



Murton Fell (Westmorland) common CL26 Environmental Impact Assessment (Agriculture)

Environmental Screening Report



A report by
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For Warcop Fell Graziers
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Contents

1. Summary	3
2. Description of Project	4
3. Site Description	4
4. Environmental Screening	5
5. Mitigation of Project	8
6. Description of Likely Effect of Project	8
7. Consultation	9
8. Additional mitigation following consultation	13
9. Conclusion	13
10. Photographs	14
11. Maps	18
12. Appendix 1: Consultation Responses	27

1. Summary

This Environmental Screening Report is for two temporary fences on Murton Fell (Westmorland) common (CL26) on the western edge of the North Pennines National Landscape. The fences would be in place for twenty years, with one being 2,655m long, enclosing 23.37ha of common land and the other 380m long enclosing 1.92ha.

The purpose of the fences is to protect scrub planting from livestock grazing while it becomes established. The scrub is being planted to improve winter habitat on the common for black grouse.

This assessment collates data on biodiversity, geodiversity, archaeology, landscape and the historic environment and assesses the potential for adverse and beneficial impacts upon features of importance.

Both fences lie within the Appleby Fells Site of Special Scientific Interest (SSSI) and Moorhouse – Upper Teesdale Special Area of Conservation (SAC). Trundale Gill is a tributary of Keisley Beck which is part of the River Eden SAC and SSSI and lies 300m downstream of the smaller enclosure. The entire common is open access land. Both fences lie close to public rights of way, with the shorter fence crossing the mapped line of a public footpath, however it does not cross the line of this path as it is actually walked.

The principal impacts of the fences will be:

- The temporary enclosure of 25.3ha of common land and open access land for twenty years;
- Positive impacts to the conservation status of black grouse;
- A positive contribution to the National Landscape aim of increasing structural diversity in vegetation on the moorland edge;
- Minor improvements in water quality and surface water runoff times in Murton Beck and Trundale Gill and improved habitat condition for fish and improved condition of the River Eden SAC;
- Temporary and reversible adverse impacts on landscape character and visual amenity for the public visiting Murton Pike for the lifetime of the fence;
- Potential adverse impacts on public access to open access land is fully mitigated by provision of gates where the fences cross paths and desire lines;
- There are no impacts predicted for historic environment and geodiversity features.

2. Description of Project

The North Pennines has some of the lowest tree cover in England and the aim of this project is to expand fell-edge scrub on the lower slopes of the fells to provide shelter and winter food for black grouse. Increased tree and scrub cover will in addition contribute to reducing soil erosion and water run-off.

The Proposal is to temporarily fence off two areas of fell on the side of Murton Pike: the Murton Crag enclosure is 23.37ha in area and is enclosed by 2,655m of fencing; the Trundale Gill enclosure is 1.92ha in size with a 380m long fence, using the fell wall as its northern boundary (Map 4). To ensure that the public retain the right of access to these areas the Murton Crag fence will have eleven kissing gates along its length, positioned where desire lines and existing tracks cross the fenceline. The much shorter Trundale Gill fence will have four kissing gates, one at each end and one at each point the fence crosses the public footpath. There will also be additional field gates in both fences for agricultural/forestry access which will be kept locked.

The fences will be 1.2m in height and constructed of sheep netting topped by two strands of plain wire with wooden fenceposts. Fence strike markers will be placed on the top wires between each pair of fence posts to reduce black grouse collisions with the fence.

The fences will be temporary and in place for 20 years.

The two enclosures will be planted with open scrub planting with native tree and shrub species to provide winter habitat for black grouse. Planted trees and shrubs will be protected with 1.2m high tree guards. There will be a comprehensive maintenance plan for the planting scheme which will include measures on removing/reusing/recycling all plastic tree guards.

In the Murton Crag enclosure scrub planting will be restricted to bracken beds, which will leave 52% of the enclosure unplanted. Within the planted area there will be additional open space amounting to approximately 20% of the planted area. Shrubs will be planted in scattered clumps, feathering out towards the edges and there will be no more than sparse planting in the vicinity of the upper fenceline. There will be no planting along paths and desire lines and there will be a 3m no planting buffer zone along them.

Similar planting patterns will be used in the Trundale Gill enclosure, with planting concentrated in the rushy areas using wet tolerant species such as alder and willows.

3. Site Description

The two proposed fences would lie on the sides of Murton Pike, which is in Murton Fell (Westmorland) common (CL26), which is in the North Pennines National Landscape and UNESCO Global Geopark. Murton Pike is an area of open fell mostly covered by acid grassland, with areas of calcareous grassland where limestone outcrops or comes close to the surface, and stands of bracken on deeper soils on its southern flanks. The Murton Crag enclosure is largely covered by bracken and acid grassland with a strip of calcareous grassland at the north eastern end and rush flushes on the lower slopes. The Trundale Gill enclosure is largely rush flush with acid grassland on drier ground.

4. Environmental Screening

4.1. Biodiversity

Both fences lie within the Appleby Fells Site of Special Scientific Interest (SSSI), Moorhouse - Upper Teesdale Special Area of Conservation (SAC) and North Pennine Moors Special Protection Area (SPA). Trundale Gill is a tributary of the River Eden and Tributaries SSSI and Eiver Eden SAC which extends up to the confluence of Trundale Gill and High Cup Gill Beck 300m downstream of the Trundale enclosure (Map 1). Table 1 lists the designated features of these sites.

Table 1 SSSI, SAC and SPA Designated Features

Site	Designated Features
Moorhouse – Upper Teesdale SAC	Hard oligo-mesotrophic waters with benthic vegetation of Chara spp.
	Alpine and Boreal heaths
	Juniperus communis formations on heaths or calcareous grasslands
	Calaminarian grasslands of the Violetalia calaminariae
	Siliceous alpine and boreal grasslands
	Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia)
	Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae)
	Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels
	Mountain hay meadows
	Blanket bogs
	Petrifying springs with tufa formation (Cratoneurion)
	Alkaline fens
	Alpine pioneer formations of the Caricion bicoloris-atrofuscae
	Siliceous scree of the montane to snow levels (Androsacetalia alpinae and Galeopsietalia ladani)
	Calcareous and calcshist screes of the montane to alpine levels (Thlaspietea rotundifolii)
	Calcareous rocky slopes with chasmophytic vegetation
	Siliceous rocky slopes with chasmophytic vegetation
	European dry heaths
	Limestone pavements
	Round-mouthed whorl snail <i>Vertigo genesii</i>
	Marsh saxifrage <i>Saxifraga hirculus</i>
North Pennine Moors SPA	Hen harrier <i>Circus cyaneus</i> (Breeding)
	Merlin <i>Falco columbarius</i> (Breeding)
	Peregrine falcon <i>Falco peregrinus</i> (Breeding)
	European golden plover <i>Pluvialis apricaria</i> (Breeding)
Appleby Fells SSSI (in addition to SAC and SPA features)	Assemblages of breeding birds - Montane grasslands and heaths
	Assemblages of breeding birds - Upland moorland and grassland with water bodies
	Population of Schedule 8 plant - <i>Gentiana verna</i> , Spring Gentian
	Population of Schedule 8 plant - <i>Saxifraga hirculus</i> , Yellow Marsh Saxifrage
	Vascular plant assemblage
River Eden SAC	Geology/geomorphology
	Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or of the Isoëto-Nanojuncetea
	Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation
	Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae)
	White-clawed (or Atlantic stream) crayfish <i>Austropotamobius pallipes</i>

Table 1 SSSI, SAC and SPA Designated Features

Site	Designated Features
	Sea lamprey <i>Petromyzon marinus</i>
	Brook lamprey <i>Lampetra planeri</i>
	River lamprey <i>Lampetra fluviatilis</i>
	Atlantic salmon <i>Salmo salar</i>
	Bullhead <i>Cottus gobio</i>
	Otter <i>Lutra lutra</i>
River Eden & Tributaries SSSI (in addition to SAC features)	Aggregations of non-breeding birds - Whooper Swan, <i>Cygnus cygnus</i>
	Assemblages of breeding birds - Upland waters and their margins
	Breeding population of nationally rare fish species - Whitefish, <i>Coregonus lavaretus</i>
	Invertebrate assemblage
	Isolated bird colony - Sand martin, <i>Riparia riparia</i>
	M23 - <i>Juncus effusus/acutiflorus</i> - <i>Galium palustre</i> rush pasture
	S7 - <i>Carex acutiformis</i> swamp
	Geology/geomorphology

Within the Murton Crag enclosure areas of calcareous grassland are part of the Appleby Fells SSSI and Moor House – Upper Teesdale SAC interest features and fall within the upland calcareous grassland priority habitat. Stands of rush flush in this enclosure fall in to the upland flushes, fens and swamps priority habitat, but stands of rushes in the Trundale enclosure are too species-poor to belong in the priority habitat.

The species data from Cumbria Biodiversity Data Centre contain records for black grouse, kestrel, golden plover, curlew, lapwing, snipe, ring ouzel, skylark, meadow pipit, wheatear and dotterel from the moor in and around the enclosures. Whilst many of these records are tetrad records, that is from four one kilometre squares, not point records, it is likely that many of them either do or have bred in the vicinity of the enclosures. There is also a record for dark green fritillary from the bracken stands within the Murton Crag enclosure (Table 2 and Map 4).

The suitability of the two proposed enclosures for breeding waders is limited. On Murton Crag much of the ground is covered by dense bracken, which is avoided by breeding waders and significant areas of the enclosure has slopes greater than 20%, which again is not favoured by breeding waders. The Trundale Gill enclosure is on shallower slopes and lacks bracken, but lies adjacent to the fell wall, which is a feature which waders often avoid. The presence of a footpath used by dog walkers is also likely to discourage nesting by waders, as will the bridleway along the side of the Murton Crag enclosure.

4.2. Geodiversity

Both areas are part of the North Pennines UNESCO Global Geopark which extends over the whole North Pennines National Landscape due to the variety of rocks, minerals, fossils, soils, landforms and processes present and exhibited and the strong links between the geodiversity and cultural heritage of the area, particularly in the form of mining.

Murton Pike and Trundale Gill are underlain by Ordovician Murton Formation slates and sandstones to the west, with Carboniferous Robinson Limestone to the east. Murton Crag is an outcrop of a bed of Carboniferous Ravenstonedale Group limestone, south which lies Carboniferous Marsett Sandstone Formation.

Appleby Fells SSSI is designated for its karst features which will include the outcropping limestone of Murton Crag. Keisley Quarry SSSI lies one kilometre west of the Trundale fence and is notified as the type locality of Keisley Limestone of Upper Ashgill are and its fossils.

4.3. Heritage, Archaeology and Historic Environment

There is a single Scheduled Monument within a kilometre of the two fences (Maps 2 and 3). This is Trundale Gill prehistoric stone hut circle settlement, regular aggregate field system, enclosures, hut circle, round cairn, and three shielings (List Entry Number 1018828). It is 790m north of the Murton Crag fence and 900m east of the Trundale fence.

The Ministry of Defence's Site Monument Record lists one record within 200m of either fence (Sweety Briggs Lime Kiln, Map 3), whilst an English Heritage survey, which mapped features on aerial photographs in 2002¹, mapped the quarry and spoil heap associated with the kiln and extensive lead mine workings at White Mines on the east side of Murton Beck. Both these features are post medieval. The survey also mapped a prehistoric field system on the north side of Trundale Gill.

4.4. Landscape

Both fences are in the North Pennines National Landscape (Map 2) and are part of the Upland Fringe Pikes landscape character type of the National Landscape Management Plan². This character type is characterised by smooth, grassy conical hills extending out from the limestone scars and moors to the east and dropping down to the farmland of the Eden Valley. Murton Pike is a classic example of this and is widely visible from the Eden Valley.

4.5. Public Access

Both fences lie on common land and open access land (Maps 2 and 3). Additionally a public bridleway runs along the track running from Murton village up the side of Murton Pike and onwards to High Cup Nick with several public footpaths running off it, including one which runs around the base of Murton Pike. This connects to a permissive path which links the eastern end of the footpath to the summit of Murton Pike and the bridleway forming a circular route.

The Murton Crag fence will run alongside the bridleway for approximately one kilometre and will be placed 2m east of the track edge. Map 5 shows that there is a considerable amount of wandering across the upper parts of Murton Pike away from designated paths, but on the lower part of the fell walkers tend to restrict themselves to two routes across the proposed enclosure. This is most likely due to the dominance of bracken on this lower ground. The fellside above the bridleway is generally grassy, allowing much freer access across the fell.

The Trundale Gill fence crosses the public footpath running around the base of Murton Pike twice, however Map 6 shows that this is not the actual walked route, which lies some ten metres above the

¹ Warcop Army Training Estate National Mapping Programme. 2002. English Heritage.

<https://historicengland.maps.arcgis.com/apps/webappviewer/index.html?id=d45dabecf5541f18255e12e5cd5f85a&mobileBreakPoint=300> and <https://historicengland.org.uk/research/results/reports/134-2002> [accessed 16/10/2024]

² [North Pennines Area of Outstanding Natural Beauty Management Plan 2019-24](#)

line of the right of way as it is mapped. There appears to be little wandering across the proposed Trundale Gill enclosure.

5. Mitigation of Project

Both fences are to be fitted with strike markers to reduce the risk of black grouse and other birds flying into the fences.

Both fences coincide with public rights of way. To reduce visual impacts for users of these both fences are positioned so that they are not directly next to the paths/tracks. The Trundale fence is always at least 10m laterally from the walked line of the footpath. The Muron Crag fence will be positioned so that it is 2m from the edge of the track which will mean that, because of the sloping hillside, the top of the fence will be at knee height rather than waist height, so that people are not looking through the fence when looking across the valley.

Gates have been placed on the line of public rights of way and permissive paths where they are crossed and on all desire lines to ensure that access rights are maintained.

Explanatory signage will be positioned at appropriate points on the two fences explaining the reason for the fencing and with additional information on the biodiversity of the area.

To avoid loss of priority habitat calcareous grassland in the Murton Crag enclosure scrub planting will be restricted to below 410m.

6. Description of Likely Effect of Project

6.1. Biodiversity

Black grouse have been recorded wintering on Murton Fell and extending the extent of scrub on the fell will provide additional winter habitat for this species which is listed as vulnerable on the GB Red List. It will also provide new breeding habitat for species such as willow warbler for which there is no breeding habitat on the common.

No impacts are predicted for the species for which the SPA is designated: merlin, hen harrier, peregrine and golden plover, though it is possible that the scrub planting will have a very minor positive impact on the three birds of prey by increasing the diversity of prey available.

The provision of bird strike markers should minimise potential adverse impacts on black grouse which are low-flying birds which are known to fly into fences. This will also prevent potential collisions by other bird species, including golden plover, merlin, peregrine and hen harrier.

Shrub planting and greater structural diversity of the vegetation on the flanks of Murton Pike should improve habitat conditions for Atlantic salmon and brown trout along Murton Beck and Trundale Gill as well as along Keisley Beck which is part of the River Eden SAC.

6.2. Geodiversity

No impacts on the geodiversity of Murton Pike and Fell or Keisley Quarry SSSI are predicted.

6.3. Historic environment

The historic features on Murton Pike are all a considerable distance from the two fences and are not enclosed by them so no impacts are predicted on the historic environment.

6.4. Landscape

Both fences will enclose areas of previously unenclosed moorland and common land and will consequently have an, albeit fully reversible, adverse impact on the landscape character of Murton Pike for the 20 year period the fences are in place. Whilst there will be a change in the character of the fell as a result of the scrub planting, this is in keeping with the aims of the National Landscape Management Plan to structurally diversify the moorland edge. It will also link in with existing areas of scrub planting along Murton Beck and Trundale Gill.

Impacts on visual amenity have been mitigated as far as is practically possible by positioning the fence as far out of view as possible from users of the main rights of way, however there will remain an impact as both fences will be visible from these routes and elsewhere on the common and also from the northern end of Murton village.

Overall however the temporary medium scale impacts of the two fences are considered to be outweighed by the positive biodiversity impacts on black grouse and increased structural diversity in the moorland edge landscape as envisioned by the National Landscape Management Plan.

6.5. Public Access

By installing gates where the fence crosses public rights of way and permissive paths and where they cross desire lines there will be no restriction of public access on the common. Whilst there will remain the conceptual adverse impact of a reduction in the ability to roam entirely freely on the common, Strava heatmaps show that in both enclosures this is a rare phenomenon, with the public restricting their access to well defined paths. It is notable that this is not the case on the upper parts of Murton Pike and it is assumed that in the case of the Murton Crag enclosure the absence of roaming away from paths and tracks is due to the abundance of bracken on these lower slopes deterring walkers from venturing off well worn routes.

6.6. Water impacts

The two enclosures should have minor positive impacts on water quality and speed of surface water runoff into Murton Beck and, to a lesser extent, Trundale Gill.

7. Consultation

A consultation document summarising the details of the proposed fences and potential impacts was sent out to the following recipients on 13th August 2024:

- Cumbria & Lakes Local Access Forum
- Cumbria Biodiversity Data Centre
- Eden Rivers Trust
- Friends of the Lake District
- Historic England
- Murton Parish Council
- North Pennines National Landscape

- Open Spaces Society
- RSPB
- Westmorland and Furness Council (access and historic environment)
- Woodland Trust

The North Pennines National Landscape and Open Spaces Society consulted again on 28th November 2024, as were the Foundation for Common Land.

7.1. Summary of responses

Cumbria and Lakes Access Forum

Concerned by proximity of fences to rights of way (buffers between fences and PROWs not specified in consultation document).

Concerned about provisions for removal of fences at end of 20 year period.

Would like more information on use of tree guards and their maintenance.

Cumbria Biodiversity Data Centre

Data from CBDC incorporated into Map 4 and Table 2.

Eden Rivers Trust

No response.

Foundation for Common Land

No response.

Friends of the Lake District

Question likelihood of success of tree establishment on the flank of Murton Pike.

Should avoid planting in areas of priority habitat, particularly flushes.

Measures of success needed (e.g. % survival, height/girth of saplings).

Monitoring of tree survival required.

Are bird striker markers needed on the fences for black grouse?

Would like to know what tree protection is envisaged.

Want better keys on maps and addition of permissive paths.

Are concerned about the impact of removal of areas of grazing on the viability of common land grazing.

Need a landscape & visual appraisal and heritage impact assessment of impacts of Scordale fence.

Fences must be removed after 20 years.

Concerned that people will let their dogs off the lead in the Murton Pike enclosure which will adversely impact black grouse.

Historic England

No objection. The proposed fences will have no direct impact upon designated heritage assets, and are unlikely to have any significant impacts upon their settings.

Murton Parish Council

No response.

North Pennines Natural Landscape

Bird markers should be added to the fences to stop black grouse flying in to them.

Support the proposals.

Open Spaces Society

Note that there is no description of the special qualities of the area.

The Trundale enclosure relies on an existing s38 fence which will be removed in near future.

Consider that the proximity of the fences to public rights of way and desire lines will have severe negative impacts on the special qualities of the area as perceived by users.

Think that the 20 year life is too long.

Wish to have a clear statement about how funds will be set aside for removal of the fence.

Worried that scrub vegetation will interfere with gathering once the fences are removed and that this will result in a desire by commoners to retain the fences after the permitted time has expired.

Accept that the landscape can accommodate some scrub planting but question whether the loss of amenity for the public is outweighed by the benefits for black grouse.

RSPB

No response.

Westmorland and Furness Council: Access

Need to make a Highways Act section 147 application to put gates on public footpath 349033. Field gate must be on the line of the bridleway.

Support positioning of gates on desire lines.

Note that CROW Act states that dogs must be on leads from 1 March to 31 July.

Westmorland and Furness Council: Heritage

Do not believe that there are any significant issues with the Murton Fell proposals in relation to known archaeological sites.

Woodland Trust

Very supportive and suggest that in Scordale there should be planting of areas of trees and scrub rather than simply relying on natural colonisation.

7.2. Commentary on responses

Priority habitats

Planting in priority habitats will be avoided, but planting in species-poor areas of rushes will occur as these areas are not priority habitat.

Difficulty of tree establishment

There is no reason to believe that trees and shrubs will not establishment on the fell with appropriate management. There are examples of successful scrub planting along both Trundale Gill and Murton Beck.

Lack of clarity in mapping

The mapping in this EIA screening report has been modified following FoLD's comments and public rights of way are now included in the keys.

Monitoring and measures of success

Measures of success will be included in the agri-environment scheme and will include measures for survival rates of trees and shrubs planted.

Landscape and Visual Appraisal

A landscape and visual appraisal has been conducted for this screening report.

A paragraph on the special qualities of Murton Pike has been added.

Trundale Gill Fence

The Trundale fence does not rely on an existing s38 fence to create an enclosure. The fence connects to the fell wall at both ends to create this enclosure.

Bird striker markers

Bird striker markers have been added to the fence specifications to reduce impacts on black grouse.

Tree guards

1.2m tree guards will be used to protect trees. The planting scheme will include a comprehensive maintenance plan that will include measures on removing/reusing/recycling all plastic guards.

Duration of fencing

The 20 year period has been requested as in other s38 fencing applications relating to tree planting where the duration was 15 years Friends of the Lake District have said that they would prefer a longer period of 20 years as they thought this would allow longer for the trees to become

established and was likely to mean that there was no subsequent application for a renewal of the fencing permission at the expiry of the permission because the trees needed more time to establish.

Removal of temporary fences

The fences will be removed after twenty years and scheme budgets will include provision for this.

The commoners agent will hold back monies from the agri-environment scheme to cover the cost of fence removal.

Viability of common land grazing

The fences are part of an agri-environment scheme for the common which is intended to help finance common land grazing.

Gathering

Gathering lines are generally along the track and along the valley floor. Whilst scrub between these two lines may create some inconvenience for the commoners it is not thought that this will be significant. The commoners have been involved in the design of the fencing.

Fencing across the public footpath

A Highways Act section 147 application will be made once permission for the fence is received.

Dogs

Signage will include information on the need to keep dogs on a lead to avoid disturbance of black grouse.

8. Additional mitigation following consultation

Text will be added to the explanatory signage to the effect that dogs should be kept on a lead to prevent disturbance of black grouse and other wildlife.

To reduce adverse impacts on black grouse bird strike markers will be added to both fences.

9. Conclusion

The two fences, particularly the Murton Crag fence, will have a moderate adverse impact on landscape character and visual amenity for walkers and cyclists using the bridleway and footpaths on and around Murton Pike due to the enclosure of the moorland fringe and the intrusion of the fences into views along the valleys. Potential impacts on rights of access on open access land and common land are fully mitigated by the provision of gates where paths and desire lines are crossed by the fences.

There will be no impact upon the historic environment and geodiversity.

These adverse impacts are however considered to be outweighed by the positive benefits for black grouse by increasing the extent and quality of winter habitat and minor improvements in water quality and runoff rates into Murton Beck and Trundale Gill. The scrub planting will also directly

contribute to the North Pennines AONB (National Landscape) Management Plan aim to have a more structurally diverse transition from enclosed pasture to open moorland.

10. Photographs



Photo 1 Murton Pike from the C3053 Peasland to Appleby Road at Teas Hill



Photo 2 Murton Pike from Murton car park



Photo 3 Cringley Hill and Gasdale from just above Murton car park. The fence will roughly enclose the area of bracken in the middle of the photo



Photo 4 Looking west across proposed enclosure from the Murton Pike bridleway



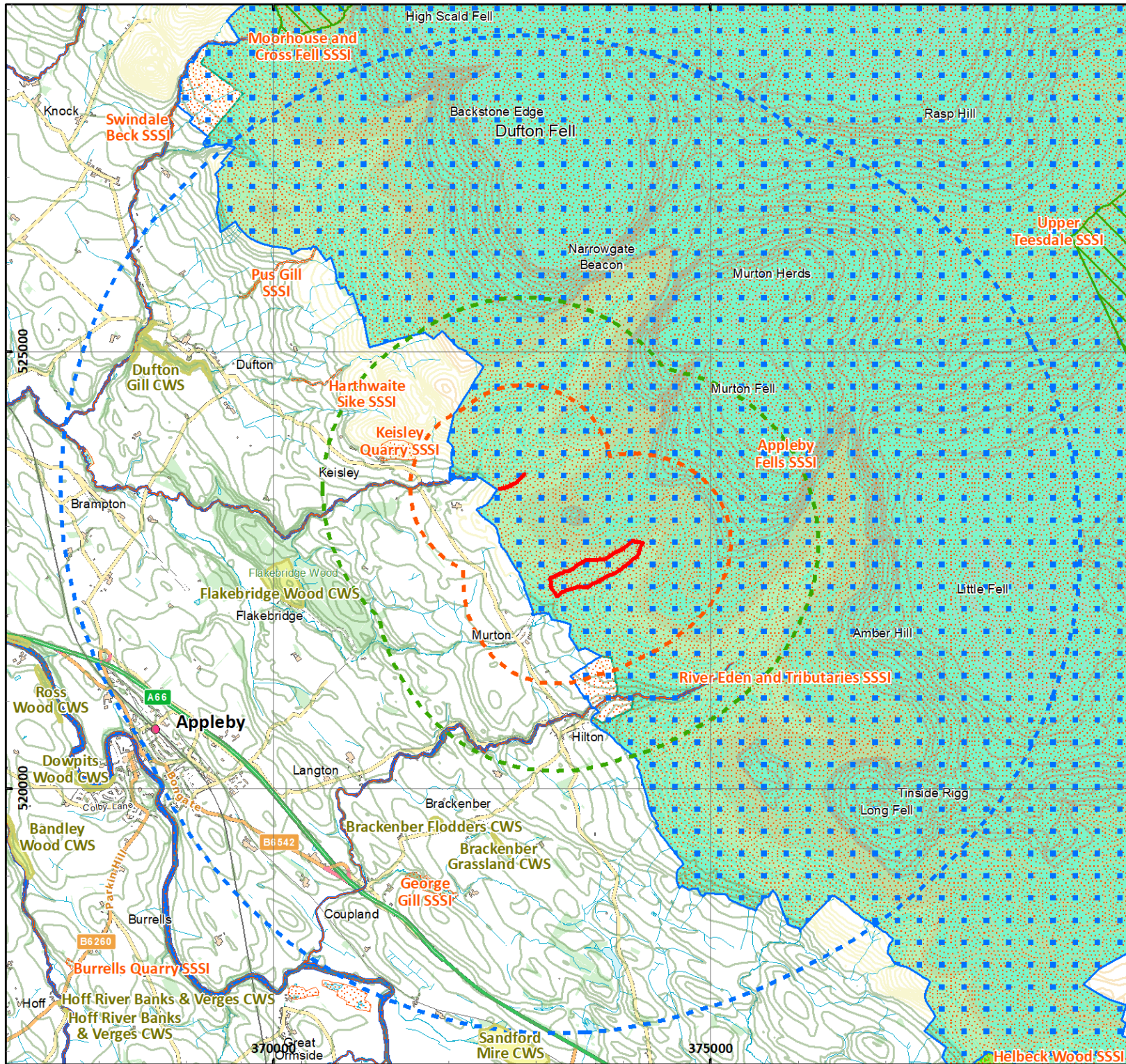
Photo 5 Looking east along the bridleway on Murton Pike



Photo 6 Looking east along the path above the Trundale Gill enclosure



Photo 7 Looking west across the Trundale Gill enclosure



Murton Fell Common Fencing Proposals Map 1 Biodiversity Designations

- Fences
- - - 1km buffer
- - - 2km buffer
- - - 5km buffer
- North Pennine Moors SPA
- Helbeck & Swindale Woods SAC
- Moor House-Upper Teesdale SAC
- River Eden SAC
- Moor House-Upper Teesdale NNR
- Sites of Special Scientific Interest
- County Wildlife Sites

Drawn by R Jerram

15 October 2024

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Kilometres
1:60,000



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Murton Fell Common Fencing Proposals

Map 2 Landscape, Heritage and Access Designations

- Fences
- - - 1km buffer
- - - 2km buffer
- - - 5km buffer
- North Pennines National Landscape
- Murton Fell Common
- Other Registered Common Land
- CROW Access Land
- Scheduled Monuments
- Warcop Range Danger Area
- Public rights of way**
- - - Footpath
- - - Bridleway
- - - Byway open to all traffic
- - - Permissive paths

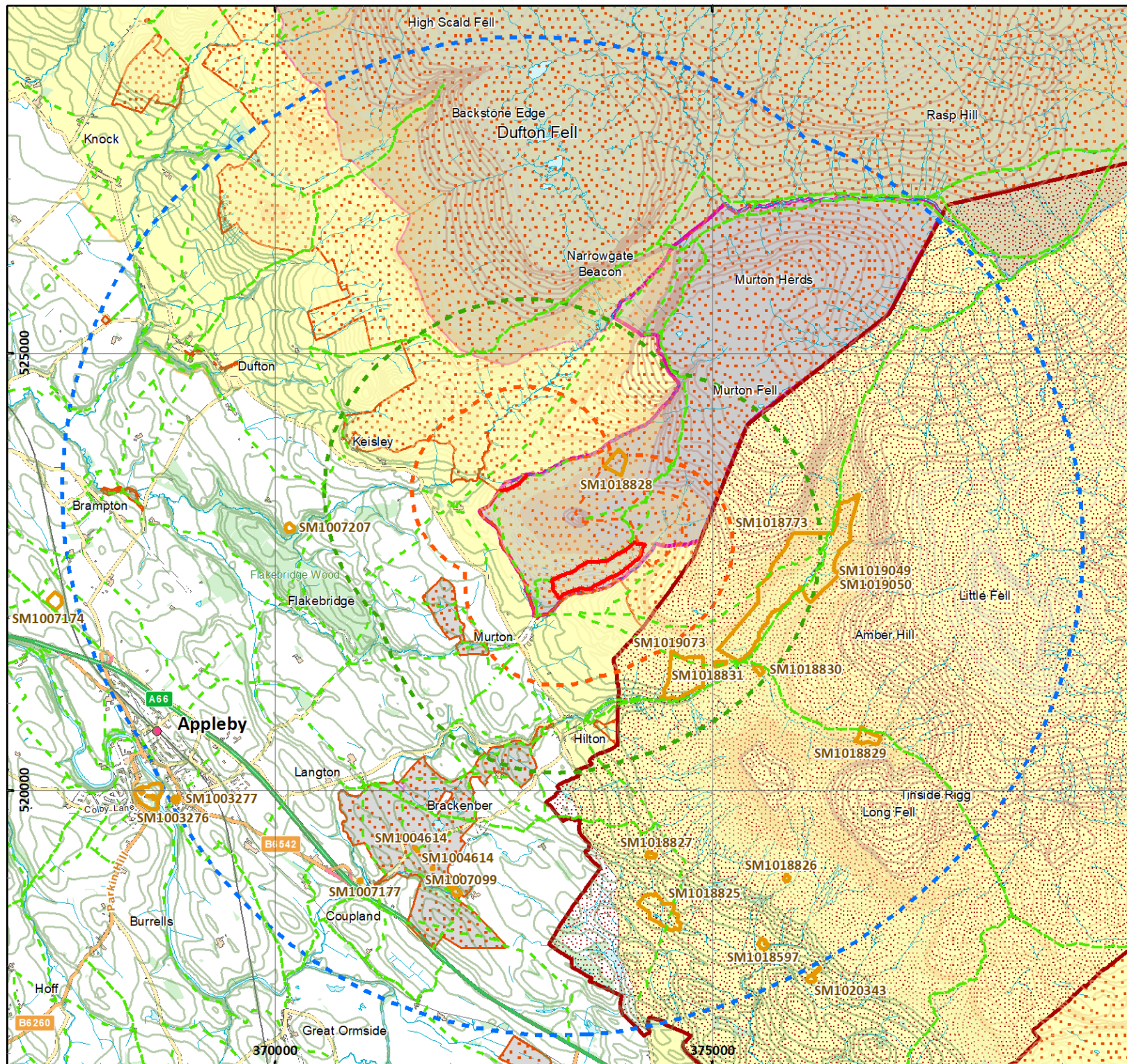
Drawn by R Jerram
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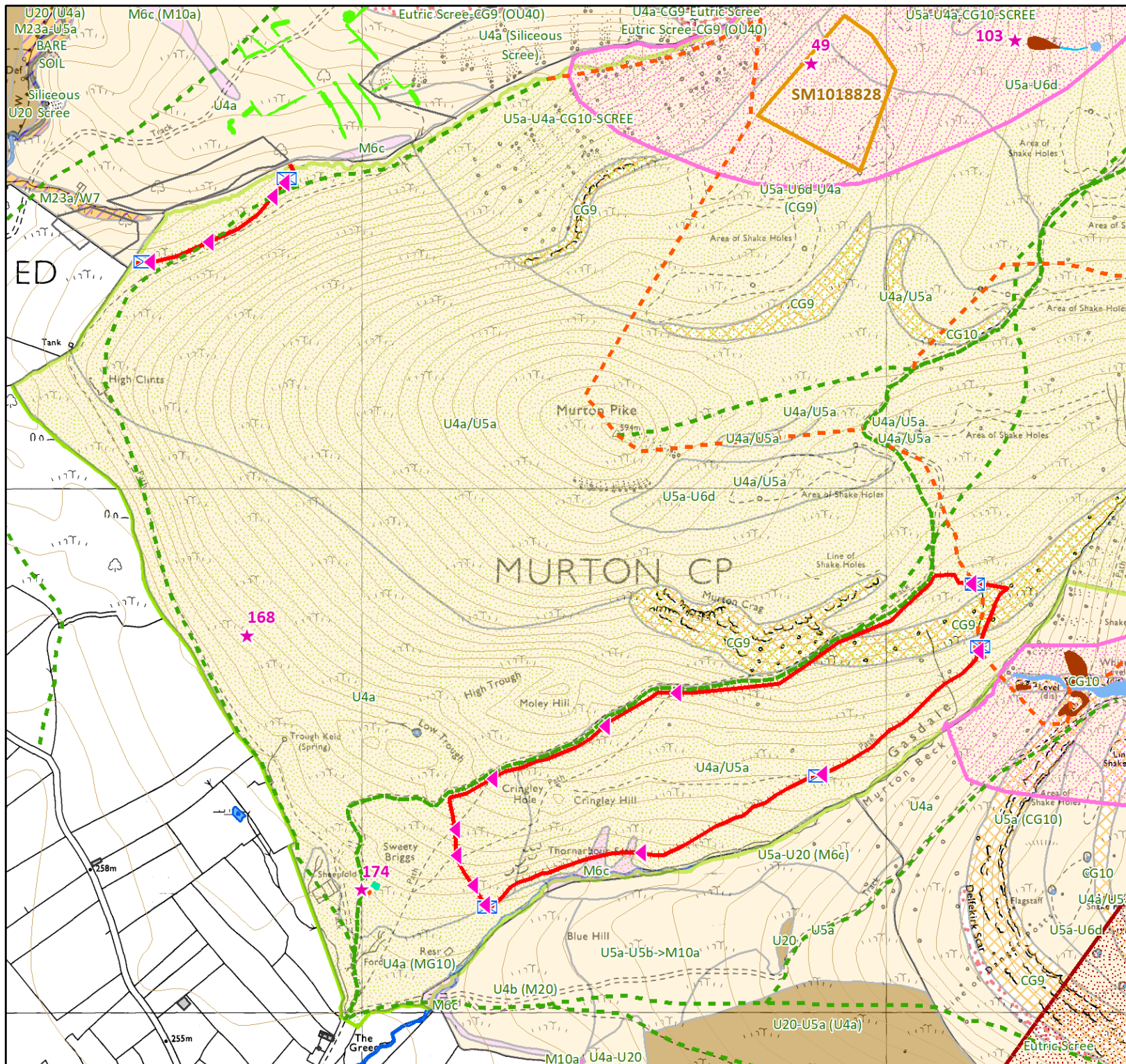
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Murton Fell Common Fencing Proposals Map 3 Heritage Features, Access and Habitats

- Murton Fell Common
- Warcop Range Danger Area
- Proposed fence
- Field gate
- Kissing gate
- Bridleway
- Footpath
- Permissive paths
- Scheduled Monuments
- MoD Highly Sensitive Areas
- MoD Sites & Monuments Record

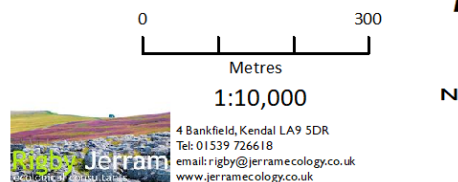
EH Aerial Photography Survey 2002

- Extractive pit
- Lime kiln
- Limestone quarry
- Prehistoric field system
- Spoil heap
- Trackway

Appleby Fells NVC Survey

- Acid flush
- Acid grassland
- Acid scree
- Alkaline fen
- Bare soil
- Bracken
- Calcareous grassland
- Limestone scree
- Purple moor-grass & rush-pasture

Drawn by R Jerram 5 November 2024



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Murton Fell Common Fencing Proposals

Map 4 Rare and Protected Species Records

- Fences
- - - 1km buffer
- - - 2km buffer
- 🌿 Ferns
- 🌲 Conifers
- 🌸 Flowering plants
- 🦋 Dragonflies
- 🦋 Butterflies
- 🐟 Fish
- 🐸 Amphibians
- 🐦 Birds
- 🐾 Mammals

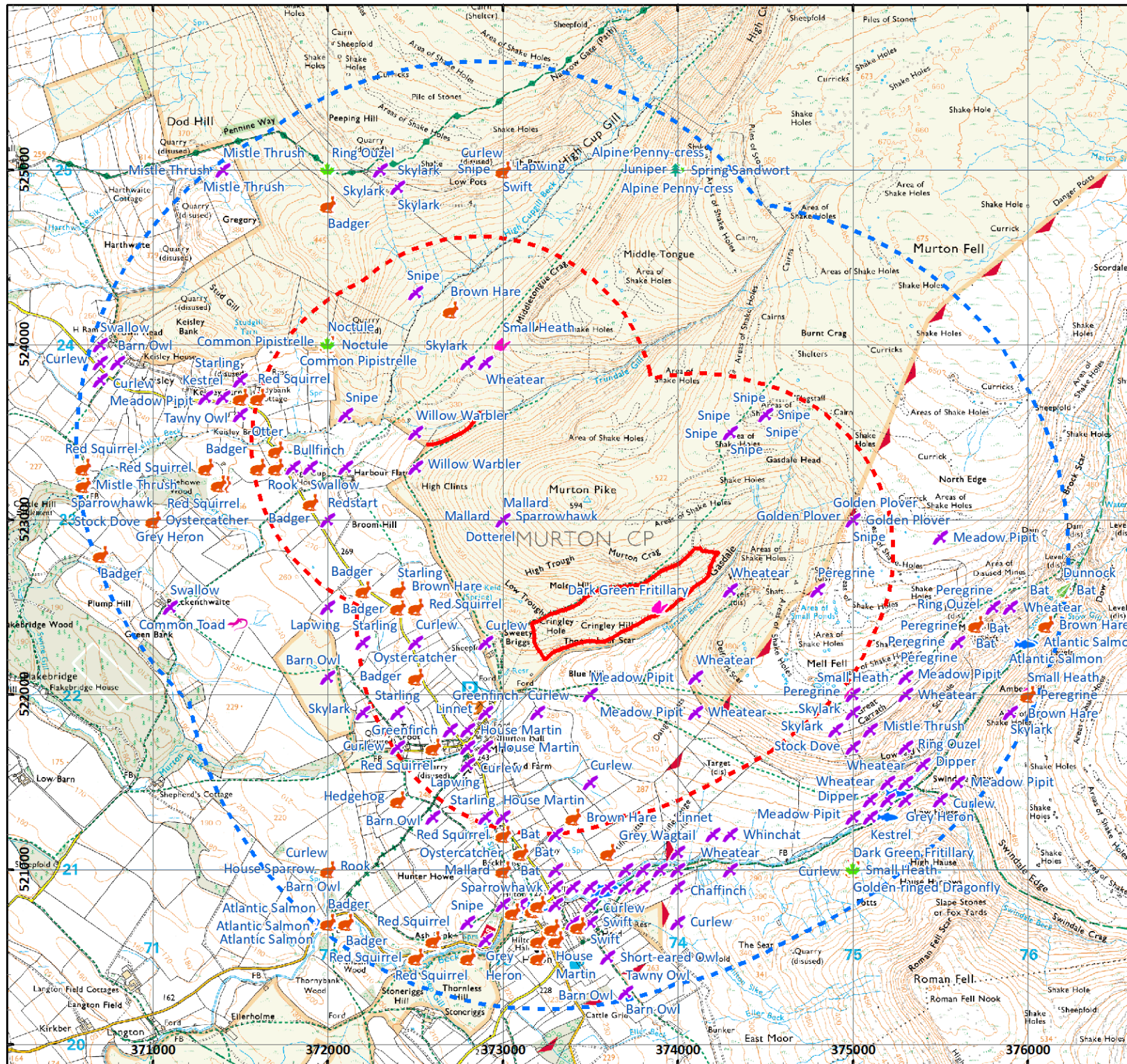
Drawn by R Jerram
14 October 2024

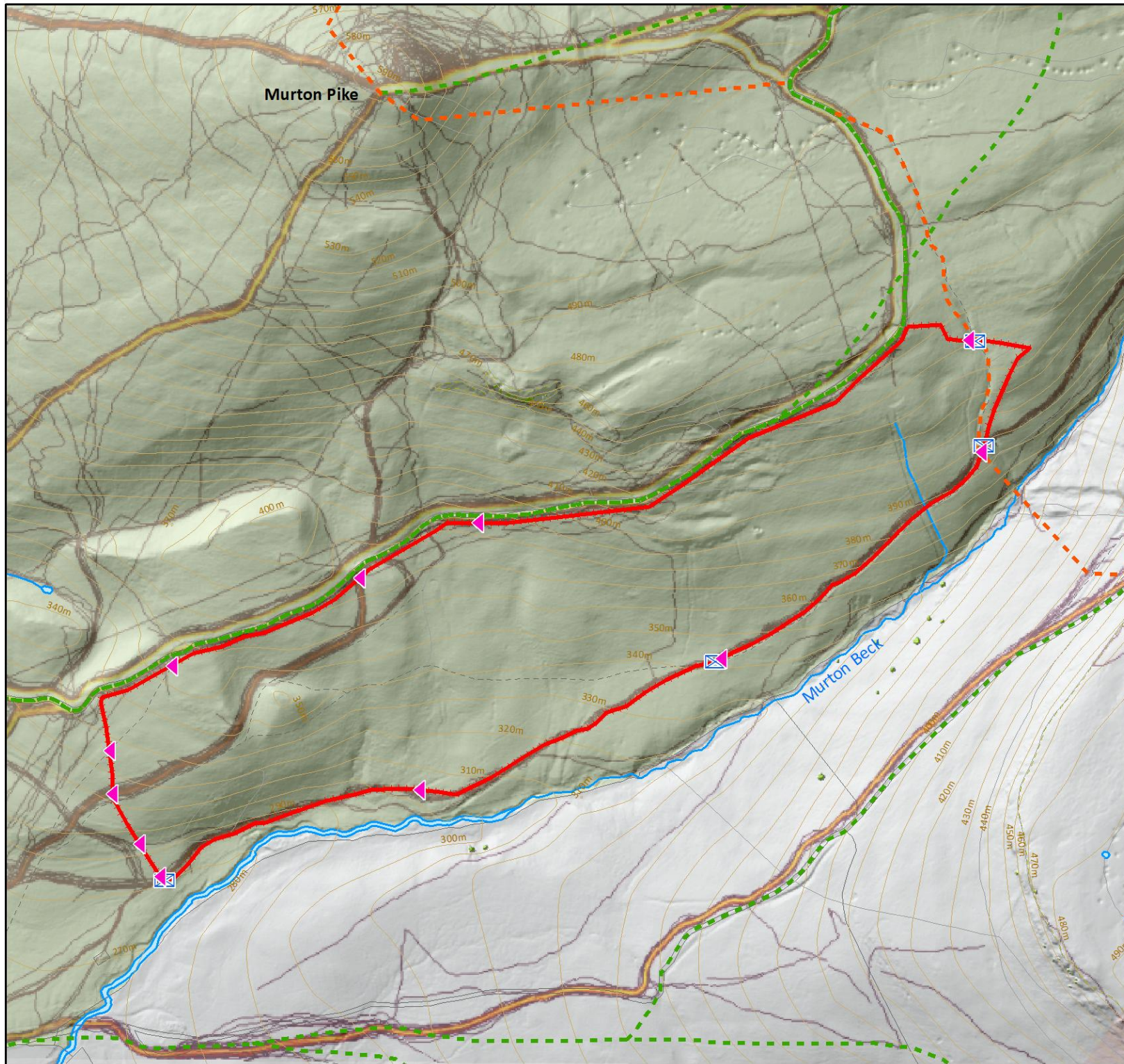
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Kilometres
1:30,000



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

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Murton Fell Common Fencing Proposals Map 5 Murton Crag Strava Heatmap

- Murton Fell Common
- Warcop Danger Area
- Fences
- Bridleway
- Footpath
- Permissive paths
- Field gate
- Kissing gate

Drawn by R Jerram
4 November 2024

0 200
Metres
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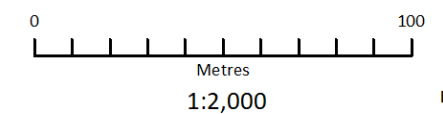
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Murton Fell Common Fencing Proposals

Map 6 Trundale Gill Strava Heatmap

- Murton Fell Common
- Fences
- Footpath
- Field gate
- Kissing gate

Drawn by R Jerram
4 November 2024



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Table 2 Rare and Protected Species Records

Common Name	Scientific Name	No. of Records	Year	Distance from Fence (km)	Habitats Directive	Birds Directive	GB Red List	BoCC5	UKBAP (2007)	Wildlife & Countryside Act	Biodiversity Lists England	Conservation & Habitats Regulations	Other Rarity	Cumbria BAP
Ferns														
Limestone Fern	Gymnocarpium robertianum	1	2005	1.975									Nat. scarce	
Conifers														
Juniper	Juniperus communis	1	2018	1.786					Yes		Yes			Yes
Flowering Plants														
Spring Sandwort	Minuartia verna	2	2010-2018	1.786			Near threatened						Nat. scarce	
Bird's-eye Primrose	Primula farinosa	1	2018	0.799			Vulnerable						Nat. scarce	
Blue Moor-grass	Sesleria caerulea	2	2018	1.625									Nat. scarce	
Mossy Saxifrage	Saxifraga hypnoides	1	2018	1.786			Vulnerable							
Alpine Penny-cress	Thlaspi caerulescens	2	2009-2018	1.786									Nat. scarce	
Butterflies														
Small Heath	Coenonympha pamphilus	4	2010-2012	0.404			Vulnerable		Yes		Yes			Yes
Dark Green Fritillary	Speyeria aglaja	2	2010-2020	0.029			Near threatened							
Dragonflies														
Golden-ringed Dragonfly	Cordulegaster boltonii	1	2010	1.824									Nat. rare	
Fish														
Brown/Sea Trout	Salmo trutta	17	2002-2019	1.380					Yes		Yes			Yes
Bullhead	Cottus gobio	2	1992	1.402	Annex 2									
Atlantic Salmon	Salmo salar	24	1992-2019	1.350	Annexes 2 & 5		Endangered		Yes		Yes	Schedule 4		Yes
Amphibians														
Common Toad	Bufo bufo	1	1992	1.479			Near threatened		Yes	Sch 5 sect 9.5a	Yes			Yes
Mammals														
Badger	Meles meles	13	1992-2009	0.705									Badger Act	
Bat	Chiroptera	8	1992-1995	1.110	Annexes 2 & 4		Near threatened, vulnerable, critical, endangered		Yes	Sch 5 sects 9.4b, 9.4c, 9.5a	Yes	Schedule 2		Yes
Daubenton's Bat	Myotis daubentonii	3	1994-1996	1.402	Annex 4					Sch 5 sects 9.4b, 9.4c, 9.5a		Schedule 2		Yes
Natterer's Bat	Myotis nattereri	3	1995-2005	1.110	Annex 4					Sch 5 sects 9.4b, 9.4c, 9.5a		Schedule 2		Yes
Noctule	Nyctalus noctula	2	1998	0.799	Annex 4				Yes	Sch 5 sects 9.4b, 9.4c, 9.5a	Yes	Schedule 2		Yes
Pipistrelle	Pipistrellus	1	1995	1.110	Annex 4		Near threatened		Yes	Sch 5 sects 9.4b, 9.4c, 9.5a	Yes	Schedule 2		Yes
Pipistrelle	Pipistrellus pipistrellus	4	1995-2005	0.799	Annex 4					Sch 5 sects 9.4b, 9.4c, 9.5a		Schedule 2		Yes
Brown Long-eared Bat	Plecotus auritus	3	1995-2021	1.110	Annex 4				Yes	Sch 5 sects 9.4b, 9.4c, 9.5a	Yes	Schedule 2		Yes
Hedgehog	Erinaceus europaeus	2	2011-2019	1.158			Vulnerable		Yes		Yes			Yes
Brown Hare	Lepus europaeus	8	1992-2013	0.601					Yes		Yes			Yes
Red Squirrel	Sciurus vulgaris	32	1991-2015	0.671			Endangered		Yes	Sch 5 sects 9.1 (kill/injuring/ taking)	Yes			Yes

Table 2 Rare and Protected Species Records

Common Name	Scientific Name	No. of Records	Year	Distance from Fence (km)	Habitats Directive	Birds Directive	GB Red List	BoCC5	UKBAP (2007)	Wildlife & Countryside Act	Biodiversity Lists England	Conservation & Habitats Regulations	Other Rarity	Cumbria BAP
Otter	Lutra lutra	2	2000-2019	0.862	Annexes 2 & 4				Yes	Sch 5 sects 9.4b, 9.4c, 9.5a	Yes	Schedule 2		Yes
Birds														
Mallard	Anas platyrhynchos	7	1997-2008	0.550		Annex 2.1	Vulnerable	Amber list						
Tufted Duck	Aythya fuligula	1	1997	0.550		Annex 2.1	Vulnerable							
Swift	Apus apus	4	1998-2016	1.225			Endangered	Red list						
Dotterel	Charadrius morinellus	1	2000	0.550		Annex 1	Vulnerable	Red list		Schedule 1 pt 1				
Oystercatcher	Haematopus ostralegus	6	1998-2019	0.550		Annex 2.2	Vulnerable	Amber list						
Golden Plover	Pluvialis apricaria	4	1999-2011	0.550		Annex 1, Annex 2.2								
Lapwing	Vanellus vanellus	12	1998-2014	0.550		Annex 2.2	Vulnerable	Red list	Yes		Yes			Yes
Common Gull	Larus canus	5	2007-2008	0.550		Annex 2.2		Amber list						
Lesser Black-backed Gull	Larus fuscus	1	2008	1.386		Annex 2.2		Amber list						
Common Sandpiper	Actitis hypoleucos	2	1998-2010	1.824			Near threatened	Amber list						
Snipe	Gallinago gallinago	12	2004-2012	0.492		Annex 2.1	Vulnerable	Amber list						
Curlew	Numenius arquata	45	1997-2019	0.278		Annex 2.2	Endangered	Red list	Yes		Yes			Yes
Woodcock	Scolopax rusticola	2	2009-2011	1.824		Annex 2.1	Near threatened, vulnerable	Red list						
Grey Heron	Ardea cinerea	10	2004-2018	1.225			Vulnerable							
Stock Dove	Columba oenas	8	1998-2014	0.550		Annex 2.2		Amber list						
Woodpigeon	Columba palumbus	23	1997-2009	0.550		Annex 2.1		Amber list						
Collared Dove	Streptopelia decaocto	3	2008	1.225		Annex 2.2	Near threatened							
Cuckoo	Cuculus canorus	1	1998	1.225				Red list	Yes		Yes			Yes
Peregrine	Falco peregrinus	11	2000-2018	0.606		Annex 1				Schedule 1 pt 1				
Kestrel	Falco tinnunculus	12	1998-2018	0.550			Vulnerable	Amber list						
Red Grouse	Lagopus lagopus	6	1998-2011	0.790										Yes
Black Grouse	Lyrurus tetrix	2	2010-2011	0.790		Annex 2.2	Vulnerable	Red list						Yes
Grey Partridge	Perdix perdix	3	1997	1.225		Annex 2.1	Vulnerable	Red list	Yes		Yes			Yes
Skylark	Alauda arvensis	25	1997-2019	0.286		Annex 2.2		Red list			Yes			Yes
Dipper	Cinclus cinclus	18	1998-2013	1.225				Amber list						
Rook	Corvus frugilegus	21	1997-2015	0.550		Annex 2.2	Near threatened	Amber list						
Yellowhammer	Emberiza citrinella	1	1998	1.225				Red list	Yes		Yes			Yes
Reed Bunting	Emberiza schoeniclus	5	1997-2008	0.550				Amber list	Yes		Yes			Yes
Greenfinch	Chloris chloris	11	2007-2016	0.452			Endangered	Red list						
Chaffinch	Fringilla coelebs	31	1997-2016	0.550			Endangered							
Brambling	Fringilla montifringill	3	2005	1.303						Schedule 1 pt 1				
Linnet	Linaria cannabina	5	1998-2019	0.452				Red list						Yes
Bullfinch	Pyrrhula pyrrhula	8	2005-2012	0.773				Amber list						Yes
House Martin	Delichon urbicum	13	1998-2018	0.593			Near threatened	Red list						

Table 2 Rare and Protected Species Records

Common Name	Scientific Name	No. of Records	Year	Distance from Fence (km)	Habitats Directive	Birds Directive	GB Red List	BoCC5	UKBAP (2007)	Wildlife & Countryside Act	Biodiversity Lists England	Conservation & Habitats Regulations	Other Rarity	Cumbria BAP
Swallow	<i>Hirundo rustica</i>	13	1997-2018	0.550			Vulnerable							
Meadow Pipit	<i>Anthus pratensis</i>	33	1997-2019	0.302				Amber list						
Tree Pipit	<i>Anthus trivialis</i>	1	1997	1.618				Red list	Yes		Yes			Yes
Grey Wagtail	<i>Motacilla cinerea</i>	7	1998-2018	1.225			Near threatened	Amber list						
Pied Flycatcher	<i>Ficedula hypoleuca</i>	1	1997	1.618			Near threatened	Amber list						
Wheatear	<i>Oenanthe oenanthe</i>	32	1997-2019	0.150			Endangered	Amber list						
Redstart	<i>Phoenicurus phoenicurus</i>	2	1998-2016	0.708				Amber list						
Whinchat	<i>Saxicola rubetra</i>	2	1997-2019	0.550			Near threatened	Red list						
House Sparrow	<i>Passer domesticus</i>	7	1998-2015	0.550				Red list	Yes		Yes			Yes
Willow Warbler	<i>Phylloscopus trochilus</i>	23	1997-2018	0.094				Amber list						
Duncock	<i>Prunella modularis</i>	16	1998-2018	1.225				Amber list						Yes
Starling	<i>Sturnus vulgaris</i>	26	1998-2016	0.452		Annex 2.2	Vulnerable	Red list						Yes
Wren	<i>Troglodytes troglodytes</i>	37	1997-2010	0.550				Amber list						
Redwing	<i>Turdus iliacus</i>	2	2007-2008	0.550		Annex 2.2		Amber list		Schedule 1 pt 1				
Song Thrush	<i>Turdus philomelos</i>	8	1998-2016	1.225		Annex 2.2		Amber list						Yes
Fieldfare	<i>Turdus pilaris</i>	13	2005-2012	0.550		Annex 2.2	Critical	Red list		Schedule 1 pt 1				
Ring Ouzel	<i>Turdus torquatus</i>	10	1998-2014	0.550			Near threatened	Red list	Yes		Yes			Yes
Mistle Thrush	<i>Turdus viscivorus</i>	14	2007-2019	1.225		Annex 2.2	Near threatened	Red list						
Green Woodpecker	<i>Picus viridis</i>	3	1994-1998	1.618			Near threatened							
Short-eared Owl	<i>Asio flammeus</i>	1	2004	1.740		Annex 1	Endangered	Amber list						
Tawny Owl	<i>Strix aluco</i>	5	1998-2008	1.074			Near threatened	Amber list						
Barn Owl	<i>Tyto alba</i>	12	2004-2014	1.103						Schedule 1 pt 1				Yes
Sparrowhawk	<i>Accipiter nisus</i>	8	1997-2008	0.550			Vulnerable	Amber list						

12. Appendix 1: Consultation Responses

12.1. Cumbria & Lakes Joint Access Forum

Cumbria & Lakes
Joint Local Access Forum
Secretary C&LJLAF
c/o Lake District National Park Authority
Murley Moss
Kendal
LA9 7RL

9 September 2024

Dear Rigby

MURTON FELL PRE-APPLICATION CONSULTATION

The Cumbria and Lakes Joint Local Access Forum¹ (C&LJLAF) welcomes the opportunity to contribute to this informal consultation on the above proposals. We look forward to seeing further details in the Section 38 application and the EIA and will respond more fully then.

We support the aims of the proposals and welcome the detail provided so far. As an access forum our main concerns are over any restrictions on the right to roam and the visual impact of any proposed changes and our comments will be limited to these aspects.

The provision of kissing gates where proposed fences cross PROWs and desire lines is positive. The use of Strava heat maps to identify well used desire lines is welcomed. The visual impact of the fences is a concern, particularly when close to PROWs. The north side of the Murton Fell fence appears to be unnecessarily close to the PROW and possibly will intrude on the users. The same may be the case with the Trundale fence and the adjacent desire line.

We are concerned, as always, with arrangements for the removal of temporary fencing. We look forward to seeing dates, responsibilities and costing guarantees for fence removal in the application. Also, details will be welcomed on the use of tree guards, their prevalence and type plus monitoring of their state. Tree guards are likely to be the greatest visual intrusion.

We hope these comments are helpful and look forward to seeing the EIA and the application.

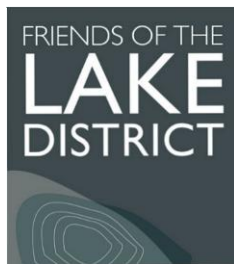
Yours sincerely



Peter Sapsford
Member of C&LJLAF

Cc Chair C&LJLAF, Carole Barr; Sec C&LJLAF, Emma Moody

12.2. Friends of the Lake District



Friends of the Lake District
Murley Moss, Oxenholme Road
Kendal, Cumbria LA9 7SS

Web: www.friendsofthelakedistrict.org.uk

Telephone: 01539 720788

Email: info@fld.org.uk

7th September 2024

Dear Rigby

Pre-Application Consultation for Fencing on Murton Fell Common (CL26)

Thank you for consulting us on the above pre-application. We have read the information and visited the proposed fence lines on foot.

As you know, Friends of the Lake District is a long-established charity that champions the landscape across Cumbria. It has been working on common land issues for much of its ninety-year history. We object in principle to any permanent fencing on common land as it can destroy the traditions of communal grazing and have a negative impact on the landscape character, visual beauty and public access. In addition, we are increasingly concerned about the cumulative impacts of such fencing on protected landscapes, like North Pennines National Landscape. However, where fencing is temporary and a medium-term measure to allow longer-term gains, such as nature conservation, then we will assess each application individually.

For information, when we comment on the actual s.38 application, we will use DEFRA s.39 criteria of 2006 Commons Act as a framework, limiting ourselves to the criteria relating to “public interest” and “any other matter considered relevant.”

(c) PUBLIC INTEREST

Nature conservation

Difficulty of tree establishment – We are supportive that “the aim of this project is to expand fell-edge scrub” in order “to provide shelter and winter food for black grouse” and “in addition contribute to reducing soil erosion and water run-off” (Jerram, August 2024, p.2). However, even with a proposal of 20 years, we are still concerned that the trees (even scrub woodland) may not survive in some areas, as the prevailing south-westerly wind could funnel up the valleys of Murton Beck and Trundale Gill where the exclosures are proposed. In addition, the Murton Crag exclosure was steeply sloping and there may be insufficient sun for Trundale Gill exclosure as it is north-west facing. With flushes identified on the lower slopes of both exclosures, it will be important that these priority habitats are avoided by planting contractors (through hand-held GPS or stakes in the ground).

Monitoring & maintenance of planting – There will be the need for measures of success and desired outcomes for scrub establishment (such as percentage of trees saplings survived, stated height and girth of saplings). This is key to deciding if the scrub has survived sufficiently to withstand grazing, when the fences are removed at the end of the consenting period. With both exclosures forming part of nationally and internationally important nature conservation areas (Appleby Fells SSSI, North Pennines SPA and Moor House – Upper Teasdale SAC), one would hope that Natural England and/or Ministry of Defence could assist with such baseline and interim monitoring.

Conservation of black grouse – It would be worth investigating the benefits and disbenefits of bird striker marker plates on the top of fence posts. The plates alleviate the problem of birds, especially black grouse, flying into the new fencing but they may make it more visually intrusive in the landscape, especially on sunny days.

Conservation of the landscape

Increase tree cover on lower slopes of North Pennines Moors – We agree that tree cover is currently sparse (being “confined to a few small copses and scattered areas of scrub and the occasional river



valley in the farmland”, Jerram, August 2024, p.3). We support the scheme benefit of increasing tree cover on the lower slopes of North Pennines Moors “in line with the landscape quality and character, moorland and trees and woods objectives of the North Pennines AONB Management Plan 2019-2024” (Jerram, August 2024, p.3). There is no mention as yet as to whether the saplings will be protected with tree guards. Clearly, these have a visual impact but may be necessary nonetheless against predation.

Impact of fences – We are concerned that the effects of over 3 kilometres of fencing, upon this open and largely unenclosed moorland landscape, will be significant. But, we are pleased that the fencing appears to avoid skylines and we request that it uses hollows of existing topography to obscure and minimise its impact.

The protection of public rights of access to any area of land

Unimpeded access for walkers – There is no doubt that unrestricted access for users, where they can walk freely across the commons, will be compromised by the introduction of the fences. This “right to roam” is particularly important here because the area is adjacent to Warcop Training Area where access is severely restricted. It is good that the fencing will be topped by plain wire as it is all registered open access land. It is also welcome that the fences will have kissing gates, where “desire lines and existing tracks cross the fenceline” (Jerram, August 2024, p.2), in addition to field gates for agricultural/forestry access. We request that Maps 1 (overview), 2 (Murton Crag) and 4 (Trundale Gill) provide more and clearer access information. Footpaths and bridleways should be clearly distinguished, like in O/S 1: 25,000 map. The public footpath to Murton Pike and all the permissive paths (shown on O/S map OL19) should be added. A key of all paths should also be added.

Open landscape – The commons give a considerable sense of space and freedom, complete with a feeling of wilderness and impressive open views, across Eden valley, to Lake District and Howgill fells beyond. With the popular bridleway especially (up to iconic High Cup Nick), the effects upon visual amenity for users – arising from the proposals for fencing – could be significant. We request therefore that a Landscape and Visual Appraisal (like the one for Mardale Common) is carried out, as part of the s.38 application, in order to explore the visual impact of the fencing from key viewpoints, not least the summit of Murton Pike. With the land sloping away steeply, we are concerned that people may feel hemmed in along approximately 400m of Trundale Gill footpath and over 1 kilometre of bridleway to High Cup Nick.

The protection of archaeological remains and features of historic interest

It is good that none of the five named Scheduled Ancient Monuments lie close to the proposed enclosures and so will not be compromised by planting. We request that a Heritage Impact Assessment is carried out, as part of s.38 application, because Murton Fell Common lies within the nationally and internationally protected landscape of North Pennines National Landscape and UNESCO Global Geopark. That way the overall impact of the proposed tree planting and fencing on other heritage, identified in Historic Environment Record, can be properly assessed. We request that measures of success and desired outcomes are established in the scheme specifically for heritage features. Those heritage features would need to be made obvious on the ground (through stakes or hand-held GPS technology that contractors understand) so that post holes for fences and tree planting avoid such features.

(d) ANY OTHER MATTER CONSIDERED RELEVANT

1. Removal of the Man-Made Infrastructure

We request that the removal date is diarised in order to ensure that disassembly does indeed occur and that there is monitoring to check.

2. Alternatives to Fencing & Objection to Renewal

We expect that, over the course of this twenty-year period of consent, technological alternatives to fencing, even for sheep, in the form of No-Fence GPS collars should have become viable, as a new trial with sheep at RSPB Geltsdale, for example, is going well. From FLD’s own experience at its High Borrowdale property, we know it takes considerable time and effort to establish trees in harsh upland conditions. However, twenty years should be a sufficient time period for saplings to become established. For these reasons, we are likely to object therefore to any subsequent application to renew the fencing for an additional ten years or more – as this would mean that the fencing would have been up in this special landscape for over thirty years and could no longer be considered temporary.

3.Commoning & Cultural Heritage

We request that measures of success and desired outcomes are established in the Countryside Stewardship scheme specifically for cultural heritage, for example what is the desired stocking level (given the size of the area and balancing desired habitats against sufficient animals to make a flock sustainable to own and breed from); communal gathers and shepherding.

4.Need for EIA Screening Application

Thank you for explaining that a full Environmental Impact Assessment will be carried out prior to s.38 application and that it will be made available to consultees as part of that process.

5.Consider the Impact of Differential Visuals

We request that the impact of differential visuals between fenced and non-fenced areas is considered, as this proposal is developed. Differing vegetation growth, colours etc can have significant visual impact.

6.Concerns about Scheme Benefit to “Dog Walkers”

We have concerns about a scheme benefit of “dog walkers will have an enclosed, livestock free, area on the fell in which they can let their dogs off the lead” (Jerram, August 2024, p.4). If this was a true benefit, then we would be concerned that the fence would become permanent to allow this to continue. It also runs counter to a scheme whose main aim is to “improve habitat conditions for black grouse” (Jerram, August 2024, p.4), a ground-nesting bird.

IN SUMMARY

(c) Public Interest

Nature conservation:

- We are supportive that the aim of the project is to expand fell-edge scrub
- We are still concerned that the trees (even scrub woodland) may not establish, even with a proposal of 20 years, because of, for example, steep slopes and north-west aspect.
- We request that any priority habitats, such as flushes, are avoided by planting contractors.
- We request that measures of success and desired outcomes are established for scrub establishment.
- We request investigating the benefits and disbenefits of bird striker marker plates on the top of fence posts.

Conservation of the landscape:

- We support the scheme benefit of increasing tree cover on the lower slopes of North Pennines Moors.
- We request information as to whether saplings will be protected by tree guards.
- We are concerned that the effects of over 3 kilometres of fencing on this open moorland landscape will be significant.
- We request that the fencing uses hollows in the terrain to obscure and minimise its impact.

Protection of public rights of access to any area of land:

- We believe that walkers will no longer be able to roam freely across the common, once the fences are in place.
- We request that Maps 1, 2 and 4 provide more and clearer access information.
- It is good that plain wire and kissing gates are being used.
- We are concerned that the fencing has significant effects upon visual amenity, especially people using the popular bridleway up to High Cup Nick.
- We request that a Landscape and Visual Appraisal is carried out – to explore the visual impact of the fencing from key viewpoints, such as Murton Pike.
- With the land sloping away steeply, we are concerned that people may feel hemmed in by fencing along stretches of PROW.

Protection of archaeological remains & features of historic interest:

- We request that a Heritage Impact Assessment is carried out – to assess the overall impact of the proposed scrub planting and fencing on identified heritage.
- We request that both measures of success and desired outcomes for heritage features are stated.
- We request that heritage features are made obvious on the ground – so that post holes for fences and scrub planting avoid such features.

(d) Any other matter considered relevant

1. Removal of man-made infrastructure –

- We request that the removal date is diarised – and there is monitoring to check that the fencing is indeed removed after 20 years.

2. Alternatives to fencing & objection to renewal –

- We request that technological alternatives to fencing, even for sheep, are investigated over the ensuing 20 years of the scheme – as we are likely to object to any subsequent application to renew the fencing.

3. Commoning & cultural heritage –

- We request that both measures of success and desired outcomes for cultural heritage (such as desired stocking level, communal gathers) are stated.

4. Need for EIA screening applications

- Thank you for explaining that a full EIA will be carried out prior to s.38 application and shared with stakeholders.

5. Consider the impact of differential visuals

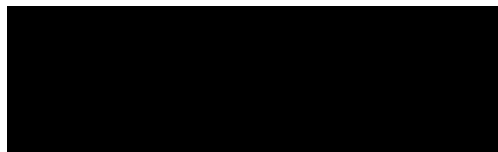
- We request that the impact of differential visuals between fenced and non-fenced areas is considered – as differing vegetation growth, colours etc. can have significant visual impact.

6. Concerns about scheme benefit to dog walkers

- We have concerns about a scheme benefit being about dogs being allowed off the lead when the main aim of the project is to improve habitat conditions for black grouse, a ground-nesting bird.

We hope our comments are helpful and we look forward to hearing from you.

Yours faithfully



Amanda McCleery
Policy Officer

Registered charity No. 1100759 Registered in England and Wales, Company No. 4878364

12.3. Historic England

From: Davison, Andrew <[REDACTED]>
Sent: 28 August 2024 11:49
To: [REDACTED]
CC: North West ePlanning

Subject: Murton Fell (Westmorland) Common CL26 Informal Consultation on Fencing Proposals

Dear Rigby,

Thank you for your email of 13 August 2024, with details of these fencing proposals.

I confirm that Historic England has no objection to what is proposed. The fencing would have no direct impact on designated heritage assets, and is unlikely to have any significant impact upon their settings.

Regards,

Andrew

Andrew Davison
Inspector of Ancient Monuments
North West Region
Historic England

12.4. North Pennines Natural Landscape

From: Adam Millington <[REDACTED]>
Sent: 30 September 2024 15:22
To: [REDACTED]

Subject: RE: Long Fell and Scordale, Warcop Fencing Proposals

Hi Rigby,

Apologies for the Late response, but wondered if there was opportunity to ask about provision of bird markers on the new fence line. Black grouse are mentioned as beneficiary species, so opportunities to reduce fence strike fatalities should be taken. I'm sure it's already been considered.

Thanks

Adam



North
Pennines
National
Landscape

Date: 19/12/2024

Consultation on fencing proposals in Scordale and on Long Fell, Cumbria

Dear Rigby

Thank you for the opportunity to comment on your proposals. We are guided in commenting here by the statutory [AONB Management Plan](#). In addition, the Levelling Up and Regeneration Act that came into force in January 2024 strengthens the duty of public bodies and statutory undertakers to 'seek to further the purpose' of AONB designation.

The top 10 conservation priorities for the AONB (now National Landscape) stated in the plan include:

- Conserving the arctic alpine flora through managing vegetation, grazing, rabbits and access. Regular monitoring is especially important for this rare and threatened flora.
- Expanding the area of native and mixed woodland and scrub to promote biodiversity, add texture and depth to the landscape, store and sequester carbon, support natural flood management and improve riparian habitat. Benefits include promoting habitat connectivity and diversity, without compromising wader, grassland and peatland conservation.

With the above in mind we support the proposals, and welcome the inclusion of bird strike markers on the fence line, following our response to the August consultation.

Kind regards

Sarah Tooze

Nature Recovery Manager

North Pennines National Landscape

North Pennines National Landscape team
Weardale Business Centre
1 Martin Street
Stanhope
Bishop Auckland, DL13 2UY
Tel: 01388 528801

www.northpennines.org.uk

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12.5. Open Spaces Society

From: Hugh Craddock <[REDACTED]>
Sent: 16 September 2024 07:43
To: [REDACTED]
CC: Dr Jan Darrell; Ian Brodie; Amanda McCleery

Subject: RE: Long Fell and Scordale, Warcop Fencing Proposals

Hi Rigby

We do not seem to have been directly consulted on the proposals about which you wrote on 13th August below, and in any case I am afraid we have not been able to give them the time that they deserve.

At this stage, we should only like to say that we support the feedback already given by the friends of the Lake District. We also suggest that it would be sensible to arrange a site visit, chaperoned if necessary by the Army, for all those who have engaged in the proposals, to facilitate further education and discussion.

regards

Hugh

*Hugh Craddock
Case Officer
Open Spaces Society
25a Bell Street
Henley-on-Thames
RG9 2BA*

From: Rigby Jerram <[REDACTED]>
Sent: 16 September 2024 07:43
To: Hugh Craddock [REDACTED]
CC: Dr Jan Darrell; Ian Brodie; Amanda McCleery

Subject: RE: Long Fell and Scordale, Warcop Fencing Proposals

Hugh

My apologies, but the office2@oss.org.uk is included in the list of addresses I sent my original email out to. Does that address not work anymore? I was wondering why I haven't heard from you. Have you got the consultation about Murton Common which went out the same day?

I am not sure how amenable the Army would be to a site visit on a live firing day, I suspect not at all. There is a non-firing weekend coming up on 5 & 6th October however. After that it is 2 & 3rd November, which is getting a bit late.

Rigby



From: Ian Brodie <[REDACTED]>
Sent: 16 September 2024 07:43
To: Rigby Jerram [REDACTED]
CC: Dr Jan Darrell; Hugh Craddock; Amanda McCleery

Subject: RE: Long Fell and Scordale, Warcop Fencing Proposals

Rigby

Please note I am unavailable on 5/6 October .

Ian

From: Ian Brodie <[REDACTED]>

Sent: 24 December 2024 11:52

To: Rigby Jerram [REDACTED]

Cc: Lucy McKean <[REDACTED]>

Subject: Consultation on fencing proposals on Murton Fell Common, Cumbria

Consultation on fencing proposals on Murton Fell Common, Cumbria

Dear Rigby

Many thanks for consulting the Open Spaces Society [OSS] about these developing proposals. Again my apologies for the late response - December has been somewhat hectic. Please treat these comments as observations. Should a s38 application follow the OSS will then respond formally to that application and I would recopied that the OSS consider the following issues..

The author of this note has previously walked this area in depth especially prior to the 2001 Inquiry regarding the firing ranges which involved the proposed establishment of a number of additional access routes - work which preceded the CROW Act 2001 which established the area of the consultation as s1 access land. The adjoining (then common land) covered by the MoD Byelaws was, of course, excluded, from access. The author has also undertaken some natural history visits, especially to the adjoining MoD area. Previous visits have noted that the surveys of flora in these dales radiating from the ridge may have been under-recorded especially as some plants (eg Moonwort) have been found on visits in different years.

The North Pennines National Landscape forms a unique landscape. And some people have voiced the opinion it exceeds the criteria for designation as a national park. What is special about the open fells of the north Pennines is the sense of openness and general feeling of tranquillity and wildness although, in this location, the army training sometime intrudes. The OSS notes the technical

landscape appraisal but regrets that there is no real expression of the sense of the special qualities of the area in this consultation.

Unless we have missed the paragraph [reading documents on line is not my strong point] , please correct us if this is the case, we note that the proposed Trundale Gill fence line relies on an earlier approved s38 line which is time limited. This earlier line should be due for removal in the not too distant future and we are unsure as to how the proposed Trundale fence will work should the existing line be removed if and when your 20 year new fence is approved.

We agree with the conclusion in your documents that the proposed fence lines have an adverse landscape impact especially on the users of PRsOW and on users of the more frequently walked desire lines. We would class these as severe negative impacts on the special qualities found by users. This is caused by the juxtaposition of the fences in relation to these PRsOW and used lines along the extensive run of fence near to the user lines, the 1.2m height of the fence, the additional use of tree guards and the application of reflector discs to deter bird strikes. This is a significant package of urbanisation into an open and expansive area. Indeed the need to apply reflector discs suggests the fences are likely to have a negative impact on birds life.

The OSS also have a concerns about the proposed 20 year life for the fence - for us seniors it is more than a lifetime! You argue that this period is short but not so when considered relative to the life-span of access users. We have some concerns about your phrasing of the desire line not being on the PROW in Trundale and it is possible to perceive that the PROW should therefore not be regarded as high a priority as the desire line. Despite the land being CROW access land we need to ask if the land owner has considered a diversion order for this path [349033] onto the desire line?

The OSS would also like to have a clear statement as to how funds will be set aside for the future removal of the proposed fences particularly as the proposed period of retention of the fence exceeds the length of the agri-environment agreement proposed. Also we would be interested to know that once the fences have been removed what effects the scrub up areas, with their concomitant rough vegetation, will have on the gathering of sheep from the hill. Additional can we be guaranteed that the rough vegetation that would grown within the fenced grazing exclusion areas will not be used as an excuse for retaining the fencing in order to retain the more biological improved area that will develop here?

The OSS recognises that the landscape can assimilate some additional scrub planting in the two proposed areas. However, whilst there may be additional minor other benefits for nature conservation, the stated significant objective of winter cover for Black grouse mean that the needs of a single species will have to be weighed against the significant loss of amenity to users of these two areas.

Kind regards

Ian

From: Rigby Jerram [REDACTED]

Sent: 6 January 2025 13:55

To: Ian Brodie <[REDACTED]>

Cc: Lucy McKean <[REDACTED]>

Subject: Re Consultation on fencing proposals on Murton Fell Common, Cumbria

Ian

Thanks for you comments.

You are correct, I have missed out a paragraph on the special qualities of Murton Pike, I have now corrected this with some additional text at the start of Section 5.1:

“The landscape of and around Murton Pike is characteristic of both the North Pennines NL’s Upland Fringe Pikes landscape type and Cumbria County Council’s Scarps landscape sub type, with a line conical hills, of which Murton Pike is the most southerly, forming sentinels between the layered limestone scars of the western Pennine escarpment and the rolling hills of the Eden Valley. This landscape is formed by a series of geological faults which has resulted in a strip of Ordovician slates and sandstones separating the Carboniferous limestone rocks of the North Pennines escarpment from the Permo-Triassic sandstones of the Eden Valley. Murton Pike is typical of the pikes of this area in that its smooth slopes are covered by unenclosed acid grassland with stands of bracken on the lower ground. The locations of both fences are within extensive areas of unimproved grassland and bracken and have views out across the Eden valley to the Lake District Fells.”

I think you are mistaken about the reliance of the Trundale enclosure on an earlier s38 fence. Our fence will connect to the fell wall at both ends. As this is the common boundary I am not expecting anyone to remove it anytime soon, or indeed ever. You are perhaps thinking that our fence links to the fence around the scrub planting enclosure on the land north of Murton Common. This is not the case and in fact there is a gap between that enclosure and the wall separating the two areas of land.

With regard to the duration of the fencing, 20 years has been picked as in other s38 fencing applications relating to tree planting where the duration was 15 years Friends of the Lake District have said that they would prefer a longer period of 20 years as they thought this would allow longer for the trees to become established and was likely to mean that there was no subsequent application for a renewal of the fencing permission at the expiry of the permission because the trees needed more time to establish.

We do not intend to diminish the importance of the public footpath in Trundale, we just wish to point out that in terms of public usage the line which is actually walked is not actually on the public right of way, so people walking along the path on the ground will not actually cross the fence, even though the fence does cross the mapped right of way.

It is normally the case for commons that monies from agri-environment schemes are paid to the commoners' agent who then disburses it to the commoners. This is the case here and the agent will withhold a sum to cover fence removal.

The commoners have been involved in designing the enclosures and this has taken into account the impacts on gathering.

Rigby

From: Ian Brodie <[REDACTED]>

Sent: 6 January 2025 14:45

To: Rigby Jerram [REDACTED]

Cc: Lucy McKean <[REDACTED]>

Subject: Consultation on fencing proposals on Murton Fell Common, Cumbria

Jeremy

Many thanks for your considered email.

The OSS note the additional text you want to insert at 5.1 which is technically acceptable to us. We have yet to see a s38 application in Cumbria which reflects the human reaction to such landscapes.

My apologies for the mistake regarding the Trundale wall - put it down to a senior memory lapse!

Whilst the FLD may wish to see a 20 year fence life that is not our position. Again we reiterate we would press for a 15 year life for any fencing along with reviews as to the tree growth progress after 10 years and again just before any potential additional s38 application which may seek to extend the life of the fencing. We believe our proposal is much more in line with the expected life-span of currently available fencing posts.

You position as to the definitive line of the PROW and the used line is noted. Whilst we note you have not taken our bait as to a modification order for the PROW we are still very strongly of the opinion that, no matter which route you chose to use, the fence will be a significant loss of amenity for walkers in relation to the wilder landscape through which people use this path to experience.

With regard to gathering I think we have not quite understood each other. We note the graziers are content with the route of the gathering in respect of fences. Our concern, based on experience of other s38 applications, is when the fences are due to be removed or after the fences have been removed. What will the commoners then make of the difficulties of gathering through much rougher vegetation or will this, as expected in some areas, lead to claims that the rough vegetation is too great an incumbrance to gathering and lead to a demand from the graziers to retain the fencing?

We note the formula for retention of monies for fence removal on the expiry of any s38 permission granted. Whilst it is a standard method, and as such widely used, it does not give guarantees to the degree we would necessarily expect from public bodies in a similar position.

Best wishes

Ian

12.6. Westmorland and Furness Council: Access

From: Countryside Access WAF <[REDACTED]>

Sent: 15 August 2024 15:11

To: [REDACTED]

Subject: RE: Murton Fell (Westmorland) Common CL26 Informal Consultation on Fencing Proposals

Hello Jerram

Thank you for asking for comment.

Where public footpath 349033 is crossed by the fence line and the two kissing gates are to be installed a Highways Act section 147 application will need to be made, this is attached and provides explanatory notes, please look to these.

Good to see where there are desire lines that are not on public rights of way these are being accommodated for with gates to aid the crossing of the fence.

You may want to consider the wording relating to dog walkers in the Scheme Benefits, I'm just thinking of the CROW Act, there is a restriction to keep dogs on

leads from 1 March to 31 July on CROW access land.

Regards

David

12.7. Westmorland and Furness Council: Heritage

From: Brennand, Mark <[REDACTED]>

Sent: 20 August 2024 14:54

To: [REDACTED]

Subject: RE: Long Fell and Scordale, Warcop Fencing Proposals

Dear Rigby

Thank you for sight of the proposals for fencing on Murton Fell, Long Fell and Scordale. We do not believe that there are any significant issues with the Murton Fell proposals in relation to known archaeological sites.

On Long Fell there are a series of earthworks that might represent mining activity, field boundaries or the results of military training. These would not prevent the erection of new fencing but it might be apposite to have some assessment and identify where the remains are on the ground, so that they could be avoided and remain undisturbed. Details of the remains as mapped from aerial photos by Historic England can be found at <https://historicengland.org.uk/research/results/aerial-archaeology-mapping-explorer/>. Please be aware that the survival of the remains on the ground might differ from those visible from the air.

At Scordale there are a group of probable prehistoric funerary cairns recorded by Historic England on the line of the fence. They are not a scheduled monument, but represent important non-designated heritage assets. Please see Figure 102 on the last page of the attached report. Again, this would not prevent the erection of the fence, but would require some intervention on the ground to ensure the cairns are not disturbed. It would be preferable for the cairns to remain outside of the area that will see increased vegetation.

I hope that this is of assistance, but please do get back to me with any queries.

Regards

Mark

Mark Brennand | Lead Officer Historic Environment and Commons | Heritage and Historic Environment | Thriving Communities | Westmorland and Furness Council | County Offices | Kendal | LA9 4RQ | t: [REDACTED] | www.westmorlandandfurness.gov.uk

12.8. Woodland Trust

From: Peter Leeson <[REDACTED]>

Sent: 28 August 2024 11:38

To: [REDACTED]

CC: 'Milnes, Katherine'

Subject: Murton Fell (Westmorland) Common CL26 Informal Consultation on Fencing Proposals

Hi Rigby [and Kath],

Many thanks for consulting with us on the proposal to expand fell-edge scrub on the lower slopes of Murton Pike, to its northern and southern flank.

The stated aim of this project is to expand fell-edge scrub on the lower slopes of the fells to provide shelter and winter food for black grouse with increased tree and scrub cover will in addition contribute to reducing soil erosion and water run-off. The North Pennines has some amazing and varied habitats but also has some of the lowest tree cover in England. This per se is not necessarily noteworthy except that many of our wildlife losses / or potential gains can be correlated with the absence or restoration of scrub features including trees and shrubs like rowan, hawthorn, willow and birch. We know from commons work in Mallerstang and Tebay that species like whitethroat, willow warbler, reed bunting as well as black grouse and woodcock benefit from these open low woody habitats with their improved structure and increased insect abundance. Indeed the existing exclosures in Trundale Gill are testament to the benefits with many more birds, butterflies and insects than a decade or so ago. We also now know that thicker vegetation and tree cover reduces overland flow of water and aids water storage and percolation rates – i.e. trees and scrub reduces flooding as well as offering shade and water management services reducing the impact of climate stress and drought.

In my experience the fences will need to be in place for 20 years, at least. These are hard locations to establish trees and they will be slow growing. Also the absence of chemicals within exclosures, when they become sheep free [sheep are now regularly treated with insect killing chemicals], will allow a significant insect boost – the longer this can be sustained the better for wildlife. The effect at scale of the chemicalisation of our landscape is something we are not discussing enough – it has had a massive bearing on insect and thus bird and fish populations in the uplands.

As you can tell – I thoroughly support these proposals.

On the delivery aspects of this matter – please do come back to me if you would like our engagement at any point. We do have a lot of experience in sites like these. Pete

Pete Leeson
Woodland Trust