

**Date:** 16<sup>th</sup> April 2025  
**Our ref:** EIA 3344



Mr David Morley  
Murton Fell, Hilton Fell & Burton Fell  
Graziers Association  
C/O Borderway,  
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CA1 2RS

**Environmental Impact  
Assessment (EIA) Unit**  
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Agent acting on behalf of David Morley  
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Dear David Morley

**Environmental Impact Assessment (Agriculture) (England) (No. 2) Regulations 2006 (as amended)**

**Field number(s):** NY7524 3468

I refer to your application for a screening decision received on the 9<sup>th</sup> of January 2025 relating to a proposed project Murton Fell, Murton in Westmorland and Furness, Cumbria.

The land falls within the EIA regulations because:

- It is uncultivated land as defined by the regulations.
- There is land which is semi-natural in character within the project area, and this is greater than the 2-hectare threshold set out by the Regulations.

We have carefully considered your proposal for two fence lines. One fence line on Murton Cragg at 2655m in length and the second fence line at Trundale Gill at 380m in length. Both fences will remove grazing pressure and support scrub and tree planting and increase the biodiversity supporting priority habitats and bird species in an area of the North Pennines National Landscape and concluded that the project is unlikely to have significant effects on the environment because:

- Both fences will remove grazing pressure and support scrub and tree planting and increase the biodiversity supporting priority habitats and bird species in an area of the North Pennines National Landscape.
- Careful consideration of the consultee responses and amendments made to maps.
- The mitigation will include:
- The provision of bird strikers on fence lines should minimise the danger of bird strikes.
- The Trundale Gill fence line is 'always at least 10m laterally from the walked line of the footpath'.

- The Murton Crag fence line is 'will be positioned so that it is 2m from the edge of the track.
- The best use of topography incorporates the fencing within dips and hollows to minimise the visual impact of the fencing.
- The scrub planting in Murton Crag will be positioned to avoid any impact on any priority habitats present. (Noted on the Application form s.7.4).
- Gates to be included for continued public access.
- Fencing works to take place outside of sensitive breeding periods and will avoid wet ground conditions.

You may therefore carry out the work without further recourse to Natural England, provided it is undertaken in accordance with the proposals as set out in your application and any other permissions you may need are in place.

If your application has been made on behalf of other parties, affects land owned/tenanted by other parties or the work is to be undertaken by other parties, it is important that those parties have a comprehensive understanding of the specific detail of the project that you have obtained a screening decision for. This information should be shared to avoid works that are not specified within the application, (or a variation of the works detailed within the application), being undertaken unlawfully.

This decision is valid for 3 years. If work does not start within 3 years of the date of this letter, you will need to apply for a further screening decision. If the project as described in your application changes materially, please contact the EIA Unit for further advice.

Whilst not part of our screening decision, you may also like to consider the guidance set out in the attached Advisory Note when carrying out the work. If you have any queries, please do not hesitate to contact me or the EIA Unit.

Yours sincerely

*Susan Fryer*

Susan Fryer  
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## ADVISORY NOTE:

**The content of this note does not form part of the EIA Screening Decision and is of an advisory nature only. It does not replace or affect any other statutory requirements which may constrain operations on the land.**

**Applicant:** Mr David Morley

**Our Ref:** EIA 3344

**Land at:** Murton Fell, Murton in Westmorland and Furness, Cumbria

1. If you are in a Countryside and Environmental Stewardship scheme or Environmental Land Management scheme, then you must ensure that you do not breach any of the requirements or options of your agreement.
2. You are advised to adhere to Defra's Codes of Good Agricultural Practice for Soil and Water. These documents may be accessed and downloaded from:

[www.defra.gov.uk/publications/2011/06/16/pb13558-cogap/](http://www.defra.gov.uk/publications/2011/06/16/pb13558-cogap/)

3. Cross compliance rules, that applied to all claimants of rural payments between 2005 and 2023, ended on 31 December 2023.

<https://defrafarming.blog.gov.uk/2023/12/07/farming-regulation-from-the-new-year/>

From 1 January 2024 regulations will continue to protect the environment, animal and plant health, animal welfare and public health. This is because most cross-compliance rules are already part of English domestic law and will continue to apply and be enforced by the existing regulators. Farmers will continue to be required to follow these rules.

You can read the [rules for farmers and land managers](#) for more information about the regulations you need to follow. These are grouped by farming activities rather than individual regulations so you can find the ones that apply to you.

4. Where there is a reasonable likelihood of a protected species being present and affected by the proposed works further information should be sought in regard to the implications of land management practices. The legislation in the United Kingdom, under domestic or European law, provides for the protection of certain species of wild plants, birds, and animals. The degree of protection could be partial (for example: prohibiting trade, closed seasons) or full, in which case the disturbance, killing or injuring of just one of the species could constitute an offence. Their associated breeding and sheltering places are also protected. Details regarding the level of protection afforded to different species can be found in the protected species on the Joint Nature Conservation Committee website.

<http://jncc.defra.gov.uk/page-3408>

Details of licences and other processes required for environmental management can be found at the following web pages:

<https://www.gov.uk/topic/environmental-management/wildlife-habitat-conservation>

<https://www.gov.uk/guidance/wildlife-licences>

5. Scheduled monument consent is required for most works and other activities that physically affect a scheduled monument. Applications for consent are submitted to Historic England, which is responsible for the administration of the regime and for making recommendations to the Secretary of State as to whether consent should be given and, if so, on any conditions that should be attached to the consent. Historic England can advise on whether Scheduled Monument Consent is required and on the process for an application. It is advisable to contact the appropriate Historic England local office to discuss plans at an early stage. Historic England guidance on Scheduled monument consent can be found at the hyperlink below.

<https://historicengland.org.uk/advice/hpg/consent/smc/>

6. To minimise agricultural pollution of water, it is advised that you maintain a margin of 3 metres of uncultivated land between cultivated areas and the watercourse/body and also avoid cultivations on adjacent wet areas. You should avoid applying manures within 10 metres of any watercourse/body, or when land is frozen/has snow on it, or is likely to runoff.
7. You are advised to adhere to *The Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018*. See guidance at:

<https://www.gov.uk/guidance/rules-for-farmers-and-land-managers-to-prevent-water-pollution>

8. You may be entitled to further advice from the Catchment Sensitive Farming Project, which is contactable at Natural England, Apex Court, City Link, Nottingham NG2 4LA or by email:

[catchmentsensitivefarming@naturalengland.org.uk](mailto:catchmentsensitivefarming@naturalengland.org.uk)

<https://www.gov.uk/guidance/catchment-sensitive-farming-reduce-agricultural-water-pollution>

9. Please be aware that if you intend to spray off grassland in advance of physical cultivation, you require a permission from the Environment Agency if you intend to spray within 1 metre of a watercourse:

<https://www.gov.uk/government/publications/application-to-use-herbicides-in-or-near-water>

10. If your project would prevent or impede access on registered common land or involve the resurfacing of the land, you must get consent from the Planning Inspectorate on behalf of the Secretary of State for Environment, Food and Rural Affairs before you carry out the works:

[Carrying out works on common land - GOV.UK](#)