erosion;
- Land cover is generally either bare rock, scree or low-growing vegetation, with low-density sheep grazing occurring over much of the area;
- There are scattered tarns and a complex network of becks;
- Woodland cover is most extensive along the valley margins, with important areas of juniper and native oak woodland (particularly extensive in Borrowdale), and small areas of commercial conifers (particularly in the west);
- The fell wall marks the edge of the open land, with remains of archaeologically earlier enclosures and field systems within upland areas;
- Settlement above the moorland line is limited to isolated farms, with hill farming the main form of activity, with very few occupied buildings; and
- Archaeological remains of settlement and industrial sites scattered within the Upland Fell landscape.

The distinctive characteristics of the Coniston Fells Distinctive Character Area are:

- The disparity between the dominating 'natural' fell and crag features of the mountains themselves, and the extensive and impressive areas of quarrying;
- The strongly textured and rough appearance of the landscape pitted with old mineral working. Its grey colour, lack of or low growing vegetation, and dramatic glaciated scenery;

- A long history of slate and mineral extraction, which is clearly visible in today's landscape, giving it a slightly other-worldly and abandoned feel;
- Association with Arthur Ransome's 'Swallows and Amazons' novels;
- Coniston Old Man is one of the most easily accessible peaks in the Lake District, therefore popular with walkers and families;
- Predominantly a very tranquil landscape due to the openness and perception of naturalness of the open fells;
- Corrie tarns including Goat and Low Waters, Levers water (a reservoir) and Seathwaite Tarn, which nestles to the west of Seathwaite Fell;
- The lower, more knobbly and hummocky fells such as Caw and the Dunnerdale Fells running towards the south-west contain many small tarns and streams and more diverse heath vegetation.

The Raven's Crag exclosure sits within the Duddon Valley component of the English Lake District World Heritage Site. The Countryside Stewardship (CS) scheme for the CSDT Common will contribute to the Outstanding Universal Value of the English Lake District cultural landscape by supporting traditional agro-pastoral farming, in particular the management of common land grazing using hefted flocks of sheep. The financial support provided by CS is essential to maintain the viability of the commoners' farm businesses, allowing the farmers crucial to the continuity of the common grazing agro-pastoral tradition to continue farming in a traditional manner, or in fact, farming the land at all. The management specified in CS agreements play a direct role in maintaining the scenic and harmonious beauty of the cultural landscape. Many landscape features in the Lake District are (as recognised throughout the Lake District's Landscape Character Assessment) in generally poor condition and this partly due to the loss of traditional management and intensification of farming practices. Countryside Stewardship agreements work to make a significant positive contribution to the continuing evolution of cultural landscape by positively rewarding farmers for more traditional and sustainable land management.

The statement of Outstanding Universal Value recognises that landscape conservation management is part of the cultural landscape of the Lake District. Countryside stewardship schemes follow in the conservation land management traditions of the Lake District and farmers and land managers joining the Countryside Stewardship scheme are manifesting an expression of the landscape conservation management which has developed from early conservation initiatives that saw their origin in the Lake District. Landscape conservation management has developed to include enhancement and resilience of the natural environment, contributing to the maintenance of the harmonious beauty of the WHS. The work that agreement holders carry out represents the continued evolution of the conservation movement, it provides a platform for the continued development of conservation thinking, and ultimately generates ideas and approaches to the enhancement and resilience of the natural environment and cultural landscape.

This project will make a particular contribution to several of the strategies of the 2020 – 2025 Lake District National Park Partnership Management Plan to:

- "Support the maintenance of traditional upland farming systems in the Lake District based on the open fell hefted grazing of local breeds of livestock including the Herdwick sheep, and commons management."
- "Support the establishment of new tree cover at a locally agreed scale throughout the Lake District. There will be a particular focus to achieve the optimum balance between timber production, flood prevention, carbon storage, water quality, soil stability, biodiversity, historic environment, conservation of the cultural landscape, recreation, loss of grazing land, landscape change, hefting, and communal management of common land, where relevant."
- "Support interventions that help to achieve bigger, better and more joined up resilient habitats and species in line with the 25 Year Environment Plan, national and international targets to enhance biodiversity, using an 'ecosystem approach'." and
- "Support projects that provide the optimum solution to flood resilience for the catchment as a whole, balancing the need to reduce flood risk in towns and villages against potential impacts up and down stream, including on agricultural land, and sustaining the Special Qualities and attributes of Outstanding Universal Value."
- "Mitigate and adapt to the increased likelihood and severity of flooding that is predicted to result from climate change. Support measures that increase the resilience to flooding including slowing surface water run-off by increasing absorption and storage, or protecting settlements with hard defences whilst sustaining the Special Qualities and attributes of Outstanding Universal Value."

The common is open access land and several bridleways cross the Raven's Crag exclosure which are shown on Map 1.

4. Appraisal Methods

This appraisal is to inform the screening decision and draws on the Guidance for Landscape and Visual Impact Assessment (GLVIA, LI and IEMA, 2013, third edition). Potential impacts on World Heritage Outstanding Universal Value are assessed using Guidance and Toolkit for Impact Assessments in a World Heritage Context (UNESCO 2022) and English Lake District World Heritage Site Best Practice Guidance on Assessments of Impact on Outstanding Universal Value (OUV) (Lake District National Park Partnership, undated).

This appraisal focusses the differences between the landscape and visual impact of the approved fenceline route and that of the fence as it has actually been built. It does not deal with the impacts of the fence overall as that has already been covered by the original application and the principal of the presence of the fence has already been approved.

The methods applied to each area in the proposed agreement include the following process:

4.1. Landscape Character

1. For each 'receiving landscape' provide a summary of the baseline conditions key sensitivities for *landscape character* and *key characteristics*, using evidence from:

    a. The 2021 Lake District National Park Landscape Character Assessment (Landscape Character Types F Rugged/Craggy Volcanic High Fells);

    b. 2020 – 2025 Lake District National Park Partnership Management Plan strategies; and

    c. World Heritage Site Statement of Outstanding Universal Value, nomination documents and Duddon Valley Description.

2. Taking above into account, Identify the magnitude of the impacts of proposed fencing/gates (in terms of low, med, high) for example:

Table 1 Landscape Character Impact Appraisal Criteria

Criteria	Analysis of impacts/mitigating factors
Materials, design and site planning	fit with the landscape character/special qualities context
Duration/reversibility	period the structures are likely to be in situ
Enclosure, extent	Impacts on open character of the landscape, scale and shape of compartment, sub-compartments
Alignment and patterns	fit with landform and natural features, existing vegetation and proposed plantings

3. Summarised assessment of sensitivities for landscape character/special qualities, scope for mitigation.

4.2. Visual Amenity

1. For each area, identify the key 'visual receptors' where the proposed fencing and gates are likely to be visible; i.e. of medium to high sensitivity (public view points from landmark or cultural features, public rights of way, and private residencies).

2. Identify the magnitude of the proposed fencing and gates (in terms of low, med high) for example:

Table 2 Visual Amenity Impact Appraisal Criteria

Criteria	Analysis of impacts/mitigating factors
Extent and proximity	Visual extent of views of fencing and , taking into account distance, prominence of fences and gates
Backdrop	skylines/silhouette effect of structures against the skyline
Cumulative	multiple/sequential views of fencing – in panoramas, vistas. Piecemeal areas of fencing can also have cumulative impacts
Access and enjoyment	Fencing or gates hamper visual access or the public enjoyment of the view, the view point and its landscape/cultural setting.
Residential	Private views or access impacted by the proposals

3. Summary assessment of sensitivities, scope for visual amenity mitigation

4. A summary of the overall likely significance of landscape and visual effects, summarising key points by drawing attention to concerns about the sites, potential mitigation measures to consider, or wider issues.

For the purposes of this appraisal, and to aid transparency of professional judgements made about likely significance of detrimental effects, the following terms of assessment are used:

Low – criteria have negligible or no impacts

Medium – criteria impacts judged acceptable, or can be mitigated as described

High – criteria impacts contribute to significant detrimental effects, difficult to mitigate.

4.3. World Heritage Site Outstanding Universal Value

Assessment of potential impacts on the Outstanding Universal Value of the English Lake District World Heritage Site (WHS) is conducted using the 2022 UNESCO *Guidance and Toolkit for Impact Assessments in a World Heritage Context* and the Lake District National Park Partnership's *English Lake District World Heritage Site Best Practice Guidance on Assessments of Impacts on Outstanding Universal Value (OUV)*. The assessment is based on a site visit carried out in November 2024.

The assessment looks at impacts in the context of the Duddon Valley component of the English Lake District WHS.

5. Landscape and Visual Appraisal

5.1. Landscape Character Type

The landscape of the Raven's Crag exclosure and land surrounding it is characteristic of the lower fells of the Rugged/Craggy Volcanic High Fells. The underlying volcanic geology is prominent, with frequent outcrops of rock, with short grassland on the higher ground and bracken beds on the lower slopes. Glacial and fluvial erosion processes have produced a complex topography of rocky knolls and small valleys and troughs between them. These low knolly fells are a distinctive characteristic of the Coniston Fells Distinctive Character Area and, whilst small scale in comparison to other parts of the Coniston Fells, the history and influence of slate and mineral extraction on the landscape character is clearly visible in the vicinity of the fence in the form of disused quarries, mine levels and associated spoil heaps.

The Lake District National Park Landscape Character Assessment and Guidelines for Rugged/Craggy Volcanic High Fells includes the following guidance relevant to this scheme for managing landscape change:

- **Encourage** the creation of native woodland on valley sides and lower fells at sites where it would enhance the local landscape character;
- **Promote** land management designed to achieve favourable condition of its important vegetation types and to improve resilience to the effects of climate change, including

expansion of sensitively placed broadleaved gill and other woodland and improve other habitat linkages;

- **Encourage** broadleaved woodland regeneration or planting in appropriate locations which are at high risk of erosion and run off, to benefit water quality, and flood mitigation downstream. New native woodland can enhance the landscape, biodiversity and nature conservation interest of the area;
- **Encourage** grazing management that improves ecological linkage and promotes more favourable condition of upland semi-natural vegetation whilst supporting the farming heritage;
- **Encourage** sensitive management and restoration of wood pasture habitat;
- **Prevent** woodland establishment on historically important enclosed valley sides and archaeological sites, particularly in cases where new woodland planting would impact upon the authenticity or legibility of the cultural landscape;
- **Promote** whole fell grazing management where possible erecting new fences on open fell only where alternatives are not practicable;
- **Conserve** footpaths, bridleways or byways along with their associated features such as pinch stiles and gates, which represent historic routeways;
- **Ensure** careful design of new fencelines to minimise visual and perceptual impacts, for example avoiding crossing and close proximity to fell paths, siting below ridgelines etc;
- **Remove** redundant fencing from fell; and
- **Maintain** the sense of openness and control the level and impact of fencing on unenclosed fell land.

Guidelines for managing landscape change for the Coniston Fells include:

- **Protec**t water within the corrie lakes and becks from point source and diffuse
- pollution;
- **Encourage** lower levels of grazing on high ground;
- **Conserve** and enhance mosaics of heathland vegetation on lower fells;
- **Conserve** ruins of former mining buildings which are historic landscape features;
- **Manage** visitor pressure to reduce impact on vegetation and development of
- scars and erosion gullies along main paths;
- **Maintain** strong sense of openness and tranquillity throughout;
- **Protect** open views towards the sea and the Isle of Man from tall vertical or largescale
- developments; and
- **Retain** strong intervisibility with adjacent Landscape Character Types.

In terms of the Duddon Valley component of the World Heritage Site, the common makes significant contributions to the *extraordinary beauty and harmony* of the valley, the *common land* agro-pastoral system and has several of the valley's hefted *Herdwick flocks*.

The Raven's Crag ridge is a significant component of the Dunnerdale Fells which is the most southerly extension of the rugged/craggy volcanic high fells and is a significant component of both the Coniston Fells distinctive area and Duddon Valley.

Table 3 Landscape Character Impact Appraisal

Criteria	Analysis of impacts/mitigating factors	Impact
Materials, design and site planning	The built fence uses the same materials as the approved fence (wooden posts, wire and sheep netting) and follows similar design principals, following ground features and using natural features such as knolls to avoid sky lining. Gates and stiles are present where it crosses public rights of way and other desire lines (Photos 4, 5 and 7)	Low
Duration/reversibility	The fence is temporary, with permission for ten years, matching the length of the Stewardship agreement	Low
Enclosure, extent	There is no significant change in the size of the exclosure (137ha as built compared to 140ha approved) or length of fencing (1,688m compared to 1,556m)	Low
Alignment and patterns	The built fence deviates from the line of the approved fence along the western half of it's length. Working eastwards: the western end has a slight dogleg to accommodate a better gate alignment where the fence meets the fell wall. The built fence then kinks slightly south to go around a small crag/outcrop (Photo 3), rejoining the approved line after 150m (Photo 4). At this point the built fence diverges significantly from the approved line: it heads south-east up a shallow gully for 200m before going around a small knoll to turn back northwards (Photo 5) down another shallow gully for 100m and then heading north-east (Photo 6) and then east to rejoin the approved line after 290m (Photo 7)	Low

In terms of landscape character there is no significant difference between the two fencelines. The only difference is how the fence goes around the knoll on the south-east side of Stainton Ground Quarries. The approved line goes around the western side, whilst the built line takes a slightly longer route (by 132 metres) around it's southern and eastern sides (Map 2 and Figure 1). This makes no discernible change to the impact on landscape character, as the impact is simply the presence of the fence for 10 years. From any particular view point only portions of the fence are visible, such that the slight change in length and alignment makes no significant difference. The built alignment actually results in a slightly smaller exclosure (by 3ha) so could be said to have a slightly lesser impact, though in reality this difference is negligible.

5.2. Visual Amenity

The impact of the built alignment of the fence will make no significant difference to the impact of the approved alignment on visual amenity. The only place where there may be a discernible difference is when viewed from the road over to the Duddon Valley, where the built alignment maybe slightly less prominent as it avoids the minor skylining which would have been associated with the approved alignment where it topped out on the east side of Stainton Ground Quarries (Photos 1, 3 and 8 – 12). Otherwise, impacts on views and access are unchanged, as both alignments cross public rights of way and desire lines in the same places and there are equal numbers of gates and stiles to facilitate open access.

Table 4 Visual Amenity Impact Appraisal

Criteria	Analysis of impacts/mitigating factors	Impact
Extent and proximity	In general terms there is no significant difference between the two fencelines when it comes to proximity to view points and proximity to public rights of way, as both lines follow the same general alignment and both cross bridleways at the same points. The points where the two principle desire lines (which are in fact the routes of two fell races) are crossed by the are also unchanged	Low
Backdrop	From both the road between Broughton Mills and the Duddon Valley and from Stickle Pike, which are the main viewpoints of the western part of the fence, both fences appear against a backdrop of a bracken covered slope. The built fence is slightly less prominent, as is goes around Stainton Ground Quarries as it follows a shallow gully to the east, which keeps it below the skyline. In contrast the approved line would have traversed the eastern edge of the quarry and would have appeared above the skyline as it rose above the quarry. From the East both fencelines would be viewed against the fellside by anyone on Fow Haw or Stephenson Haw. The fence would not be visible in either alignment from the local highpoint of Caw, as it is largely hidden by the low ridge formed by Fox Haw and Stephenson Haw	Low
Cumulative	The change in alignment makes no difference to the cumulative impacts of the fence	Low
Access and enjoyment	The change in alignment will make no difference to the impacts on access and enjoyment. Both alignments cross public rights of way and desire lines in the same places and have the same number of gates and stiles in the same, or equivalent positions	Low
Residential	Both fence alignments are equally visible from Hoses and there is no significant difference in the residential impact	Low

5.3. Contribution to Special Qualities through the Lake District National Park Management Plan Strategies

The scheme contributes to the Lake District Special Qualities by providing an income stream to the traditional farms which maintain the hefted sheep flocks on the Coniston, Dunnerdale, Seathwaite and Torver High Common, contributing directly to the Special Qualities: *A World Class Cultural Landscape* and *Unique Farming Heritage and Concentration of Common Land*. This is also in line with the Management Plan Strategy to *Support the maintenance of traditional upland farming systems in the Lake District based on the open fell hefted grazing of local breeds of livestock including the Herdwick sheep, and commons management*. The change in fence alignment does not change this contribution.

6. Evaluation

Whilst there are minor differences between the line of the fence as it has been built and the approved line, there are no material differences in how this impacts the landscape character of the Dunnerdale Fells or in the way the fence impacts visitor's and resident's appreciation views of the

fells. Whilst the fence is slightly longer than the approved line it is slightly less visible from some points than the approved line. The enclosure created is slightly smaller than the one approved one would have been, but this difference in size is negligible and the most significant impact, that there is a fence there at all does not change.

Over all it must be concluded that the change in alignment of the fence has a negligible effect on the landscape and visual amenity impact of the Raven's Crag exclosure fence as a whole. The minor negative aspects remain, as do the positive impacts on biodiversity and the financial viability of common land grazing on the common.

7. Photographs

Photo 1 The fence viewed from the Park Head Road bridleway

Photo 2 View from lower Stainton Ground Quarries soil heaps

Photo 3 Minor realignment around small crag

Photo 4 Above the small crag showing stile

Photo 5 Southernmost tip of realignment. Note stile in corner

Photo 6 Fence corner on north side of crag with Fox Haw and Caw in background

Photo 7 Looking west along from fence from point is re-joins the approved line. Note stile

Photo 8 The slope above the quarry void where approved line would have gone

Photo 9 View across fence to Raven's Crag from bridleway to Kiln Bank Cross

Photo 10 View from bridleway to Kiln Bank Cross

Photo 11 View of fence from path up to Stickle Pike

Photo 12 View from path up to Stickle Pike

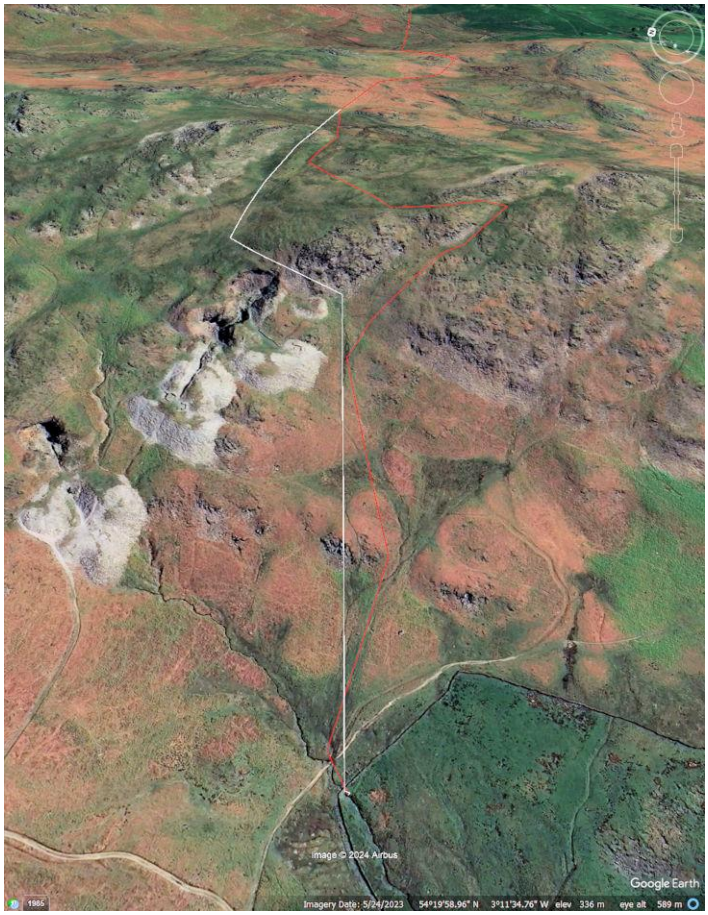
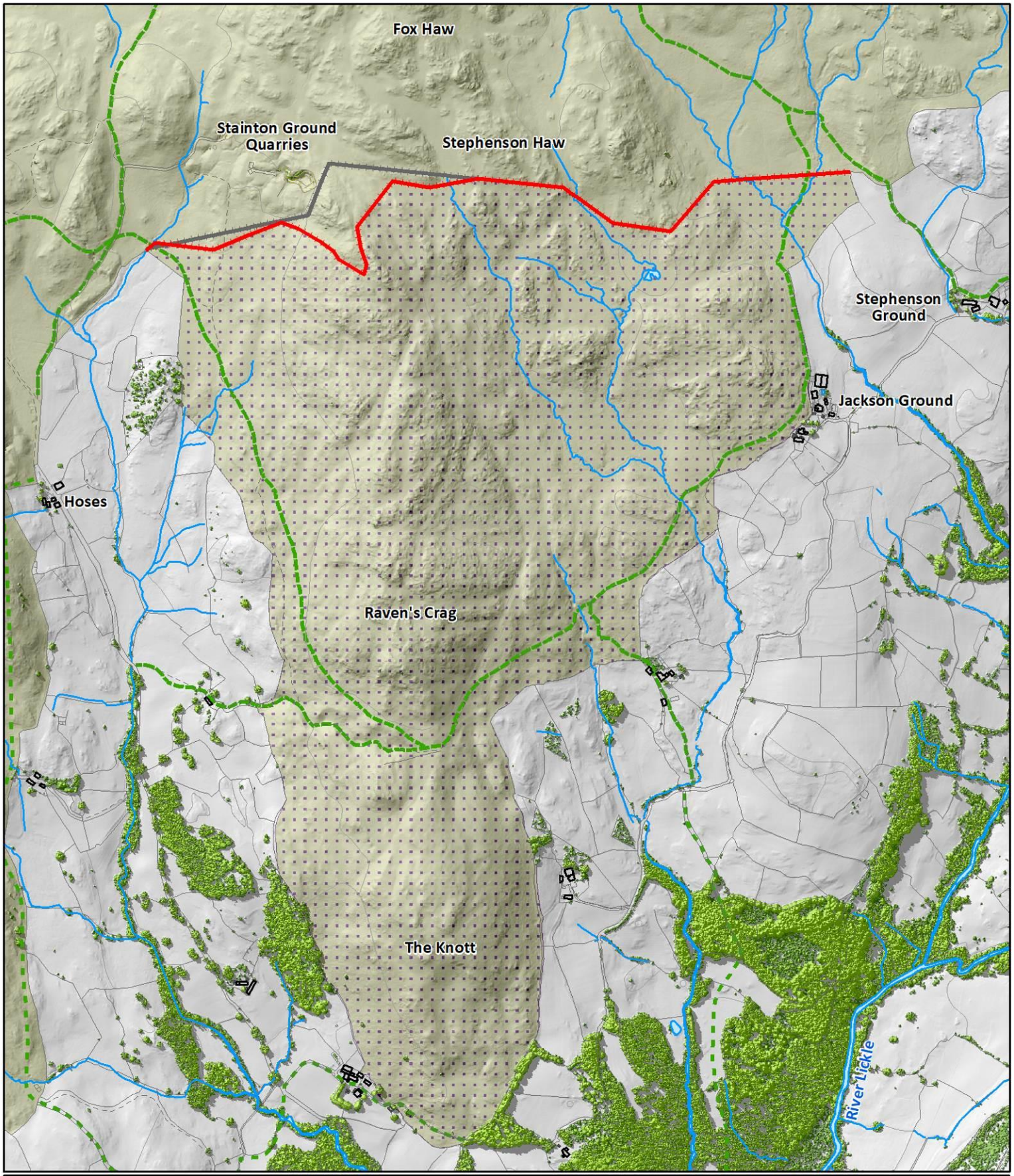


Figure 1 Google Earth oblique looking east showing approved line (white) and built line (red)



Coniston Fell, Dunnerdale Fell, Seathwaite Fell and Torver High Common (Lancashire)

Map 1 The Approved Fenceline and Built Fenceline

- Common Land
- Raven's Crag Exclosure
- Approved fenceline
- Actual fenceline
- Footpath
- Bridleway

0 200 Metres

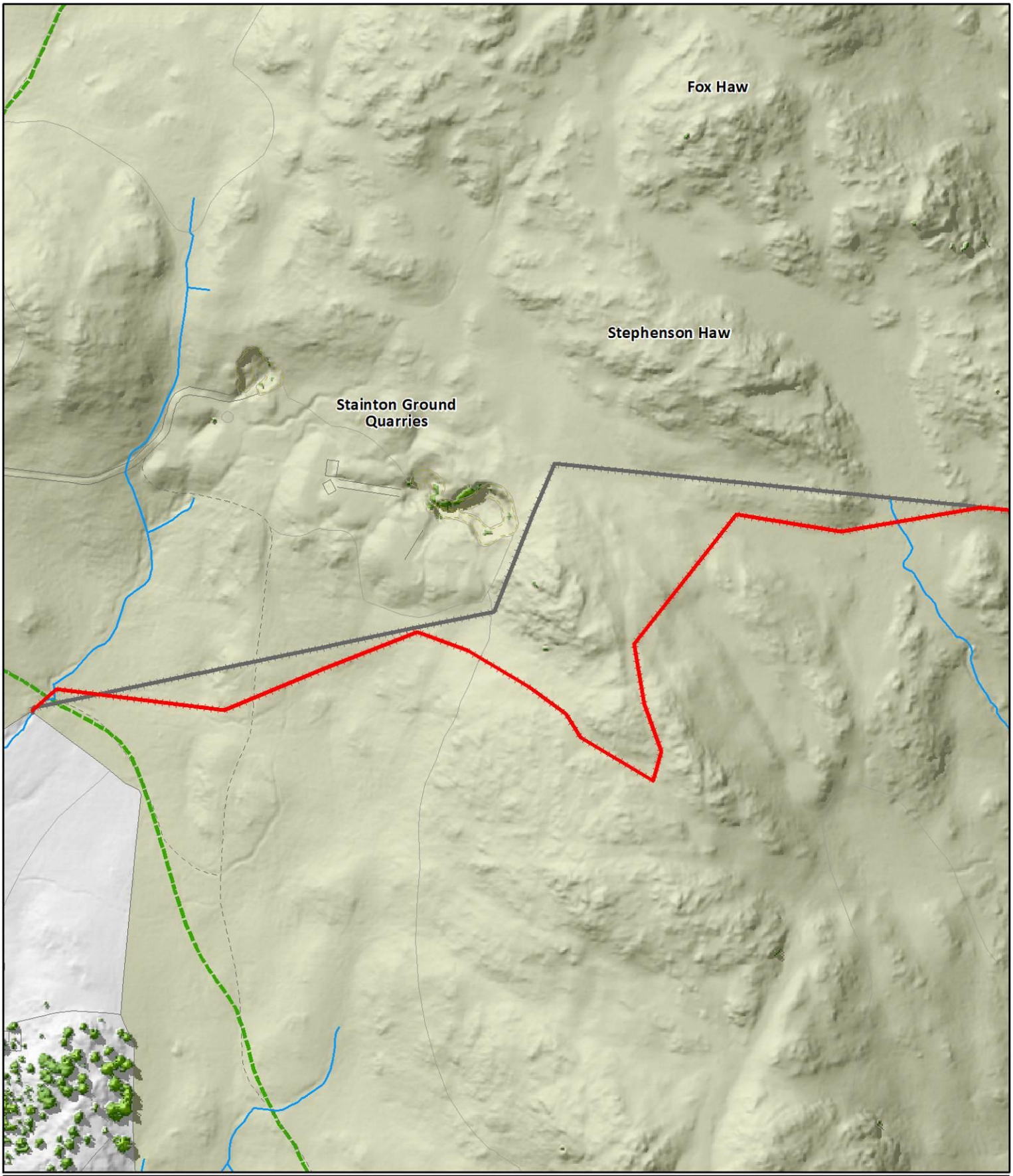
1:10,000

N

Survey by R Jerram 12 November 2024

Drawn by R Jerram 12 December 2024

Rigby Jerram Ecological Consultants
4 Bankfield, Kendal LA9 5DR
Tel: 01539 726618
rigby@jerramecology.co.uk
www.jerramecology.co.uk



Coniston Fell, Dunnerdale Fell, Seathwaite Fell and Torver High Common (Lancashire)

Map 2 Detail of the diversion from the approved line

- Common Land
- Approved fenceline
- Actual fenceline
- Bridleway

0 100
Metres
1:3,500
N

Survey by R Jerram 12 November 2024

Drawn by R Jerram 12 December 2024

Rigby Jerram Ecological Consultants
4 Bankfield, Kendal LA9 5DR
Tel: 01539 726618
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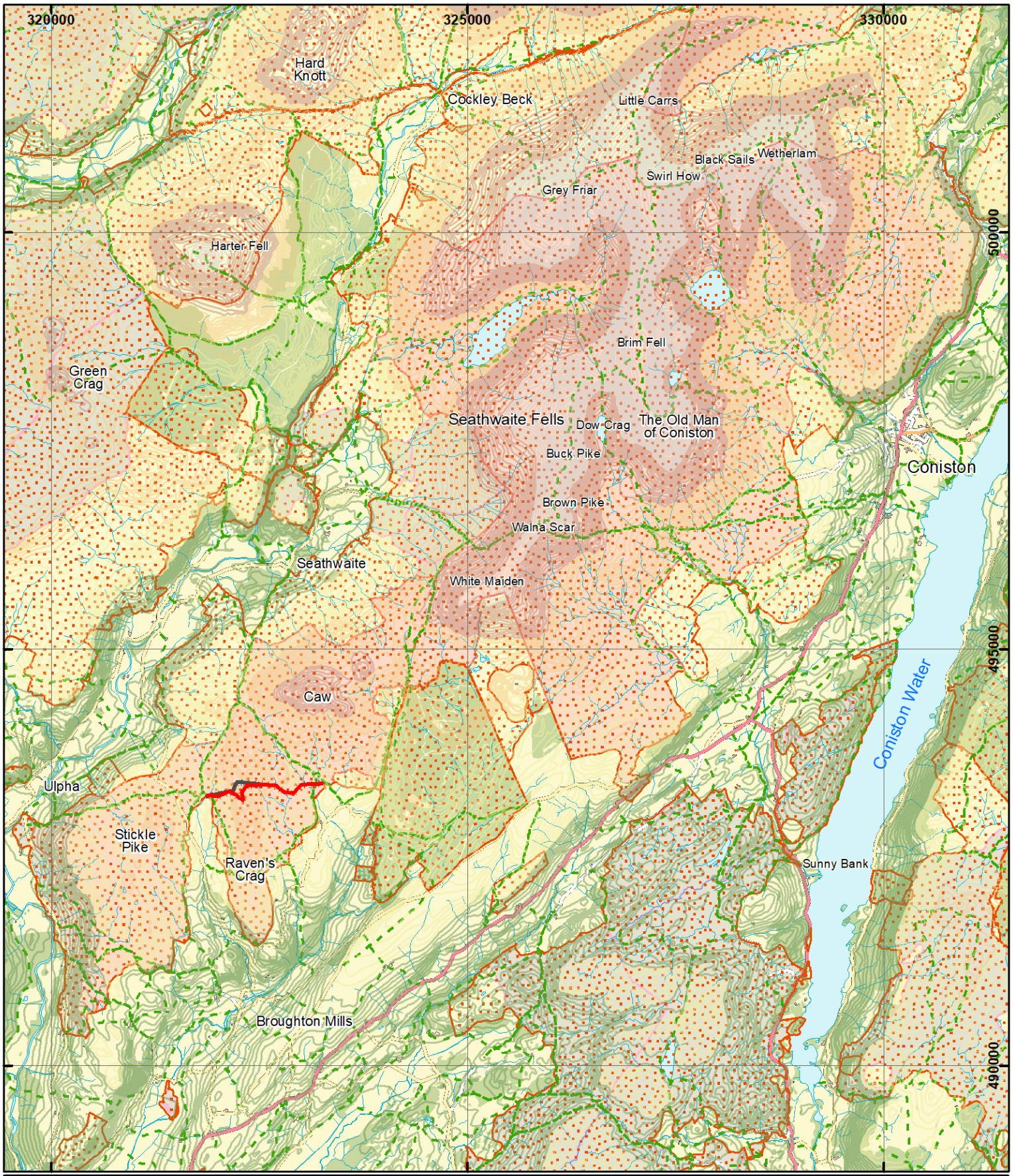


Coniston Fell, Dunnerdale Fell, Seathwaite Fell and Torver High Common (Lancashire)

Map 3 Designated Landscape

- Approved fenceline
- Actual fenceline
- Lake District National Park
- CROW Access Land
- Common Land
- CDST Common
- Footpath
- Bridleway
- Byway open to all traffic
- Restricted byway

0 0.5 1 Kilometres

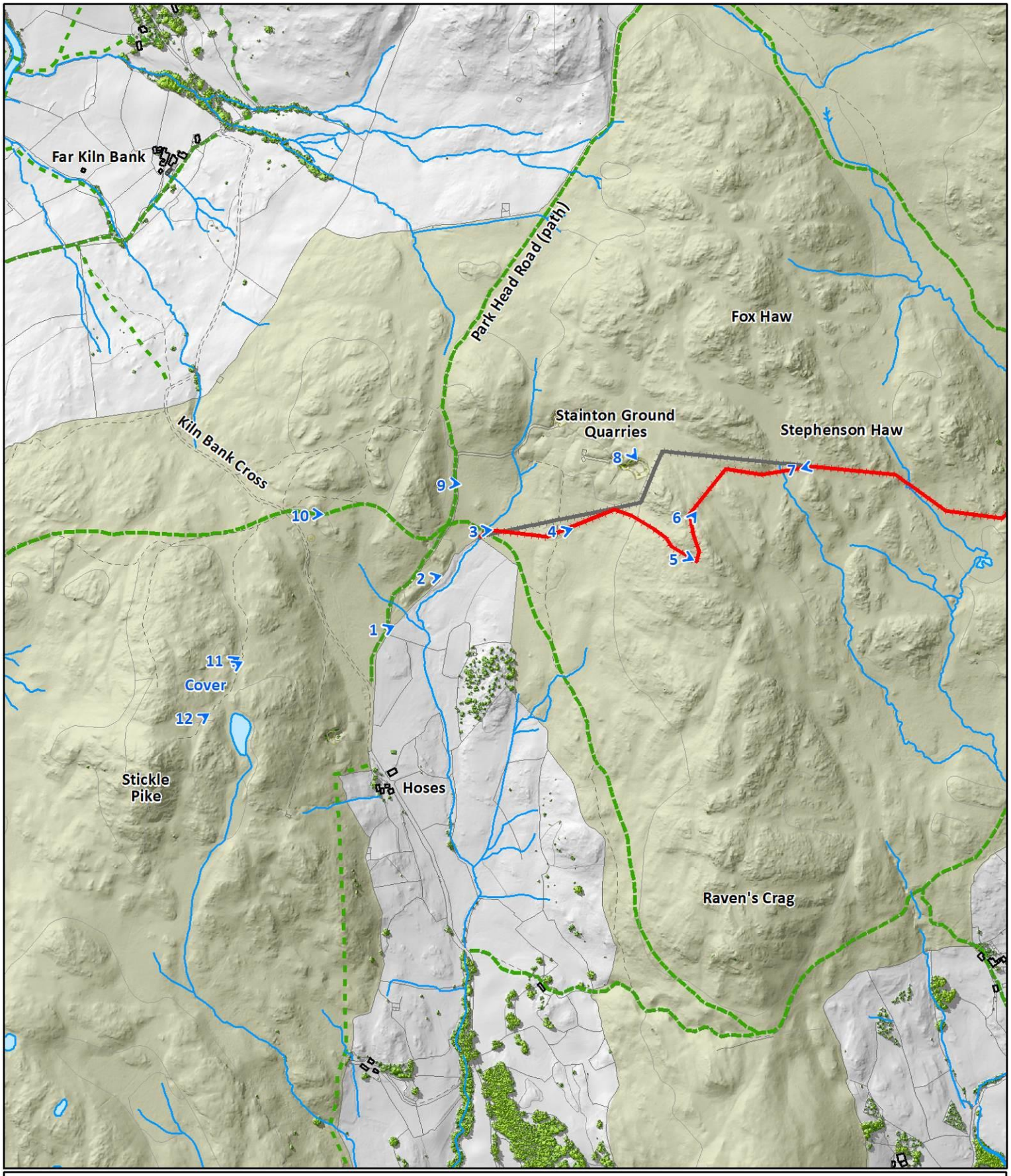
1:60,000

N

Drawn by R Jerram 16 December 2024

Rigby Jerram Ecological Consultants

4 Bankfield, Kendal LA9 5DR
Tel: 01539 726618
rigby@jerramecology.co.uk
www.jerramecology.co.uk



Coniston Fell, Dunnerdale Fell, Seathwaite Fell and Torver High Common (Lancashire)

Map 4 Locations of Photographs

The Knott

0 200
Metres
1:10,000

N

- Common Land
- Approved fenceline
- Actual fenceline
- Footpath
- Bridleway
- Photograph location and direction

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Rigby Jerram Ecological Consultants
4 Bankfield, Kendal LA9 5DR
Tel: 01539 726618
rigby@jerramecology.co.uk
www.jerramecology.co.uk

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9. Appendix 1
Extract from 2020 Landscape and Visual Impact Statement

D1. Landscape Character Assessment; Area 6 [Raven's Crag]

Area 6: Dunnerdale fells- landscape view showing how varied topography and bracken can hide the fence.

Area 6: example of how fencing visual impact can be minimised by using valley topography below Stainton Ground quarries.

Criteria	Analysis of impacts/mitigating factors	Impact
Materials, site planning	Timber post and wire stock netting 1m high with occasional pedestrian timber access gates. Gates and stiles set on any PRoW or other access routes.	Low
Duration/reversibility	Temporary fencing and gates. Permission for 10 years, reviewed after 10 years (end of CS agreement)	Low
Enclosure, extent	Follows the landform, no skylining.	Low
Alignment and patterns	3 PRoWs cross the fences over an area of 460ha- mostly the PRoWs are enclosed. Establishment of scrub and woody vegetation will gradually mask sections of fencing and replicate a natural pattern of woodland establishment.	Low, positive in the long term as vegetation patterns establish

Evaluation: These enclosures

D2. Visual amenity; Area 6

See also Access Impact Assessment in Appendix 2

Criteria	Analysis of impacts/mitigating factors	Impact
Extent and proximity	Proximity to PRoWs is low, fences do not go alongside footpaths. Access onto Raven Crag will not be impeded.	Low
Backdrop	The backdrop is dominated by bracken, and broken by crags. In many areas the fence will be scarcely visible against the tall and dense bracken.	Low, positive in the long term as scrub establishes
Cumulative	Because all of the enclosures are tucked down into variable topography, it is very rare that more than one can be seen from any viewpoint. Therefore the cumulative impact is low.	Low
Access and enjoyment	Potential desire lines for accessing the river (for picnics etc) are not impeded. Gates will also be provided at all access points.	Low
Residential	The proposals do not feature in any significant views from residential properties. The scale and location of the proposals means that the visual impact from a distance will be minimal.	Low, positive in the long term as vegetation patterns establish

Evaluation: These enclosures will provide considerable visual improvement to west end of the common as trees and scrub develop over time. Short term impacts from the new fence are mitigated by setting them in valleys or against and within a backdrop of bracken.

Appendix 1: comments from specific stakeholders and consultees

Comments from Ian Brodie, Adviser to Open Spaces Society: from site visit of 12th March 2020.

-----Original Message-----
From: Ian Brodie [redacted]
Sent: 12 March 2020 15:35
To: Stainer, Simon <redacted>; Mike Sturt
redacted
Cc: Kate Ashbrook <redacted>; hughcraddock redacted; Jan-Darrall redacted
Subject: Wood pasture proposals Coniston Fells

Simon

Many thanks for your time today explaining your proposals for the creation of wood pasture on the registered common called here the Coniston Fells. If I have done my sums correctly the total of the 7 discreet areas proposed for fencing from the common amount to 940ha. The common is, I think, some 3,850 ha in extent.

We understand that the agri-environment agreement will only apply to the areas proposed for the creation of wood- pasture (including some scrub woodland) and not the remainder of the common. The graziers on the affected hefts have volunteered the land under consideration.

As you know we have a reasonable working understanding of the landscape of the common and of the access made into this significant upland area of the Lake District. Hopefully this has fed into the ongoing process and I add my personal thoughts on the various issues below.

It is becoming our usual policy to advise that any s38 application for fencing associated with scrub woodland creation should be for a period of time years to coincide with the length of the agri-environment scheme. Should you apply for a longer time period then we would wish to understand what guarantees might be forthcoming for the timely removal of the fence. Given the upland location of this fencing and the current durability of fencing materials we would favour a 10 year period in the s38 application with the understanding that the commoners may wish, after a review in year 9, to reapply to the SoS for a further period for the fence to be in situ.

The proposed areas for fencing include a significant number of PROWs, desire lines and frequently used viewpoints. We would not expect any planting to be within around 20 metres of any path to ensure that the path line retains a relative feeling of openness and the path surface is kept free from obstruction. Where any path or desire-line routes to a viewpoint cross the fence line we would expect a series of appropriate gates. My main concern on access is the affect of vegetation growth within the fenced areas on the ability to walk the less frequented but still important paths and desire lines. We would welcome any further comments you would have on this issue.

In landscape terms the fenced areas would develop a different colour and texture from the remaining upland of the common. However, given the amount of woody species in the adjoining areas (especially on lower land than the proposed fenced off areas) and the amount of bracken both above and within the fenced off land I feel that this will not be as significant an issue as on other commons.

There are a few areas where the proposed fenced line will be visible from public access routes but, despite the proposed length of fencing, the topography of the landscape through which the fence will be placed has been well chosen and I suspect this visual intrusion will be minimal.

We note that the species chosen for planting will be native and appropriate to the landscape although there are a few sites which I feel may be better suited to a greater proportion of juniper. That said we are aware of the existence of some non-native species (mainly larch and sycamore with some nearby beech) especially in the two northernmost areas which are likely to set seed within the proposed fenced off areas and have the potential to become taller and more dominant than the remainder of the scrub. I would press you to discuss this matter with the land owner and undertake a control programme for such species prior to fencing and planting.

We note that most of the planting will be undertaken in the existing bracken beds and this should ensure that the rugged rocky character present within the landscape will be maintained. Equally I record, as discussed on site, that viewpoints such as Great and Little Stickle and the Bell, along with ridges, should not be the subject for planting.

We would be pleased if you would keep us informed as to any changes which emerge during the remainder of this process, including the response from Coniston parish council.

Again, many thanks for your time.

Regards

Ian

Comments from Jan Darrell, Friends of the Lake District

Hi Simon

I agree with all Ian's comments.

So for me, before we went I was concerned about the scale of the proposals, length of fencing required, impacts on hefted flocks and traditional commons management and change in character of the common. You allayed a lot of these concerns by telling us :

- the CS is only on the proposed woodland areas so no impacts on the rest of the common per se and no requirement for off wintering as the rest of the common is unaffected.
- the density of scrub planting is fairly low, 600/ha and the wood pasture proposals are v low
- how the proposed areas had been decided upon in the first place - mix of you identifying bracken areas and those commoners who wished to reduce their heft/give up agreeing.
- the fence lines will be largely hidden by virtue of being hidden by terrain, by the vast amounts of bracken around and also wont skyline. Given the bracken levels I agree with Ian that there wont be the usual differential in grazing and non grazed you get with grass.
- the species will be native and we discussed the use of aspen and witch elm instead of ash of needed

The key will be in getting the planting done properly, ie in clumps, avoiding the crags and sight lines of features such as crags and waterfalls, higher points, and ensuring the fencing contractor is sensitive to the landscape and does not just use as many straight lines as possible.

In terms of fence times, I recommend 10y. They will have to apply for another scheme anyway, so the principles will be established, so putting through a s38 at the same time will be v little extra work and it will enable us to check progress with management and growth. We would like to see something in writing, eg in an internal agreement about who is taking responsibility for the maintenance, guards and final fence removal, also that some money is being put aside to pay for eventual fence removal. This will be a condition of any agreement we may give.

Hope this helps, Jan

File note: site visit with Geoff Wilson from the Cumbria & Lake District Joint Local Access Forum (C&LJLAF) on Mon 10th Feb to assess the DSTC fencing proposals

Geoff Wilson kindly travelled through to Tilberthwaite with me, and we walked up to the top of Tilberthwaite Gill to look at some of the proposed fencing areas, and discuss the general principles of the enclosures. This East end of the common has the greatest visitor pressure in terms of numbers, and is relatively easily accessed from the Tilberthwaite car parks. Due to the rocky terrain and design of the enclosures at this end accommodating the heaf of Boon Crag farm (National Trust tenant Bob McCartney), sections of the fence here are visible from the road, and also from the footpath up to Coniston Moor/Yewdale Fells from the road. The proposed new fencing will cross the public footpaths near the top of Tilberthwaite Gill, and further south below Coniston Moor.

Geoff seemed relaxed about the impacts of these new enclosures on walkers, providing that the DSTC commoners followed the guidance the LAF have produced in relation to fencing on open access land. As a minimum, where there are definitive public rights of way crossing new fences there must be the provision of access wicket gates into the new enclosures; but due to the popularity of the area access Gate provision will need to be provided on other existing casual access tracks or desire-line paths, such as old quarry routes. He also said that at the fence 'extremities', such as at the top of Tilberthwaite gill (but in general when there is a significant change of direction where someone might want to enter or exit an enclosure). It was noted that where new gates are to be installed on definitive public paths s147 Highways Act applications must be submitted to the LDNPA; and that all gates should be in accordance with BS5709, and a standard 'Open Access' symbol decal displayed.

We discussed the tree-free gaps to be maintained for public paths. It was accepted that the 3-4 metre gap advised in LAF guidance would be more than provided for. Geoff mentioned when the fences would be removed, and what provision will be available to undertake this work in the future? My response to this was that the commoners are already making plans to provide maintenance funds for the works as a whole through their internal agreement, and that fence removal will need to be a part of these maintenance works, even if the fence removal was after the current Countryside Stewardship agreement has finished (that date is currently 31 Dec 2030). Geoff explained that in the absence of a formal agreement provision for fence removal the LAF will advise that s38 fencing consent should not extend beyond the term of stewardship agreement, and that consequently the commoners will have to re-apply for permission to extend the fence consent in the future. That said, the conventionally treated timber posts are unlikely to last beyond 15 yrs, unless the commoners use creosoted posts or some equivalent 'better' product (which is possible through the CS scheme).

On descending to the car-park the fine stands of juniper were noted, and Geoff suggested that it may be possible to use them as a model for some areas of planting.

Simon Stainer and Geoff Wilson

10.2.2020

File note: site visit to the 'Blaeberry Haws' area of Duddon, Seathwaite, Torver and Coniston commons (DSTC) on morning of 4th March 2020. Present Sara Spicer LDNPA Ranger, Mike Sturt representing the commoners, Simon Stainer Natural England, Mark Cooper- commoner.

This site visit was the second meeting with a representative from the Lake District National Park Authority, Sara Spicer the area ranger kindly agreeing to come to look at the proposals to enclose this part of the common which the LDNPA own. The intention is to manage this area with cattle instead of sheep, and plant scattered trees in weldmesh cages with the intention of creating a future wood-pasture with large open-grown specimens, as well as restoring a scrubby element on more marginal ground. Remnants of wood-pasture and scrub do persist on this part of the common, including low-browsed juniper bushes, some of which are dead. We walked across numerous small mires which are currently heavily grazed, with the expectation that cattle will not graze in these mires in the same way as sheep do- they tend not to graze in a selective way and tear the vegetation- and hence spring and summer flowers will be more abundant. It is also unlikely that cattle will graze the steep rocky outcrops, and these areas will also be able to flower and develop a more natural vegetation. In the main, the tree cages will be positioned in the numerous bracken pockets that are widespread, with scattered trees being planted elsewhere avoiding the wettest mires. We briefly looked at the Blaeberry Haws dyke (SAM), parts of which are covered in bracken, which could be treated/removed under a potential Countryside Stewardship agreement. No trees will be planted on or near this feature or any other archaeology!

We walked up to the northern extent of the proposed enclosure where the fence will go. It was agreed that the fence would be of low impact set below a craggy 'brow' on the common to the East, and it being possible to partially hide the fence in the Seal Gill 'dip' further west. Hence, the visual impact of this fence is low. When we subsequently met Mark Cooper, who is the main grazier on this part of the common, he said that he saw very few people walking here even during the summer period. We briefly talked about cattle type and number- Mark said he was considering using some Highland cows he already has, and also potentially Galloway or Belted Galloway. Although the numbers of cows has not yet been formalised, it is likely that initially the numbers are low (at least 10) but that they build up to a herd of 40-50 over the 181ha. He expects the cows to have some damaging (but positive) impact on the bracken vigour in due course.

Simon Stainer 4.3.20

From: Davison, Andrew [redacted]
Sent: 14 April 2020 09:59
To: Stainer, Simon <[redacted]>
Cc: Mike Sturt [redacted]
Subject: Countryside Stewardship/Commons Act Fencing Proposal - Coniston Commons

Simon,

Many thanks for taking the time to walk me over the Commons at Coniston and explain your proposals in more detail. I thought it was very useful to be able to discuss these on site, allowing me to understand how they will sit within the surrounding landscape. I have now had the opportunity to discuss the proposal with our World Heritage Site team.

I should say at the start that Historic England very much understands Natural England's desire to increase biodiversity across England, and to take every opportunity to address climate change, as part of delivering the Government's priorities for the country. The climate change issue is also right at the heart of Historic England's current priorities, both in our Corporate Plan and in the practical day to day work that we are involved in. Undoubtedly climate change will have harmful impacts on many aspects of the historic environment, including the English Lake District World Heritage Site (WHS), and we need to respond to this both to minimise such impacts, and to play our part in achieving the wider goals of society in tackling this issue.

We appreciate the care with which the fencing and planting proposals have been developed. These avoid the scheduled monuments on the Common, and also avoid important non-scheduled archaeological remains following discussion with Eleanor Kingston of the Lake District National Park Authority.

However, Historic England still has significant concerns about aspects of the proposals because of their impact on the significance of the WHS. As you know, we have a clear statement of where the significance of the WHS lies within its Statement of Outstanding Universal Value (OUV). This is clear that the significance of the Lake District as a WHS comes from its role as a cultural landscape. This landscape takes in its harmonious beauty, but the OUV is explicit that this comes from the interaction between its agro-pastoral land use system and its spectacular natural landscape. The OUV also covers the appreciation of this landscape through the Picturesque and Romantic Movements, its role in the pioneering conservation initiatives of the 19th century, and the role it plays today in recreation and public enjoyment.

The significance of the WHS is therefore dependant on the protection of this interaction, and with it the landscape that it has produced, and protection of this was a key part of the WHS nomination documents which were supported by all Partners. Changes to land management which alter this landscape, and its understanding and appreciation, have the potential to cause harm to this significance.

Of the two areas we looked at, the area immediately above Coniston, which includes the scheduled monument 'Cairns and enclosure on The Rigg, Banishead' (National Heritage List

for England entry number 1007246) is of more concern to us. The proposals here involve intensive planting of relatively small native species in an area which is going to be quite visible in the surrounding landscape. The area above Torver, which includes the scheduled monument 'Dike, circles and cairns above Bleaberry Haws' (NHLE entry number 1007212), although higher up in the landscape, seems to lie in a 'bowl' in the hillside, limiting views of it from the surrounding area. The proposal here is also to plant trees, but at relatively low density, which should limit the visible change to the existing agro-pastoral landscape.

Clearly the impact of these proposals on OUV is not a straightforward issue, but one that requires a careful balance. In both areas there will be a change in the landscape and, particularly for the area above Coniston, this change will have an impact on the understanding and appreciation of the agro-pastoral landscape that provides its OUV. However, we accept that there are benefits for the commoners and for the sustainability of the traditional farming regime from this scheme which are unlikely to be obtained otherwise. We also accept that the scheme could potentially be beneficial for the management of the scheduled monument on the Torver site if proposals for bracken management are specified in the agreement with the commoners, and will represent a beneficial step towards tackling climate change. On this basis, and this balancing of the impacts and benefits of this proposal, Historic England does not object to this scheme.

During our conversation, you mentioned that you were considering carrying out a Heritage Impact Assessment to support the application for Commons Act consent. We would strongly recommend that this is done, as it will demonstrate to ICOMOS and UNESCO, who are concerned about developments within the Lake District which might harm its OUV, that the impacts of the proposed scheme have been properly assessed in accordance with their guidance.

I hope this advice is useful at this point, and thank you for bringing us into the discussions at this stage. I understand that you have discussed the proposals with Eleanor Kingston of the National Park Authority, but suggest it would also be sensible to run them past their WHS staff if you have not already done so.

Regards,

Andrew

Andrew Davison

Inspector of Ancient Monuments

North West

Mobile: [redacted]

Appendix 2: Access Impact Assessment

Please see above comments from Geoff Wilson, Local Access Forum in Appendix 1, and from the LDNPA ranger Sara Spicer.

In summary:

- As a minimum, where there are definitive public rights of way crossing new fences there must be the provision of access wicket gates into the new enclosures; but due to the popularity of the area; access gates will need to be provided on other existing casual access tracks or desire-line paths, such as old quarry routes. For example, the Bell has several informal routes leaving the main footpath, and these will be accommodated with gates.

- At the fence 'extremities', such as at the top of Tilberthwaite gill (but in general when there is a significant change of direction where someone might want to enter or exit an enclosure) gated access will be provided. It was noted that where new gates are to be installed on definitive public paths s147 Highways Act applications must be submitted to the LDNPA; and that all gates should be in accordance with BS5709, and a standard 'Open Access' symbol decal displayed.

- Stiles will be as per BS5709. These will be provided to allow informal access into enclosures at approximately every 200m where no other access is existing.

- Tree-free gaps to be maintained for public paths. The 3-4 metre gap advised in LAF guidance would be more than provided for, with the closest tree-planting being outwith 10m either side of the path.

- The tree-planting is very low density, averaging some 325 stems/ha, with denser areas likely to be in bracken. Hence, it is not considered that the trees and tubes themselves will form a barrier to open access use.