

6 December 2012

Our ref: RFI 1771 & 1772



Mr D Hurley
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Dear Mr Hurley

Access to Information Request – Partial Release - RFI 1771 and RFI 1772

Thank you for your 2 requests for the information as detailed below.

For your request for information RFI 1771 which we received on 09 November 2012 you asked:

1. The reason for the significant reduction in the number of butterfly webs recorded since the introduction of cattle.
2. The definition of 'wet weather' when stock are to be removed to prevent poaching since it would appear that during the wettest summer in memory stock have not been removed and considerable damage has resulted. This is how, objectively, it is deemed to be unsuitable to graze cattle on the Common.
3. Copies of the daily grazing records for 2011 and 2012 and details of the prevailing weather and ground conditions for each day.
4. A map identifying the areas of the Common referred to in R E Timmins notes on Grazing Management supplied in answer to Question 5 of my previous enquiry.

and

For your request for information RFI 1772 which we received on 10 November 2012 you asked:

5. When you intend to enforce the reduction in the number of cattle grazing on the common outlined below and what will the reduced numbers be?
6. How do you intend to ensure that further grazing does not take place when the ground conditions are unsuitable?

Both your request has been considered under the Environmental Information Regulations 2004.

Please find my response to your requests enclosed and detailed below.

1. The reason for the significant reduction in the number of butterfly webs recorded since the introduction of cattle.

The reduction in the size of the marsh fritillary population on Longmoor, as assessed by larval web counts does indeed show a significant reduction from 2011 onwards.

Marsh fritillary web count summary data for Longmoor

Year	2007	2008	2009	2010	2011	2012
Ennerdale; Longmoor						
Count	17	55	48	50	21	10

The reasons for this decline are judged to be caused by two main factors:

- i. The weather conditions in 2012 that have reduced the numbers of marsh fritillary across Cumbria and (seen in the comparison of areas in the data below). Whilst there are exceptions, the pattern for 2012 was a halving of populations from the previous year due to very cold and wet flight period for this butterfly.

Sites	2011	2012
Penrith	97	189
Finglandrigg NNR	295	144
Bassenthwaite	542	87
Ennerdale Longmoor	21	10
Ennerdale; Mireside	21	9
Ennerdale; Hunter How	2	8
Ennerdale; Gillerthwaite	17	13
Ennerdale; Old Mill	43	82
	1038	542

- ii. The vegetation structure of Longmoor was significantly impacted by the grazing pressure, particularly over the summer period when the marsh fritillary requires robust plants of Devil's bit scabious for egg laying and subsequent larval growth. Their overgrazing on this site has been recognised as a major contributory factor to population reduction on Longmoor and is being addressed. The decline is reversible and populations can recover when a sustainable grazing level is restored.

2. The definition of 'wet weather' when stock are to be removed to prevent poaching since it would appear that during the wettest summer in memory stock have not been removed and considerable damage has resulted. This is how, objectively, it is deemed to be unsuitable to graze cattle on the Common.

Please see below an extract from: *Protecting our Water Soil and Air. A Code of Good Agricultural Practice for Farmers, Growers and Land Managers*. ISBN: 978 0 11243284 5

Para 453 Page 79

"Remove stock from the land when the soil is too wet and poaching becomes a risk to subsequent production or if run-off or erosion will pollute surface waters or other sensitive habitats. Take care when out-wintering stock or when grazing forage crops or crop residues."

3. Copies of the daily grazing records for 2011 and 2012 and details of the prevailing weather and ground conditions for each day.

Following a search of paper and electronic files I have determined that Natural England does not hold this information and Regulation 12(4)(a) of the Environmental Information regulations 2004 is engaged. This is when a public authority may refuse to disclose information to the extent that it does not hold that information when an applicant's request is received.

4. A map identifying the areas of the Common referred to in R E Timmins notes on Grazing Management supplied in answer to Question 5 of my previous enquiry.

Please find a copy attached to this email.

5. When you intend to enforce the reduction in the number of cattle grazing on the common outlined below and what will the reduced numbers be?

Natural England staff and the agreement holder are actively exploring other sites in the district where all or some of the cattle could be grazed at times when a reduction in grazing may be desirable. This will be mainly in the summer months when Marsh Fritillary and other species of butterfly are breeding.

The summer of 2012 has not been typical of the weather and herbage growth normally experienced on the common so it is not possible to set an exact stocking level for future years until more experience of grazing the common has been gained

6. How do you intend to ensure that further grazing does not take place when the ground conditions are unsuitable?

"Avoidance of poaching by grazing livestock is a requirement of cross compliance conditions. The grazier should manage his stock to ensure that severe poaching does not occur."

If you have any queries about this letter, please contact me.

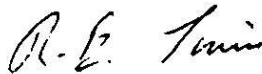
As you may be aware, under the legislation should you have any concerns with the service you have received in relation to your request and wish to make a complaint or request a review of our decision, please contact:

John Redgate, Team Leader, Lake District Land Management Team, Natural England,
Juniper House, Murley Moss, Oxenholme Road, Kendal, LA9 7RL
Email: john.redgate@naturalengland.org.uk

Under Regulation 11(2) this needs to be done no later than 40 working days after the date of this letter.

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner for a decision. Generally, the Commissioner cannot make a decision unless you have exhausted the complaints procedure provided by Natural England. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF. Telephone: 01625 545 700, www.ico.gov.uk.

Yours sincerely



Robert Timmins,
Lead Adviser,
Lake District Land Management Team