

# MINUTES AND NOTES FROM THE HEATHLANDS FORUM

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## **ORIGINS OF THE HEATHLANDS FORUM**

By Ian McNeil Cooke

The first large scale public meeting on the heathlands issue was held in Penzance on 13<sup>th</sup> May 2008 but concentrated solely on the proposal to fence and graze Nine Maidens Common under the Natural England led HEATH Project, a trans-European initiative. No mention was made at this meeting of any other intended enclosure of open access land in West Penwith.

In early July 2008 Save Penwith Moors wrote to the clerk of Madron council asking for the issue of fencing and grazing the moors to be put on the council agendas. Nothing seemed to happen!

On 13th July SPM wrote to Penwith District Council, Economic and Tourism Manager (Dominique Gabry) expressing the belief that the HEATH Project would damage tourism in the long run. She replied that this would be discussed with the Rural Economy Officer (Rob Poole).

On 5th July 2008 SPM contacted a St Just town councillor to ask him to have this issue put on the agenda. This was more fruitful and the issue was discussed at the meeting of 21st July when it was stated that more information was required before any comment could be made. Consequently representatives from Natural England, the National Trust (plus several others) and Save Penwith Moors (Craig Weatherhill) spoke to councillors at a specially convened meeting. The subject was then later discussed by the whole council at its meeting of 21st

September 2008 when they came to the following decision by a vote of 8 to 2 with one abstention:

*“Whilst acknowledging the need for some form of management of Kenidjack Common, the Town Council feels that the proposals as put forward by the Heath Project, particularly regarding the erection of fencing, stiles and gates, will have an adverse effect on access and tourism.”<sup>1</sup>*

In August 2008 SPM emailed Cllr Jan Ruhmund and Cllr Mates (Penwith District Council) to ask if the HEATH Project could be put on the agenda of the SE&E (Social Economic & Environment) Committee meeting, and this was duly held on Wednesday 17th September when Ian Cooke gave a 3 minute impromptu overview of our objections.

Following this a site meeting was arranged by PDC for 16th October so that councillors could see at first hand what all the fuss was about. Ian and Craig attended along with councillors (not all of them), NT & NE, and Stephen Bone from Lanyon Farm. We visited Carnyorth Moor – only walking as far as Carn Bean; then to the engine houses at Bosigran and finally to Lanyon Quoit. Since we only left the coach at the first stop and had a very limited and unsatisfactory view of the moors it was a waste of time. An SPM press release dated 18th October was released to PDC who forwarded it to NE who, despite saying earlier they would also issue their own press release, failed to do so.

In early November Rob Poole (PDC) arranged with the chairman of the SE&E Committee (Cllr Hudson Smith) to hold a public ‘heathland forum’ with speakers from both sides of the

argument. This took place on 27th November in council premises at St Clare and was the first time the public had a chance to hear and question Natural England and others. A final vote (that was not binding) was proposed by Cllr Ruhrmund:

*“The Forum recommends a halt to any further erection of fences pending further negotiation between the parties.”*

This was passed 53 to 10 – the votes against being cast by paid officials of the agencies connected with HEATH and those who would gain financially (a farmer and fencing contractors).

Another meeting held by the SE&E Committee on 10th December 2008 discussed the HEATH Project and Penwith Heathlands in the light of the site visit. A 3 minute speech (all that was allowed) was given on behalf of SPM by Dr John Butterworth.

After discussion the committee passed this resolution:

*“The Committee recommends a halt to any further erection of fences pending a further report to the Committee from the Council's Senior Enforcement Officer, in consultation with the Ancient Monuments Warden, following inspection of the site at Carn Galva.”*

On 9th February 2009 the first Heathlands Forum was held in a PDC office at St Clare with 15 people in attendance.<sup>2</sup> The Chairman noted that “The previous meeting (i.e. that held on 27th November) had given all sides an opportunity to air their views. The outcome of that

meeting had been a desire for continuing dialogue and although it was not possible to go back to the position before the work was done it was the hope that a way through could be found to the agreement of all parties”. He went on to explain that “it was necessary to restrict membership of the Forum to make the meetings manageable and that all views should be channelled through the appropriate representative. It was suggested that membership be set at 12 members initially, with a meeting frequency of 6-8 weeks and that accountability extends to Towns, Parishes and Residents affected by the Heath Project”.

**WORD FOR WORD COPIES OF NOTES MADE IN THE WORKSHOPS  
AT ST JOHNS HALL PUBLIC MEETING  
13<sup>TH</sup> MAY 2008**

**WORKSHOP 1:**

1. S.O.S will need to consider public interest. If consent is only needed for short lengths of fencing public interest less of an issue than if entire fence needs consent. Is this why fencing is to go on adjoining land?

Proposed management agreement – does this amount to letting (grazier) of commoners rights?

Level of grazing – current permitted = 25 HD?

Any consent required to increase this level and is there any intention to increase?

2. NE money runs out Dec '08. What are long-term proposals under HLS? Lots of money involved..... Is it correct that NE money will be helping the commoners to erect short lengths of fencing (consent required) – remaining funds go to adjoining landowners to erect long lengths of fencing on their own land (No consent needed). But, the common is enclosed.

3. what are the financial arrangements between the commoners and adjoining land owners? For the division of HLS money?

**WORKSHOP 2:**

On the Common

1. Requirement of management
2. Fencing
3. Access

1. It is a common with grazing rights and has been managed and maintained in the past. Is it financially viable? We need to have 'multi-use' of the land. A lot of time and effort into management
2. How much new hedging and how much fencing?  
Concern about the possible destruction of the openness of the moor by a long fence, which dissects the moor.
3. We would like to see access provided for disabled and also for children and families with pushchairs.

### **WORKSHOP 3:**

- Not enough information on the leaflet – who are the commoners
- Hedges are too low – all need to be built up
- Enclosure of common main issue and access for walkers
- Cattle grid – outside Trevoise and both houses
- Hedges OK – cattle have already been there before (over the last 20years)
- Electric fences have been stolen in areas.
- Only unspoilt beautiful open spaces available.
- Will the landowner of the spike on the map get payment
- Until get rid of knotweed shouldn't do anything (can do this in a year)
- What would happen about foot and mouth
- The plans are sorted before say anything
- Don't manage now
- What arte the changes to the plans in response to the comments
- What's going to change vehicles and dumping?
- Mine buildings in poor state and very dangerous – what will happen?
- Suspicion of motivation – only Grazing so can get their money – HLS

### **WORKSHOP 4:**

No one in favour of

1. Leave it alone with path clearance 8 – 2 for.  
Valuable public amenity – open access

Continued on next page

2. In favour of controlled burning Nov – Feb

**WORKSHOP 5:**

Reduce burning to allow re-establishment off devastated lichen Community.

Trial grazing with minimal cattle but spend the money not on fences, grids etc etc etc but employ a cowherd instead

What would be the environmental impact of heavy plant etc used to create hedging and grids etc?

**WORKSHOP 6:**

1. Last grazed in 1945 – 60+ years ago
2. Why grazing now? European money? Commoners will be finally rewarded so it is subsidized – like set aside?
3. Very few more beautiful vistas in Penwith. Why change it now?
4. Suggestion that cattle will only be grazed May – Sept – wet in these months for damage caused by cattle.
5. Don't want fencing 'cos will restrict access. Don't want cattle 'cos fear factor.
6. How is public access being addressed?

**WORKSHOP 7:**

Grazing supported – questions remain

- How can you control stock numbers and monitoring
- Commoners nominating grazier controls?
- Structure of liability – who is responsible – including Nine Maidens shaft fencing
- How are uncontrolled dogs (two visitors) going to be managed?
- Flexibility of structures
- Can you not employ a herdsman and work toward hefting



**Record of the Heathland Forum held on 27<sup>th</sup> November 2008**  
**Committee Room 1, Penwith District Council, St Clare, Penzance**

*NB. These notes are a record of the discussions at the above meeting however this document should not be regarded as official minutes in terms of accuracy.*

76 people recorded in attendance

Chair – Cllr Hudson Smith

1. Welcome

The Chairman welcomed everyone and explained that the format of the meeting was to be 3 presentations followed by an opportunity for questions and discussion.

2. Apologies

Apologies for absence had been received from  
Graham Ronan  
Councillors Rob to add

3. Speakers

**3.1 Cornwall Heritage/Environmental Services**

Steve Crummay (SC) gave the background to the management of the wildlife, biodiversity and archaeology of Penwith Moors. He stressed that in the past there had not been the same level of capital budget available for this as there is now. Much of the moors are Open Access

land and much in within the AONB designation. In addition many areas are County Wildlife sites and the County Council has a statutory responsibility for management of the archaeology on site. The key County Council work in this regard has been done by the Historic Environment Service (HES). At this point SC handed over to Graeme Kirkham (GK) who gave an illustrated presentation on the work of the HES over the last 30 years. This included a field survey of 10,000 acres to produce a details plan of the moors and an understanding of how the landscape was shaped. Examples given of iconic monuments, smaller sites, prehistoric, medieval and post medieval fields. Paleo-environmental studies had produced evidence of grazing and key views from important monuments would not have been visible if clearing and grazing had not taken place in Neolithic times. There was an obvious relationship between settlement and open rough ground, much of which has been lost over the last 100 years. The boundaries of today's farms correspond with areas of rough ground from medieval times. Also place names indicate the presence of common ground for grazing and fuel gathering. The impact of industry and the railway had meant that farmers no longer had to rely on mixed farming or fuel from the moors and so from that time onwards the moors had been neglected. As evidence of the recent impact of this neglect, photographs of Caer Bran taken in 1983 and 2007 were compared. GK continued that if this pattern of growth was allowed to carry on it would result in damage to standing structures and erosion as people would move towards the larger monuments where access is easier. Bracken also causes damage to archaeological layers. This can be cleared and GK recognized the work of CASPN in this regard, however this type of maintenance cannot create an open landscape. GK advised that fire had been used in the past but would now cause serious damage and the results do not

last. Bracken grows back quicker after fire as it encourages vigour. The moors need long term sustainable management as the landscape cannot be remade once it has been lost. In GK's opinion grazing gives a chance to achieve this goal.

### **3.2 Natural England**

Steve Clark (SCI.) gave an illustrated presentation on the HEATH Project. He said that the landscape of the moors is a result of thousands of years of people working the land. The moors are dominated by heathers with a lot of open areas and examples of the landscape were shown. Grazing supports very specific species of wildlife that won't live in dense heath. Birds can move away if the landscape changes but insects will be lost. An RSPB study had shown that some species of birds are now in much lower populations than there used to be. The UK has 20% of the world resource of heathland and so has an international responsibility for its maintenance. When management and grazing stops it results in growth of bracken and gorse. As the vegetation gets thicker it lifts off the ground and there is then no access to the soil for certain insects. The landscape begins to go into decline. Comparison of Lanyon Quoit in 1998 and 2005 showed the growth of gorse and bracken. The HEATH Project started on the premise that there was too much vegetation. Although efficient burning is part of the management process this cannot be done very regularly as it takes nutrients out of the soil. Herbicides and machinery can also be used but this is limited by stones on the ground and monuments. Also cutting does not favour species that are to be encouraged. A combination of cutting, burning and grazing is needed as that is how the landscape was created. An additional

benefit of the proposed project is increased access as overgrown areas are cleared. Although there are concerns about fencing restricting access and carving up the landscape, the lines of the proposed fencing support existing boundaries and do not block existing entrance points. In some cases areas have been made more accessible by identifying and fencing off uncapped mineshafts so making it safer for walkers. SCl. concluded that to maintain the ecology of the moors we need to rely on a combination of management techniques which included grazing.

### **3.3 Save Penwith Moors**

Ian Cooke (IC) began the presentation by thanking Rob Poole (RP) for instigating the Forum and added that in his opinion this should have been done by Natural England before the project started. IC explained what the acronym HEATH stood for.

Environment - the project is attempting to turn back to an unspecified period in time. The National Trust was quoted as stating that the area had been woodland in a previous time and he questioned who was entitled to decide what period the land should be re-instated to. He also questioned whether core samples had been taken. He added that as part of a previous initiative the National Trust had opened up new footpaths but had not introduced cattle as they were not necessary. Stock proofing degrades the environment and as an AONB it should be protected.

Agriculture – In the past farmers had to scrape a living from an impoverished landscape. Times are different now as the project is being funded by Europe. Farmers cannot be blamed for taking the ‘financial carrot’, the dispute is with Natural England.

Tourism – fencing and grazing close to monuments is not good for tourism. The sense of wilderness is identified as important in HEATH’s own report and IC referred to comments included in RP’s report stated that two foreign tour companies had written to object to the proposals. IC also cited another report on Cattle and Access which refers to the danger of cattle to other user groups. The manager of the AONB was quoted as expressing concern that the work of ESA could be undone. IC said that there was evidence that this would be a tourism ‘own goal’.

Heritage - IC commented that CASPN was supporting the introduction of cattle in areas of the most visited sites on the moors and which are used in promotional material. He cited the example of a monument on Bodmin Moor that had been damaged by cattle. The Historic Environment Service advises that clearance around above ground monuments should be done by hand to preserve them. The inflexibility of the Heathland project whereby no cattle meant that no money would be paid means that the commitment to Heritage comes second to the commitment to Agriculture.

Heathland – IC questioned what species would appear and disappear over the next 10 years and what cattle would introduce to the area. IC stated that the area should not be grazed by

anything but natural foragers such as deer or rabbits. Cattle can damage the seed bank and the growth of grass would be encouraged.

IC stated that the SPM group had been started in July 2007 and before that time elected members and the public were in ignorance of what was being planned. The project had originally focused on the Nine Maidens area and the main reason for withdrawing from this was the unsightly fencing as well as lack of public support. Ross Chapman had stated that where there was common consensus against the project it would not go ahead. Natural England do not understand the depth of feeling against this project. SPM intend to use the Local Government Act 1972 to demand a referendum before cattle can be put out to graze. SPM demand that all work for stock proofing be stopped and the introduction of cattle to the moors be abandoned. IC asked for the support of the Forum in this.

IC then handed over to Craig Wetherill (CW) who recalled a scheme in the 1970s/80s during which the moors were devastated by European funding for farmers. Many sites were lost forever. Following a public meeting the scheme was scrapped and ESA was introduced. The HEATH project only gives money to a select few including the National Trust and schemes such as this have been rejected in other areas. CW showed photographs of damage already caused and claimed that the maps already supplied do not mention this. 1.5 square kilometres have been destroyed in the last two weeks by the actions of National Trust and Natural England. CW believed that the purpose of this was to enclose the moors which had every landscape designation to protect them. CW claimed that the landscape had not changed in the last 50 years or when compared to historical records. He continued that woodland conditions

would not be created because of temperature levels. Delivery of food to animals would damage areas that had not been subject to this type of access before. CW also stated that cattle do not eat bracken or gorse and that gorse is needed to maintain the landscape.

The objection to bracken seemed to be in dispute with DEFRA Guidelines which state that trampling of bracken is not advised. Cattle had done damage to monuments on Bodmin Moor and grazing conflicted with the County Council's policy on Penwith Moors. It is not just the obvious archaeology that will be lost but also the evidence of field systems. There is no mention of the bronze age and Neolithic sites in the survey.

CW claimed that the public consultation carried out in 2006/7 was not a wide consultation and that a consensus against the project exists but Natural England has gone ahead despite the Project Managers letter in the Cornishman. There had been scaremongering regarding the risk of fire and CW questioned how PDC could be cited as a partner to the project when few members knew anything about it. The legal and traditional right of open access was being challenged.

CW questioned where all the funding was coming from and cited the cost of cattle grid installation at £20,000 each which would keep horse and trap users off the moors. He also asked who would be liable in the case of public injury or damage to monuments. He continued that the present situation offered a barrier to bovine disease and claimed that several acts of Parliament had been breached by an unelected body and called for the rejection of the HEATH project and the restoration of ESA.

#### 4. Questions

The Chairman thanked all the speakers and advised that the meeting had been called by PDC on the recommendation of the Social, Economic & Environment Committee following a site visit by members on 16 October and issue of the following statement of recommendation which was issued on 28 October;

*The Council recognizes the importance of properly managed Heathlands and a balanced approach should be adopted and therefore it resolves:*

*(1) That the authority establishes a Heathland Working Group to give a forum for all parties to express views and opinions.*

*(2) That this forum will collate views and recommend actions to the Council and onwards to the relevant statutory bodies.*

The Chairman added that the Council has limited powers but members have to take well informed views and this was the reason for calling the meeting of the Forum. He then invited GK to respond to the views of the Save Penwith Moors group.

GK stated that the damage to stones on Bodmin Moor in 2006 was not caused by cattle but was the result of longstanding erosion that was dealt with when funding became available and commented that it was worth considering why the stones were still in existence if grazing is so deleterious.

SC advised that AONB documents were posted on the website detailing the benefits of grazing and the threat of lack of management to the Heath. He quoted Nigel Webb and SB Chapman in regard to this.



Clarification was sought on the DEFRA Bracken Management Technical Advice Note 1 – SC stated that this was being revised.

Questions and comments from those present were then invited.

Donald Rowe (DR) stated that there were threats from TB, Blue Tongue and Foot & Mouth where two or more owners of cattle have to use the same access. If one fails a test it will result in restrictions on the other. He added that an outbreak of Blue Tongue would result in the closure of the Coastal Footpath and as a consequence a loss of tourism. DR asked why the National Trust was still supporting this and that the Council should not support or approve unsafe practices and asked that it be taken up with the Chief Veterinary Officer to establish the worst case scenario.

Mary Ansell (MA) showed an image of the first mapping of the area in 1690 a which showed Carn Galva as an example of a Celtic Field System and she stated that we still have an historic farm landscape.

Steve Yandall (SY) asked for an example of where successfully grazed land could be seen. Jon Brookes (JB) of NT suggested Chapel Carn Bray or Zennor Hill. SY commented that in his opinion this looked like it was retreating rather than expanding. JB responded with details of the work done with that particular farmer and that it would be successful. SY said that he had visited coarse grazing area on the Lizard and had been told that

grazing was now being reduced because of the effects of over grazing and the use of the wrong breeds of cattle.

CW responded regarding the grazing of cattle on the moors in the past. He said that this was not disputed and that it had ceased 100-150 years ago. However the difference between the grazing then and what is proposed now is that the herds were smaller and grazing only lasted 3 months of the year rather than the 6 months proposed now. Also the cattle were looked after by herdsmen so there was no need for fencing.

Farmer, Stephen Bone (SB) confirmed that Blue Tongue disease had arrived in this country however it could only be spread by midges not by contact between animals or other means. These midges could fly hundreds of miles in a short period of time and so there would be no closure of footpaths. SB added that he and another farmer at Lanyon had grazed cattle all winter between 1974 and 1994. This had been more extensive than currently proposed and it has worked well. There had been no resulting damage to monuments on the land and erosion was caused by the number of people visiting the sites not the animals. He also added that his father had fenced this land in 1973 to keep livestock in.

John Wood, a Rambler, commented that the work on the moors was nothing new and there was a long history of landowners trying to enclose areas. He continued that no-one had yet mentioned the CROW Act which rambles had originally regarded as a great victory but it was this Act that had allowed the current work to happen. He added that he had written to

the Secretary of State about this and also referred to the ideals expressed on the foundation of the National Trust.

SC responded regarding the CROW Act advising that CCC is the Access Authority and has a responsibility to maintain access. He gave details of the Cornwall Countryside Access Forum and the discussion regarding CROW, stating that he is often asked when there will be further access to the mapped areas and the aim is to create access and a mosaic of habitats. CCC is constantly criticized for the lack of access due to vegetation.

Andrew Climo (AC) said that he was offended by Natural England's claim to scientific imperative. This was a policy imperative as the science is not that clear and there is divided opinion amongst scientists. SC responded that there is a lot of evidence about the effect of gorse and bracken. AC commented that by trying to take the moors back to some standard of restoration there had to be a value judgment about what that was 1000 years ago. SC responded that the project was about biodiversity not restoration. AC continued that there was a lot of contradiction and questioned why barbed wire was being used in an AONB.

Mr Rowe of Cornish Stannary Parliament felt that it was a political campaign linked to the constitutional position of Cornwall within the British Isles. He added that he was aware that the moors used to be grazed by sheep and asked what breeds of cattle were proposed.

John Butterworth (JB) commented that the CCC presentation never addressed three archaeologically important sites and that although the discussions referred to future fencing, in reality some of it was already there. He questioned what difference cows were going to make to the situation if they did not eat the gorse and bracken that was causing the problem. He went on to quote Isabel Alonso, heathland ecologist for English Nature, who referred to the heathland's aesthetic value in the 'sense of wilderness'. JB asked how wilderness could be preserved with fencing without turning the landscape into something like everything else.

SC responded that after burning everything starts to grow. Cattle will selectively eat grass and young gorse and will trample bracken. Cattle will make the difference between the current cycle and a longer term rotation. JB questioned the cost benefit analysis and said that he was concerned about access now and not in 15 years time. SC replied that every point of access was being respected.

Peta-Jane Field said that the main problem was the barbed wire which hurts dogs and horses as well as being hideous. She asked if there was no other way to keep small herds in small areas and how had farmers managed in the past. There was no barbed wire on Dartmoor. SB commented that in the past cattle had been allowed to roam. SCl. added that much of the boundary work has been reinstating Cornish hedges. Barbed wire was only being used where the hedges were too bad to repair.

Caroline Sargent commented that the only point on which everyone seemed to be agreed was on access to the moors. She added that once fencing was in place it didn't take much to cause a problem and who was responsible for the public liability in case of injury.

SC said that he had not heard any possible solutions to the situation and offered to talk with representatives of user groups to discuss access provision with a view to a compromise.

CW said that the area had previously been designated for Right to Roam, once enclosed how long would it be until it was re-designated for agriculture. SC commented that the designation didn't relate to the fencing but to wildlife.

Jo Austin (JA) asked whether there was a time limit for the fencing to remain and what would happen when the project comes to an end. SC replied that farmers would have the benefit of the fences for as long as they lasted which would probably be 10-15 years. JA asked whether the stocking ratios were fixed or fluid. SC replied that they were variable on the understanding that the owner would stock what was necessary to the job but they were not allowed to supplementary feed animals.

Cllr Jan Rhurmund (JR) said that elected councilors had to have an opinion and that SE&E should have come up with an opinion before this meeting. She felt that this scheme was too experimental and there was too much of a risk of eliminating the unique character

of the area. She questioned whether it would achieve the biodiversity aims. She thought the Council should ask for the project to be reviewed and commented that the ESA scheme had worked well.

A questioner asked about the dependence on continuing European funding and whether the cattle would be taken off the moors if the money ceased. Leaving the fences in place. SCl. advised that the funding was for capital items only and no money was going to the farmers.

SB gave details of his farm at Lanyon which in 3 years time will be out of ESA which currently pays for countryside maintenance. He went on to describe the mechanism of the Single Farm Payment, ELS & HLS which demands that the land be managed. He added that 3 families depend on that farm for their income.

AC stated that the scheme is running without genuine consultation or respect for the residents or environment of the area.

Another questioner asked why more benign animals such as sheep or llamas could not be considered. SC responded that Natural England does not specify the animals to be used, this is down to the grazier.

Cllr Maddern (WM) said that he thought CCC's offer of further discussion should be followed up.

Rose Smith (RS) suggested that the project should be stopped until further discussions have taken place and also questioned the issue of public liability. She added that in her experience bracken could be reduced by cutting and she asked for details of the cost of fencing materials. SC thought this was in the order of £3-4 per metre. There was some discussion about the comparative benefit under ESA.

Mike Williams (MW) said that he had looked at going into the scheme. In the past Guernsey cows had been used for grazing which didn't need barbed wire to keep them in. He had been told that he couldn't use guernseys under this scheme and because his was common land he couldn't fence either. SC responded that no-one on the HEATH Project would have given that advice. MW replied that this had come from Vaughan and that the scheme went against everything that had been done under ESA,

Robin Simpson (RS) commented on the role of local democracy. The parishes of St Just, Penzance and St Levan had voted against it and this was the first meeting to discuss it but the work was already underway.

There were further questions on who was benefitting financially from the project and CW stated that there had still been no answer about public liability.

Cllr Hudson summed up that the project had originally been supported by PDC and the Forum had been thought to be the most practical means of getting more information to go forward. He suggested that SC's offer of further discussion be taken up and reminded all present that in four months time PDC will cease to exist and consideration will have to be given to which bodies are going to take on the responsibility. He went on to propose that all parties meet at the earliest possible opportunity. SC pointed out that his offer of dialogue only extended to discussion about access issues

Cllr Rhurmund requested a vote on the proposal that;

*The Forum recommends a halt to any further erection of fences pending further negotiation between the parties.*

Seconded by Rose Smith.

Votes in favour of the proposal – 53

Votes against the proposal – 10

Stephen Bone asked for clarification on the legal implication of this recommendation for farmers who are in the process of fencing their land. Cllr Hudson confirmed that the Forum has no legal jurisdiction and Mike Williams added that where people have legal grazing rights this continues. SCl. added that farming tenants also have the right to fence there land so it would be entirely lawful.



Cllr Hudson made a further proposal that;

*Dialogue between the Forum and Statutory Bodies continues whether the programme stops or not and that a meeting should be held as soon as practically possible with equal representation between parties.*

This was seconded by Andrew Climo

A clear majority voted in favour of the proposal.

RP advised that notes of the meeting would be posted on the Save Penwith Moors website.

The meeting closed.

**SAVE PENWITH MOORS STATEMENT TO FORUM HELD AT 7pm ON 27TH  
NOVEMBER 2008**

Committee Rooms 1, Council Offices, PDC, St Clare, Penzance

**SAVE PENWITH MOORS**

Written by Ian McNeil Cooke

I should like to begin by thanking Rob Poole for initiating this Forum on behalf of Penwith District Council.

However we consider this is a meeting that should have been initiated by the Natural England HEATH Project when it was first discussed some years ago, and long before barbed wire fencing, gates and cattle grids were being installed.

The most recent instance being Carnyorth Moor that, despite overwhelming opposition by St Just Town Council, was started only a few days ago – so showing utter contempt for the spirit of this forum.

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The Heath Project, H E A T H, is an acronym for Heathland, Environment, Agriculture, Tourism and Heritage, a Project that has its Secretariat based in Lille, northern France.

In this country it is being administered by Natural England with partners that include the National Trust, Cornwall County Council and Penwith District Council.

I will start by considering its effect on **E FOR ENVIRONMENT.**

The HEATH Project wants to turn back the ‘environmental clock’ to an unspecified era and change the look and ecology of local moorland. Jon Brookes of the National Trust, speaking of Carn Galva, recently said: “The habitat used to be woodland and that’s what it all wants to get back to.”<sup>3</sup>

But how far back into the past does the HEATH Project want to go? Who decides if it is 50 years, 500 years or even the Bronze Age?

Have core samples been taken of the soil to determine past biodiversity? If not, then the Project is not managing the moors but interfering with it.

Our previously wild places are currently being blighted with intrusive stock posts every couple of metres connected by many kilometres of barbed wire.

This is in direct contradiction to the spirit of the soon-to-end and successful Environmentally Sensitive Area scheme that put an end to an earlier plan to break-in moorland 3 or 4 decades ago – it was at that time when most of the old, now decayed fencing was put up. <sup>4</sup>

The National Trust has recently opened up many old and new footpaths on Watch Croft and Carn Galva. This is to be welcomed but it is significant that no cattle have been involved in this exercise. We hope that these paths will now be maintained by human beings – not cattle that are entirely unnecessary in promoting improved access to the moors.

Stock proofing instantly changes the look of the landscape and offends the eye. It does not enhance the environment, but degrades it.

This unique and historic landscape of Outstanding Natural Beauty should be protected in a way similar to listed buildings.

### **A IS FOR AGRICULTURE**

Here Natural England has an obvious hit.

Although the moors were occasionally grazed by animals years ago, this was because farmers had to scrape a living from an impoverished landscape, with little or no outside financial help.

Today is an entirely different story.

Some £650,000<sup>5</sup> of European and British taxpayers' money is paying for these fences, gates, cattle grids and other stock proofing in West Penwith. It is us who are financing a reduction in local amenity and access.

Where before we could walk freely, if the HEATH Project gets its way we shall have virtually nowhere to go where there are no cattle – they have chosen the most popular open spaces in Penwith while other similar environments are being left untouched.

No doubt the very few local landowners and farmers who will benefit from the HEATH project are extremely grateful for this public subsidy.

The rest of us are less impressed.

Nevertheless we consider that the very few members of the farming community who will benefit from the HEATH project cannot be blamed: they are having a large ‘financial carrot’ dangled in front of them at a time when most businesses are feeling the dire effects of the credit crunch: few people would refuse such a financial incentive.

Our dispute is with Natural England with its headquarters far away up-country – not with Cornish farmers.

### **T IS FOR TOURISM**

If anyone in the HEATH Project thinks that fencing and grazing iconic archaeological sites is good for tourism, then suggest it for Stonehenge and see how far you get.

The Project produced its own paper on sustainable tourism last year: this accepts that the key factor attracting visitors to the moors is the sense of wilderness – the very thing new barbed wire fences, gates and cattle will destroy.

Rob Poole's paper last month for the Council's Social, Economic and Environmental Committee provided pages of horrified comments from both locals and visitors at what is proposed. No-one can be in any doubt that these comments are absolutely representative of the incredulous and appalled reactions of the visitors who make such a major contribution to the local economy.

In addition two foreign tour companies contacted us to confirm their objections to the proposed enclosures. It is a fact that cattle do indeed deter visitors.

The Health and Safety Executive's Information Sheet on Cattle and Public Access<sup>6</sup> reminds us that **“all large cattle are potentially dangerous”**, and that the location of grazing cattle should take account of the numbers and kinds of people seeking access. Penwith Moors are accessed all year round by literally thousands of locals and tourists, ramblers, parents with children, dog walkers and horse riders.

Even the Manager of the Area of Outstanding Natural Beauty Partnership expressed his concern that twenty years of hard work under the ESA could be lost, and (I quote) “more importantly the landscape itself could be threatened. And it is this landscape that attracts most visitors to this area and the enormous economic benefits that they bring with them”.<sup>7</sup>

The evidence that this is a tourism own-goal is incontrovertible.

### **H IS FOR HERITAGE**

**“DON'T CHANGE THE SITE; LET THE SITE CHANGE YOU.”**

This is the slogan of the Cornish Ancient Sites Protection Network yet, in conjunction with the archaeological establishment, they incredulously support introduction of cattle to areas where there are internationally well-known and often visited prehistoric sites.

Two of these sites, Men-an-Tol and Lanyon Quoit, are not only the most visited prehistoric monuments in West Penwith, they are virtually unofficial logos of the area. They embody what West Cornwall and its ancient past represent to local and tourist alike. You would think

that they would be metaphorically wrapped in cotton wool rather than literally ringed with cattle and barbed wire.

In 2006 the Trippet Stone Circle on Bodmin Moor was severely damaged by cattle.<sup>8</sup> Nevertheless the Historic Environment Field Advisor apparently has no qualms to grazing Penwith's historic sites, and thinks that it may potentially be of benefit to both archaeology and wildlife.

Against this eccentric view the Historic Environment Service itself advises that vegetation clearance in and around visible above-ground archaeological remains must be done manually or by spraying.<sup>9</sup>

Their website<sup>10</sup> also states: “It is essential to avoid any disturbance to these sites if their archaeological value is to be preserved and they are to provide **inspiration** and **enjoyment** to future generations.”

It is only the inflexibility of the HEATH Project's terms of reference (No cattle = no money) which will unnecessarily put at risk both the larger monuments, fragile field systems and other remains precariously preserved beneath the very vegetation that the cattle are there to destroy.

The Project's commitment to Heritage comes a very poor second to its commitment to agriculture.

This brings us back to the first **H – HEATHLAND**.

Here the Project has always claimed the scientific high ground, whereas we are portrayed as enemies of biodiversity.

In fact what we are against is avoidable experimentation on this moorland.

Can the Project tell us what species will appear, and what disappear over the ten years, and, crucially, what precise contribution the cattle will make?

Heathland research carried out by the government-funded recently merged Institute for Terrestrial Ecology was absolutely unequivocal: natural heaths, like those in Penwith, should **never be grazed by anything other than natural foragers like rabbit or deer**. When grazed by cattle heathland contracts.

The effects of introducing grazing on such ecology is entirely unpredictable. No-one can tell if the rarest species will be the first to go or the last to survive.

Cattle do enormous damage to the seed bank on or below soil level - the real jewel on any heath which can last twenty five years or more.

Growth of grass will be encouraged. A **virtuous** cycle for the cows, but a **vicious** cycle for the heather the Project is supposed to be saving.

They claim to be putting their trust in science- in fact they are putting their trust in cattle.

Agriculture once again comes first.



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SAVE PENWITH MOORS action group was formed in July this year by six concerned local residents – all of whom have, for many years, regularly walked, ridden, drawn artistic inspiration from, or studied the archaeology and folklore of these moors.

Until our campaign started residents and elected councillors were in almost total ignorance of what was about to be inflicted, and this despite Natural England proclaiming that extensive surveys and interviews have been carried out with local businesses, visitors, locals and others.

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This has certainly not been my personal experience at Men-an-Tol Studio where I have had a business for 30 years.

Our initial campaign concentrated on Nine Maidens Common, the only area where we had the legal possibility of stopping the HEATH Project. One of the stipulations of a planning application was that commoners should gain local support, however this failed to materialise and they withdrew from the Project, one of the main reasons being that there would be too much unsightly fencing.

Yet despite failure of the HEATH Project to achieve popular support for fencing Nine Maidens Common, they have turned a ‘deaf ear’ and are pressing on regardless in other areas of moorland with entirely unpredictable consequences.

We consider that the drastic effects of this Project have the potential to transform the last handful of safe open-access wilderness of West Penwith into a mix between a **wartime prison camp** and **manicured enclosed parkland**, decorated with a few iconic prehistoric monuments.

Ross Chapman, HEATH Project spokesman, told the Cornishman only two months ago that where there was a **common consensus** the Project would not go ahead. He knows that local opposition is much wider and deeper than the 1100 people who have returned our protest petitions.

In view of the HEATH Project's stubborn attitude in refusing to acknowledge the depth of opposition, to we intend to start proceedings – under the Local Government Act of 1972 – requiring Penwith Council to organise and pay for local referenda<sup>12</sup> in the affected parishes before cattle are out in the Spring, and on a question our choosing.

We are confident this exercise in local democracy will show the “common consensus” the Project says it wants to see.

In the meantime SAVE PENWITH MOORS insist that overgrown scrub, paths and archaeological sites must be kept clear by hand, by mechanical means, or by controlled burning.

In addition we **demand** that present work installing fences and other stock proofing under the HEATH Project should be halted immediately. And that the planned introduction of cattle should be permanently abandoned.

Help us to oppose this catastrophic Project by joining our campaign against it **now**.

**MINUTES of the Meeting of the SOCIAL, ECONOMIC AND ENVIRONMENT COMMITTEE held in the Guildhall, St John's Hall, Penzance on Wednesday 10 December 2008.**

**PRESENT**

Councillor H H Smith - Chairman

Councillor Mrs E M Penhaligon – Acting Vice-Chairman (left at 9.30 p.m.)

**COUNCILLORS**

Bailey Miss A I (left at 9.35 p.m.)

Bennett J

Lello R H

Mrs T Lello

Mates P E

Schofield E M

White Mrs C A C

**OFFICERS**

Head of Sustainable Development & Improvement

Head of Housing, Health and Community Safety

Financial Services Manager

Planning Solicitor & Deputy Monitoring Officer

Senior Sustainable Development Policy Officer

Senior Conservation and Design Officer  
Regeneration Manager  
Acting Housing Manager  
Employment and Enterprise Officer  
Rural Economy Officer  
Committee Manager

Diana Mompoloki, Head of Convergence, South West RDA was also in attendance and gave a presentation in relation to agenda item 7 (3) “Convergence Programme Update: Penzance and Isles of Scilly Strategic Investment Framework”.

APOLOGIES FOR ABSENCE – were received from Councillors Nicholas S and Pilcher M E.

S.68

### PUBLIC SPEAKING

In accordance with the protocol set out in the Council's Constitution, Mr John Butterworth of “Save Penwith Moors” addressed the Committee in respect of the report entitled “Heath Project and Penwith's Heathland's”. He referred to the earthworks which were currently being carried out near Carn Galva which he felt were having a detrimental effect on this historic landscape and could potentially damage archeological deposits. He circulated a handout to all members of the Committee in support of this.

He went to say that the Ancient Monuments (Class Consents) Order of 1984 stated that such works required legal consents in an area of a scheduled ancient monument. The Council's

Senior Enforcement Officer had visited the site on 2 December 2008 and his report was awaited. He urged the Committee to recommend a cessation of the works until the legal position of the works was confirmed.

Mr Butterworth also referred to the introduction of grazing cattle on heathland which he suggested would have a detrimental effect on tourism and the resulting loss of amenity for locals and tourists alike.

#### S.69 DECLARATIONS OF MEMBERS / OFFICERS INTERESTS

Councillor Bailey reported that in respect of agenda item 7 (12) Heath Project and Penwith's Heathlands, she had attended the forum meeting on 27 November 2008 but she did not speak or vote on the recommendations.

#### S.72 HEATH PROJECT AND PENWITH'S HEATHLANDS

In the light of public interest in this item, the Chairman agreed to bring this report forward on the agenda.

The Chairman reported on the outcome of the Heathland's "open" Forum held on 27 November 2008 which had received a number of presentations from interested organisations and groups.

Two recommendations had been proposed by the Forum and recommended for consideration by the Committee as set out below :-

- (1) That the Forum recommended a halt to any further erection of fences pending

further negotiation between the parties.

(2) That dialogue between the Forum and Statutory Bodies continued whether the programme stops or not and that a meeting should be held as soon as practically possible with equal representation between parties.

In respect of the first proposal the Chairman stated that as the Council was not the accountable body for the project any recommendation that the Committee passed would have limited effect. He acknowledged that some form of management oversight of the project was required and that there had been a lack of information provided to the public. As a consequence he felt it was important to bring all the concerned parties together in attempt to reach an acceptable outcome to the current situation. Therefore he proposed that the Committee support the second recommendation only. This was seconded by Councillor Penhaligon.

The Rural Economy Officer outlined the background to the current position and agreed that there had been a failing on the part of Natural England in effectively communicating the project which had led to the present situation.

Councillor White felt that it was important that the Council took a stronger position with regard to this issue and proposed that the Committee supported recommendations 1 and 2. This was seconded by Councillor Mates.

In response to a question with regard to the legality of the works at Carn Galva, the Planning Solicitor and Deputy Monitoring Officer said that she had not been involved in the matter but

would speak to the Council's Planning Enforcement Officer as soon as possible. The Rural Economy Officer said that the works referred to were 'ditching works', but the Committee was concerned that they could potentially affect the ancient monument.

Councillor Mates expressed concern at the lack of public accountability and member involvement in the project and proposed an amendment to recommendation 1 as follows:

“The Committee recommends a halt to any further erection of fences pending a further report to the Committee from the Council's Senior Enforcement Officer, following a site inspection to determine whether a breach of the Ancients Monument Order had occurred.”

The amendment was seconded by Councillor White.

Councillor Bennett then proposed a further amendment to the proposed amendment by Councillor Mates to include a reference to consultation with the Ancient Monuments Warden. The further proposed amendment to recommendation 1 to read:-

“The Committee recommends a halt to any further erection of fences pending a further report to the Committee from the Council's Senior Enforcement Officer, in consultation with the Ancient Monuments Warden, following inspection of the site at Carn Galva.”

The further amendment was seconded Councillor White.

It was agreed that the proposed further amendment be put to the vote, which was supported by the Committee. This now became the substantive motion.



The substantive motion was put to the vote, was approved and became the substantive recommendation.

RESOLVED – that the Committee recommends:-

(1) A halt to any further erection of fences pending a further report to the Committee from the Council's Senior Enforcement Officer, in consultation with the Ancient Monuments Warden, following inspection of the site at Carn Galva; and

(2) That dialogue between the Forum and Statutory Bodies be continued whether the programme stops or not and that a meeting should be held as soon as practically possible with equal representation between the parties – this dialogue would be undertaken through a Working Group with a membership and representation as set out in paragraph 5.1 of the report.

## HEATHLANDS FORUM 9<sup>th</sup> February 2009, 2.00pm

### Committee Room 1, Penwith District Council

**Attendees:** Cllr Hudson Smith (HS) (Chair) - Penwith District Council  
Cllr William Maddern (WM) - Penwith District Council  
Rob Poole (RP) - Penwith District Council  
Graham Hatton (GH) - Sancreed Parish Council  
Peter Bowden (PB) - Natural England  
Geoff Osborne(GO) - Zennor Parish Council  
Ian Cooke (IC) - Save Penwith Moors  
Craig Weatherhill (CW) - Save Penwith Moors  
Cllr Sandy Angove (SA) - St Just Town Council  
Jon Brookes (JB) - National Trust  
Adrian Bigg (AB) - PAROW  
Cllr Jan Rhurmund (JR) - Penwith District Council  
Steve Crummay (SC) - Cornwall County Council  
Richard Angove (RA) - National Farmers Union  
Debbie Evans - Minute Taker

### Apologies

Andrew George MP

## **1.0 Introduction – Cllr Hudson Smith**

- 1.1 HS welcomed everyone to the meeting and gave details of the background to the meeting. The previous meeting had given all sides an opportunity to air their views. The outcome of that meeting had been a desire for continuing dialogue and although it was not possible to go back to the position before the work was done it was the hope that a way through could be found to the agreement of all parties.

## **2. Forum Membership, Role & Future**

- 2.1 HS explained that it was necessary to restrict membership of the Forum to make the meetings manageable and that all views should be channelled through the appropriate representative. It was suggested that membership be set at 12 members initially, with a meeting frequency of 6-8 weeks and that accountability extends to Towns, Parishes and Residents affected by the Heath Project.
- 2.2 The proposed membership is;
- Cornwall County Council
  - Save Penwith Moors (2 members)
  - National Trust
  - Natural England
  - St Just Town Council
  - Sancreed Parish Council

Zennor Parish Council

PAROW

NFU

Rob Poole, Penwith District Council

Stephen Bone, Farmer

- 2.3 HS stressed that after transfer to the Unitary Authority, Penwith District Council will no longer be able to host or fund the Forum and this would need to be addressed if the Forum is to continue.
- 2.4 Each member present was given the opportunity to comment on the proposed membership structure;
- 2.4(i) WM agreed that the parishes should be represented.
- 2.4(ii) JR expressed concern about the continuity and the elected county councillors' representation and also felt that she did not have a strong enough mandate to sit on the Forum.
- 2.4(iii) GH agreed with views previously expressed
- 2.4(iv) PB agreed with the outlined suggestion and referred to similar groups on Bodmin Moor which worked well on the basis of one-third membership by Agencies, one-third by Interest Groups and one-third by owners and land users and PB would favour a similar approach with this Forum. He was not concerned about the hosting, Chair or administration arrangements.

- 2.4(v) GO said that as this was his first meeting representing Zennor he had no comment to make at present.
- 2.4(vi) IC suggested that including either the Ramblers Association or West Cornwall Footpaths Association would give a more balanced representation.
- 2.4(vii) CW felt there should be representation for Bridleway users and elected county councillors.
- 2.4(viii) SA agreed that the membership should not be too big but said that the membership needed to be broad enough. She was not sure if St Just PC or county councillors had been invited to the previous meeting.
- 2.4(ix) SC said that although he was commenting as an officer rather than an elected member he was confident that the new authority had a strong commitment to the environment and would want to be represented on the Forum.
- 2.4(x) JB agreed that the RA or WCFPA should be represented and also suggested that RA would be sufficient representation for farmers.
- 2.4(xi) AB felt that the size was about right and stated that RA and WCFPA were both represented by PAROW. AB could also represent horse riders. Agreed that balance of the Forum needed to be correct.

2.4(xii) WM added that to address the need for County Councillors on the Forum, SA could attend in both capacities. WM felt there should be at least 1 farmer and agreed that Stephen Bone would be a good choice.

2.4(xiii) RA felt that 'small is better' and that membership could be drawn down from CCAF, Penwith ESA Liaison Group, NFU and a farmer. He added that the remit of the group should determine its membership.

2.4(xiv) HS summed up and said that if the 'one-third' policy were to be adopted then membership would have to increase. RP felt that the current suggested representation should be sufficient to get the group the group started and it was agreed that the discussion should move on to the Terms of Reference.

2.4(xv) It was agreed that the Forum should initially concern itself just with the geographical area of Penwith Moors rather than the whole district.

2.5 HS asked each member for their suggestions for the Terms of Reference for the Forum.

2.5(i) JR said that this depended on the status of the group. The previous meeting had made recommendations which could not be actioned because the group had no authority.

- 2.5(ii) PB gave an example of the role of the ESA Group meetings which had been successful in providing feedback and nipping problems in the bud and he felt that this group could have a similar role in solving problems.
- 2.5(iii) SC also questioned what mandate the group had. He stated that all statutory agencies such as CCC, NE, NT and PDC wanted to do their work in an environment of consensus and engagement for the common good. However some agencies have statutory obligations to perform and private landowners and tenants also have their own individual rights to use their land.
- 2.5(iv) CW said that the group had to have some accountability and there should be an understanding that promises made would be kept. There had been a lack of equal communication in the past. HS stressed that being more pro-active and improving communications should be a key term of reference.
- 2.5(v) AB recommended sharing of information, highlighting issues and finding solutions by consensus.
- 2.5(vi) IC stated that the position of SPM was to co-ordinate opposition to fencing and grazing and whilst that does not prevent attendance at Forum meetings he wished to re-state the position of SPM and read out a statement (*annexed at the end of these minutes*). IC added that whilst SPM did not want to see fencing or grazing of these particular areas it was in favour of bringing problems forward to the Forum and getting them resolved.

2.5(vii) The agreed Terms of Reference for the Forum were summarised as;

- Continuing dialogue and discussion
- Bringing problems to the attention of the Forum for discussion
- Finding solutions to these problems and providing feedback on the outcomes
- The Forum has no legal mandate

2.6 Discussion moved to the future of the group after PDC ceases to exist.

2.6(i) SC reiterated that he was sure that the new council environment service would want the group to continue.

2.6(ii) CW felt that meetings should be held in Penzance and not in Truro.

2.6(iii) HS pointed out that the next meeting would be in March at PDC offices and the future arrangements could be discussed at that meeting.

### **3. Summary of Position – Natural England**

3.1 PB gave background information about ESA and the Heathland Project. The project came to an end on 31.3.09 and all finance and administration arrangements had to be finished by 31.12.08, although Joe Oliver was still dealing with snagging issues.

3.2 PB summarised the successes of the project as being the benefits to Tourism and Education and the Workshops.



- 3.3 He added that the project had been bad at community engagement and there should have been a pilot project. There should have been better community involvement 2 years earlier. The short timescale had resulted in a rush to spend money at the end and there had been a knock on effect with ESA Schemes.
- 3.4 The ESA Scheme had covered 300 farmers but it was likely that only about 40 would be eligible for HLS so NE is looking for a mid-way scheme and the impetus is gaining for this. All schemes are voluntary.
- 3.5 PB pointed out that problems arise when statutory obligations have to be managed. Much of the heathland could be designated as SSSI and if it deteriorates may have to be notified.
- 3.6 PB felt that the suggestion of equal representation could work and agreed with AB's suggestions for the remit of the group. He is anxious to nip problems in the bud and is happy to hold site meetings. PB gave details of the Cornwall Wildlife Trust Wetlands Project which could be a possible HLS Scheme in Penwith.
- 3.7 PB continued that he was disappointed by the vandalism at the sites, particularly the cutting of barbed wire. This is not the way forward and has affected farmers who are nothing to do with the Heathland Project. He hoped that this dialogue would prevent further problems of this kind.
- 3.8 HS thanked PB for his comments and added that he did not believe that the vandalism had resulted from any party at this meeting and was probably due to the increased

publicity. IC added that he had made SPM's position very clear regarding the vandalism in both an email and a letter to 'The Cornishman' details of which were read out.

- 3.9 CW gave details of a problem with a bridlegate installed in January which was not suitable for horseriders. AB advised that he had looked at this with Joe Oliver and had agreed a solution. He pointed out that on this particular path there was no legal right of access although there has been historically.

#### **4.0 Summary of Position – Save Penwith Moors**

- 4.1 IC referred to the contents of his statement annexed at the end of these minutes and added that a public forum should have been instigated before the project started.
- 4.2 IC stated that although much has been made of the fact that the fencing going up was replacing pre-existing fences, there has not been continuous grazing on the moors. Gates and hedging have been installed and IC wished to know how many applications had been made to do this and how many had been approved or rejected. He had asked Mike Eastwood for this information on 11 Rights of Way but had not received a reply. He had also asked John Pender in Enforcement but had not received a reply.
- 4.3 IC stated that there had been no consideration for bio-diversity and that cattle trample on all species. He also questioned the NT policy on woodland and asked whether the new paths that have been created will be maintained and remain open beyond the life of the project.

- 4.4 CW said that the question of liability had been raised on numerous occasions but had never been answered. He asked who, in the event of injury arising from the work done under the Heath project, would be liable?
- 4.5 CW added that agencies need to be better informed stating that archaeological information is inadequate or insufficient and gave an example of the dating of a particular Cornish hedge.
- 4.6 CW said that he understood that it was unlawful to build a hedge across a right of way and gave details of an accident involving a horse and rider which had been caused by the conditions created by the installation of a new hedge at Kenidjack.
- 4.7 HS asked for clarification on the issue of liability. RA stated that liability for injury or damage to property will sit with the tenant or landowner that agreed to the installation of the fencing, hedge or gate. He added that deliberate obstruction of a right of way is illegal and CCC has Officers who investigate this. RP gave details of the relevant section of the Occupiers Liability Act. RA added that there was a caveat for 'escaping animals' where an individual has responsibility to protect themselves from animals on common land.
- 4.8 AB advised that he had investigated the problem at Kenidjack and it will be sorted out by Joe Oliver as soon as the weather improves.

## **5.0 Summary of Position – National Trust**

5.1 JB stated that NT operated within regional and national strategies. They are often opportunistic when farmers are committed to environmental practices. The grazing scheme was 15 years in planning with considerable engagement including Walks and Talks. The recent opposition came as something of a shock as there had been no previous opposition expressed. NT is open to local knowledge and will do what it can to solve problems.

## **6.0 Summary of Position – Cornwall County Council**

6.1 SC stated that CCC involvement with the Heath Project and the wider management of the agricultural environment is dictated by the following;

- Schedule of Ancient Monuments
- CROW Act
- Rights of Way network
- AONB
- County Wildlife Sites (a local level designation of biodiversity significance which is measured by how well they are looked after)

6.2 SC advised that he had been working for CCC for 16 years and prior to that he had worked for NT in Penwith and that grazing at the Carn Galva site was being discussed

back then but could not progress because cattle grids were not in their remit. SC said that he was keen to see positive pro-active management and resilient agricultural community.

- 6.3 He continued that detailed implementation of the Heathland Project in Penwith is causing problems but it has worked well in other areas such as The Lizard, where local engagement work has been done well and there have been staff on the ground early. What was needed was to learn lessons from this, move on and put right mistakes.
- 6.4 With regard to obstructions there are 11 or 12 situations where work has been done on rights of way and of these there are 2 where the correct consents are not in place. Section 147 of the Highways Act allows for the erection of gates and stiles for the management of stock. Where a hedge is installed on a right of way for stockproofing purposed and it has a gate or a gap then it is not illegal. There are 2 situations where it is not clear if s.147 applies because work was done several years ago and applications were processed by a previous officer without public engagement at the time.
- 6.5 SC gave details of some technical issues that had arisen.
- The cattlegrid on Morvah 11 - It is not legal to put a cattle grid on a bridleway or across its whole width and there is no right to divert around it. The legal solution is to put adequate provision (i.e. a gate) on the bridleway and put the grid next to it. In this case the grid is to be moved in order to comply. PB added that it was probably the responsibility of the landowners to apply for s147 approval but

assumed that it was being done by the Heath Project. SC said this illustrated the need for better working between agencies.

- At Carn Yorth Farm – The line of the right of way goes through the milking parlour and the route being used is actually the permissive route which does not require s.147 approval.
- The hedge next to the bypass at the western end of Carn Galva (Rosemergy) where the line of the footpath can only be determined + or – 2.4m because the Definitive Map is hand drawn and the statement does not specify the location or width at that point. CCC's legal view is that as long as it allows public access at that point is it OK. There is also a mine feature that has opened up which is being investigated.
- Four Parish Stone on Morvah 15 where works on ditching have caused flooding. SC stated that no work was done prior to the visit by Andrew George's visit and that he had seen a communication regarding the works to make good and remove the pipe. This ground had always been wet but the work has made it significantly worse and is being dealt with.
- One path where it is not clear if there is a s147 notice – Joe Oliver is investigating. The process is that after an application has been approved a check is made on the work done.

- 6.6 With regard to Open Access or CROW land – land owners are allowed to do work on Open Access land and people are allowed to access this land by whatever means they choose but should try to do that by agreement. SC said that it had been insisted that gates are installed rather than stiles to maintain the status quo even though where there is no legal right to ride horses. He also pointed out that if Modification Orders were sought for bridleways where there is Open Access and a long history of riding freely on land which is not legally designated, the MO would reduce the level of access currently enjoyed. AB pointed out that under CROW there is a legal right to negotiate higher rights with the landowner. SC added that this is the sort of debate he would like to have within the Forum.
- 6.7 CW said that he was grateful for the clarification of these points but added that there was clear photographic evidence of the drainage pipe at Four Parish Stone being blocked by a stone. SC once again stated that this had not been the case at the time of the MP’s visit. JB added that temporary works had now been done to block the pipe.
- 6.8 AB commented that the problems for walkers and riders had arisen out of the rush to do works at the end of the project. He was confident that they would be resolved but was disappointed by the standard of work done by contractors e.g. leaving barbed wire on paths. There had been good reports that access has been improved for walkers but asked whether these routes would be maintained and whether similar work would be extended to the remainder of the network and subsequently maintained.

6.9 SC responded that this was a good opportunity to do something positive and for PAROW to do work on the non-definitive paths. There are a lot of local users who are not party to any particular group and the aim should be to improve access for every user. SC said that work would be done where specific problems are brought to the Council's attention.

## **7.0 Specific Issues**

7.1 IC said that many of the routes shown on the definitive map for Carnyorth Moor had not been walkable for many years and asked whether the Heath Project would open these up. He continued saying that the extent of the network had been used as an argument in support of the Project many of the paths were useless. SC said that this was a very fair comment and although the Heath Project had come to an end it had given the stimulus to look at future work to open up the network with PAROW. It may be that work on the ground may identify where actual useage is different to the definitive paths and could result in a more meaningful situation however changing the definitive map is a lengthy process. HS commented that this provided an opportunity to be pro-active and for agencies to work together.

7.2 AB commented that the project had concentrated on grazing but had not looked at mechanical clearing of paths to introduce access initially.



- 7.3 PB commented that the project was driven by a wildlife requirement and Carnyorth is a common where farmers have existing grazing rights. There is a distinction between commons with farmers' rights and commons for recreational use.
- 7.4 IC asked where previous fencing was and stated that some 'breaking in' had been done in 1970s and PB added that some had been done during the war.
- 7.5 JR asked that at the next meeting the Forum should look at the implications of SSSI designation for the moors and monitoring of the effect of the cattle. She was aware that cattle used to be grazed during the winter to save pasture but it was now proposed to graze in the spring and summer. JR was concerned about the effects on Western Gorse. PB responded that Stephen Bone had offered to only graze outside of school holiday periods at Men an Tol. CW commented that he knew SB's father used to graze that area but others have not been grazed for a long time and then they used herdsmen so did not need fencing. PB advised that there was a possibility of shepherding being funded by HLS. JB asked for clarification on the criteria for this. PB to bring details to the next meeting.
- 7.6 HS summed up by encouraging SPM, PAROW & CCC to hold meetings to discuss detailed specific issues and report back. SC agreed that Heath Project issues need to be dealt with quickly because of the time frame and CW asked that particular attention be given to the problem with the gate illustrated in the photographs he had circulated

during the meeting. Issues requiring attention to be addressed to specific officers in the meantime.

7.7 Action points and agenda items for the next meeting to include the Future of the Forum and Chairmanship

**8.0 Any Other Business**

8.1 There were no further items

**9.0 The Date of the Next Meeting**

9.1 The date of the next meeting was confirmed as Tuesday, 17<sup>th</sup> March 2009.

The meeting closed at 4.10 pm

Signed.....

Date.....

**Statement by SAVE PENWITH MOORS** (to be annexed to minutes)

9TH FEBRUARY 2009 HEATHLANDS FORUM

**ITEM 5 ON AGENDA**

Mr Chairman

It is to the discredit of the agencies implementing the HEATH Project that they did not initiate a public Forum several years ago when the issue of heathland management was being discussed and planned – it might just have given them an idea of the strength of public concern over their proposals and prevented many of the problems that have now arisen.

Save Penwith Moors action group was set up to organise and coordinate opposition by all legal means to the fencing and grazing of Penwith moors proposed under the Natural England HEATH Project. As we are a small group with few resources we decided to concentrate on the four areas we considered to be the most unique and important for recreation and enjoyment by locals and tourists alike: Carnyorth Moor, Carn Galva, Lanyon Farm (Men-an-Tol and Lanyon Quoit Crofts) and Nine Maidens Common – commoners of the latter have since decided not to participate in the HEATH Project.

We emphasise that our participation in this Forum in no way means that these aims have changed.

We consider the idea of stock proofing the moors to graze cattle as part of ‘management’ is creating far more problems that it is supposed to solve, and is now in the process of ruining

the informality of the area with installation of numerous new gates – mostly across public rights of way; the creation of unsightly earthworks of dubious legality; and miles of expensive fencing – not all of it being replacement of fencing erected in the early 1970's, when farmers were encouraged and paid to break in moors in all ill-fated scheme that was soon abandoned and replaced by the successful ESA.

While recognising that there is a legal right to graze parts of the moor, and this has been done very sporadically in recent times, this ancient right provides little or no financial benefit to farmers today unless there is a subsidy of public money on offer– and this is now the case under the HEATH Project and Defra. Money is the driving force behind this Project - not concern for the environment

Save Penwith Moors want any management of the moors to be minimal and consist of hand or mechanical clearance; controlled burning of small areas on a rotational basis; and selective use of herbicide around archaeological sites. We demand that recent stock proofing – gates, fencing and earthworks – should be removed and the moors returned to its state before this recent work took place; and that there should be a return to something resembling the soon-to-end ESA.

Despite our fundamental opposition to the present most visually intrusive parts of the HEATH Project – the stock-proofing – we intend to bring to the attention of the various agencies concerned all problems and infringements of their stated aims of improved access to, and onto

the moors; protection of archaeological sites; grazing cattle and the public; general state of landscape changes; and any other problems brought to our attention by members of the public.

Numerous gates and adjacent bits of Cornish hedge have now been installed across public rights of way to enclose the moors. We would like to know how many applications to the County Council have been made to carry out this work? How many have been granted and how many refused?

Currently we have contacted CCC Countryside Manager (Mike Eastwood) requesting the legality of this stock proofing on 11 public rights of way. He assured me on 27th January that he would shortly be able to advise me on this – to date I have not received any assurance. We also await the report by Jon Pender, enforcement officer for Penwith, on the Carn Galva fiasco– is it published yet and will it be made public?

The HEATH project is experimental with no known final outcome and should have been carried out on an area of moorland where few, if any, members of the public walk or ride – the large area of moor between Great Bosulow and Boswarva, I believe part of the Bolitho Estate, would have been an ideal location.

We consider there is a distinct possibility that much of the moors will eventually be reduced to grassland as cattle tend to graze fresh grass on newly burnt areas, and will trample **ALL** young vegetation, not just bracken and gorse but also heathers, wild flowers etc.

In conclusion we express our dismay and disgust at the heavy handed and incompetent drainage and ditching earthworks carried out by the National Trust at Carn Galva, as well as

the remarks of its West Penwith official. Speaking of Carn Galva, Jon Brookes was quoted in *The Cornishman* 4/9/2008 that “The habitat used to be woodland and that’s what it all wants to get back to”. Have any pollen analysis or core samples been taken to support this statement? Does the National Trust now want to see woodland rather than heathland on the Galvas?

“You can’t walk the moors because you will be ripped apart...” Jon Brookes again quoted in the same article. This is clearly nonsense but does not explain why, in the 30 or so years the Galvas have been owned by the NT, they have never been troubled about supposed lack of public access. Is their present concern and the creation of many new paths – by mechanical means without use of any cattle – simply a public relations exercise as part of the HEATH project?

All this inefficiency and contradictory statements does not bode well for the more complex stated issues of biodiversity, clearance and protection of archaeological remains, public access, and the long-term effects of grazing cattle.

Thank you.

## HEATHLANDS FORUM 17<sup>th</sup> March 2009, 2.00pm

### Committee Room 1, Penwith District Council

<b>Attendees:</b>	Cllr Hudson Smith (HS) (Chair)	-	Penwith District Council
	Rob Poole (RP)	-	Penwith District Council
	Peter Bowden (PB)	-	Natural England
	Geoff Osborne(GO)	-	Zennor Parish Council
	Ian Cooke (IC)	-	Save Penwith Moors
	Craig Weatherhill (CW)	-	Save Penwith Moors
	Adrian Bigg (AB)	-	PAROW
	J Waldon (JW)	-	Independent Consultant
	Richard Angove (RA)	-	National Farmers Union
	Steve Yandall (SY)	-	Save Penwith Moors
	Debbie Evans (DE)	-	Minute Taker

#### 1.0 Apologies

Andrew George MP  
Cllr William Maddern  
Jon Brookes  
Steve Crummay  
Stephen Bone

#### 2.0 Introduction – Cllr Hudson Smith

2.1 HS welcomed everyone to the meeting which would be the last that he would chair due to the transfer to One Cornwall. He reminded everyone of the background to the Forum and the reason for meeting. Whilst the Forum has no legal mandate he felt the power of the group was in discussion, trying to address past problems and look for future opportunities. He also pointed out that some of the agencies represented had statutory duties that they were bound by. Up until now the hosting and secretariat function of the Forum had been provided by PDC but how this was done in the future would have to be decided at this meeting.

### **3.0 Minutes of the last meeting**

3.1 The minutes were signed as a true record of the meeting held on 9<sup>th</sup> February 2009.

### **4.0 Matters Arising**

4.1 IC referred to the Terms of Referenced outlined in 2.5(vii) and stressed that the position of SPM was not to assist with rectifying problems which helped the Heath Project to succeed. HS acknowledged this position and re-iterated that the Forum was only able to listen to points of view and problems and to facilitate the discussion. It was not possible to include the stopping of the Heath Project in the Terms of Reference.

4.2 CW referred to the questions annexed to the previous minutes and the responses from Jon Brookes that had subsequently been circulated. CW said that he was not happy with the NT answers particularly with regard to who had supervised the work done



and stated that a suitably qualified archaeologist with local knowledge should be in attendance at all times. PB commented that as no one from NT was present at the meeting then it was not possible to answer these points however he stated that in response to Q2 Natural England did not approve the work done on Carn Galva but have since engaged with NT on remedial action and have given a certain amount of time for rectification as far as possible. Completion is expected by the end of June. He understood that the Ann Reynolds of CCC had been involved and that she was an archaeologist with local knowledge but would check this. CW said that he did not know her.

- 4.3 AB referred to 6.9 and gave an update on liaison regarding access. Since Steve Crummay had been unwell since the last meeting the liaison had not gone ahead as planned. This was recognised as a wider issue and PAROW was doing good work on the Eastern end of the Moors and he would like to report on this later in the meeting.

## **5.0 Summary of Position – National Trust, Natural England & CCC**

- 5.1 PB said that the Heath Project had now effectively finished with the last member of staff, Joe Oliver, finishing on 23 March (he will be returning to NT at the beginning of April). There are some issues regarding gates at Carnyorth that still need to be dealt with. AB said that he had heard reports that improvements had been made but he had not inspected it himself. CW commented that the gates had been tied back and he

believed that this had been done for an Endurance Cycle event. No mounting blocks had appeared and no grazing was taking place.

- 5.2 IC asked to whom complaints should be addressed now the project had finished. HS and PB advised that landowners/farmers now had responsibility. SY asked how biodiversity was being overseen. PB replied that for land management across the ESA most areas were under agreement with Natural England with 5 or 6 in the Higher Level Stewardship scheme. PB will have an overview and Vaughan Robbins is the local person to talk to regarding biodiversity as he is in the area 2 or 3 times per week (based in Truro).
- 5.3 AB returned to the issue of gates and infrastructure and said that NE needed to make sure all is put right before Joe Oliver finishes. Mounting blocks and the surface of paths through gates need to be put right before handing over responsibility. PB responded that the project is time limited and that after 31 March responsibility lies with the land manager/owner. However he expected that the work would be completed in time.
- 5.4 IC referred to the ESA regulations and stated that these seem to contradict what has been done with the Heath Project. He asked if these regulations are mandatory. PB confirmed that although the schemes were voluntary, once signed up the land owner or manager has to abide by the rules. IC to send details of the breaches of prescriptions to PB. He referred particularly to the requirement to maintain stockproofing in traditional

materials. PB pointed out that in some cases derogation or variation may have been given where normal farming practice is not compatible with the requirements of the ESA and also that the prescriptions referred to hedges and walls, not fencing.

5.5 CW raised the issue of land ownership of the area north of Trewellard and that in addition to the two listed owners there may also be a third owner (Lords of Trewellard) and questioned whether they were aware of the project and their liability. PB said that he tried to investigate this 15 years ago. CW said the Mike Simpson at Geevor could probably assist with this.

## **6.0 The Penwith Moors Vision Project – John Waldon**

6.1 PB said that he had suggested that JW should come to the meeting as many of the issues raised in Penwith were similar to those experienced on Bodmin Moor & Dartmoor National Park. A Dartmoor Vision Project had resulted and JW had been instrumental in producing this and was also involved with Bodmin Moor. PB thought it would be useful to have a similar exercise in Penwith. JW is familiar with the area. Natural England is funding this project but PB stressed that JW would be acting as an independent consultant.

6.2 JW restated his independent position and that he is currently employed by Dartmoor Commoners Council and farmers on Exmoor. He added that NE had not been prescriptive in briefing him and he had already talked to a few people in the area but this meeting was the real start of the process. He needs to talk to everyone involved

and would start by talking the agencies, then the farming community and to representatives of other user groups and legitimate bodies. JW said that he wanted to explore whether there was any possibility of an agreement. He felt it was likely that there would be a lot of common ground and he hoped that the project would be bring some clarity to the situation. He intended that initially the scope would be quite narrow but if it proved useful for the moors then it could be widened. It was important to produce something that people could understand and that would feed into the AONB plan. JW went on to give examples of previous projects. HS said that it was important to include representatives of the parishes involved and give them the feedback. JW stressed that it will be a fairly quick exercise. It is anticipated that firsts results should be available be the end of April/early May. HS asked if JW would feed back to the Forum and JW agreed that he would if that was required. SY felt it important to communicate the results and counter some of the recent inaccurate reporting.

- 6.3 SY asked whether the study would be confined to local issues or whether worldwide implications would be considered such as the tipping point for methane production. JW said that climate change and other global issues would be put to the agencies involved to establish what their expectations are.
- 6.4 CW commented that one item of concern was that local expertise had been bypassed by the agencies and those local people would like to be consulted. SY agreed that local ownership was suggested the Lizard and Bodmin Moor. SY said that he had heard

reports that the Lizard had been overgrazed. AB added that grazing had been going on at Lands End and St Ives and Nation Trust had organised tours of these areas. SY responded that he was not impressed with these areas and CW added that he would not like to see Penwith Moors become like Bodmin Moor. PB to come back to SY with further examples. There followed a discussion about biodiversity and PB stated that NE's aim was diversity in the ages, species and heights of vegetation while being mindful of the archaeology when developing management plans.

- 6.5 AB circulated copies of a draft report produced by PAROW on the work done by this group on the north east area of the moors from St Ives. This work was done in consultation with NT and landowners using equipment financed by the Heath Project. Access had been improved and more people were now using the moors and wildlife corridors and firebreaks had been established. AB added that this work could be extended but is limited by a lack of funding. IC congratulated PAROW on the work done and added that SPM had said that this work should be done without the introduction of grazing. SY added that he had previously suggested a 'Beat the Bracken' campaign to NE. PB agreed that it seemed PAROW had done some good work and that firebreaks were important. AB continued that Right to Roam and Open Access hadn't really given any benefits because of the lack of direct management. HS added that use of the moors should be encouraged and AB agreed that they are an underused resource and if they are used more now that the paths have been widened then maintenance requirements should be minimal.

## **7.0 Summary of Position – Save Penwith Moors**

- 7.1 HS requested that any points that were addressed to NT should be brought to the next meeting when a representative would be present.
- 7.2 IC said that a satisfactory reply had been received in respect of item 4.2 on the minutes of the previous meeting and that it had been confirmed that NT were in breach of the Highways Act and the offending items have been removed. Nothing had been heard of the Enforcement Report from John Pender.
- 7.3 Under item 7.5 in which it was reported that Stephen Bone had offered not to graze during school holidays, IC wondered why this was and whether it was a tacit recognition that there is a problem between grazing and large numbers of walkers as there are lots of visitors to these areas outside of the school holidays. IC asked if any risk assessments had been prepared and if so could they be made public. PB replied that there was no requirement under the Heath Project. The landowner has the responsibility for this. RA agreed that it was the landowner or managers decision about whether to do such an assessment. They must comply with legislation but they do have a right to graze on a public ROW. This was simply a gesture in recognition that those not used to the countryside, particularly children, may be intimidated by cattle. CW said that a large proportion of the population would be intimidated and would be deterred from going on the moors. He gave the example of the farmer in the area that had purchased a longhorn bull. PB said that this particular farmer was very

conscious of the public being on the land and he did not expect this animal to be put out to graze but it was his right to do so. PB suggested that Adrian Thomas be invited to a future meeting to report on his experiences of grazing on public ROWs. A general discussion about the nature of longhorn cattle followed.

- 7.4 IC asked why some of the most popular tourist areas had been chosen when there were other areas of the moors that are rarely visited. HS suggested that at the next meeting farmers' representatives should be invited to contribute to the discussion. AB said that the important thing was to deter the cattle from congregating in the wrong areas.
- 7.5 CW reported that he had the day before received an email from Matthew Carter in response to a letter sent in December regarding the possibly unlawful works. MC had requested that CW give a list of these to PB at the meeting. CW felt that it was unreasonable to be expected to do this in less than 24 hours given the lengthy delay in reply. PB agreed.
- 7.6 CW praised the success of ESA and said the SPM would support a continuation of this or any scheme which did not include new means of enclosure where it has not been there before. He added that he understood the farmers' rights and that the decline and re-introduction of grazing were due to economic reasons. PB added that NE has statutory obligations regarding habitat in Penwith which escaped designation as an SSSI in the 1980s because of its ESA status, but now this was ending there could still be notification which was very strictly enforced and breaches could result in

prosecution. The new ELS and HLS schemes have resulted in a 'gap' in the ladder and PB is awaiting the results of a proposal submitted to address this in Scilly. If successful he may be able to do the same thing in Penwith.

- 7.7 CW said that ESA had put a stop to the destruction of historic hedges and he was concerned of the effect of ending this on the 'world's oldest artefacts still in use' as they have no statutory protection. RA agreed that the ESA had been a resounding success due to the large take up and the threat of SSSI notification which is legally binding. RA would be very happy to work with PB to put together a submission for Cornwall to solve the problem between ELS and HLS. He added that ESA did include roughland management schemes and grazing had been re-introduced under this. CW repeated his concern about the destruction of archaeological features.
- 7.8 CW referred to the NT works at Carn Galva. Complaints had been made to PDC Planning Enforcement regarding engineering works and the Enforcement Section had promised to produce a report for the February planning meeting. He had now been advised that Planning are writing to NT asking when they are going to carry out remedial works. CW questioned whether NT were being afforded special treatment. HS responded that Planning had requested that NT carry out remedial works and were awaiting advice from NT about the timescale for this. RP said that he would ask Enforcement if they have now done the report and if so to put it before this meeting.



- 7.9 CW referred to a response given by Steve Crummay at the previous meeting regarding the footpath to the east of Carn Kenidjack. There had been some confusion and the problem was not on the path that goes through the milking parlour. On the path in question a wall has been built across it. SC to be asked to respond on this. HS said that he would also ask John Pender to respond. CW asked who would be the contact after the end of March. HS replied that everything will transfer to OneCornwall and contacts on the democratic side will be county councillors.
- 7.8 SY referred to the State of the Natural Environment report and a statement regarding grazing. He pointed out that at Green Burrow there will be grazing on old mine workings and asked whether any consideration had been given to the ingestion of arsenic and other toxins and the subsequent effect on the food chain. PB said that if the areas are grazed then it is the responsibility of the farmer to monitor this. SY questioned whether NE should not check whether land was fit for the purpose of grazing before giving money. PB responded that he had not been asked to do this and had not come across the issue before. RP said that this was the responsibility of the Food Standards Agency and he would take it up with them and report back to the next meeting.
- 7.9 SY asked questions about growth of heather on the moors and the containment of Phytophthora. PB referred SY to Isobel at NE as these were technical questions.

7.10 SY asked whether the wider impact of increasing cattle numbers on methane production had been considered. PB said that he was not an expert on climate change and JW added that methane does not stay as a greenhouse gas for as long as carbon and rough grazing produced lower levels of methane than intensive rearing. RA added that the statistics showed that the national herd is in decline and has not recovered post Foot & Mouth. There are also significant drops in the sheep herd in less favoured payment areas. HS summed up that SPM wanted to see environment and health impacts being taken into account and that should be included on the next agenda. SY said that a blueprint for management of heathland similar to the PAROW report was needed that involved local people.

## **8.0 The Future of the Forum**

8.1 HS said that with PDC coming to an end there was to be a transition to OneCornwall. RP and the offices would still be in place but a budget of approx. £1000 per year was needed to cover the cost of secretariat as currently supplied. Andrew George had offered to assist with secretariat and meeting support but timings would have to fit with his schedule. SY asked whether HS could continue as Chairman but HS said that would not be appropriate. PB said that NE could organise the meetings if that would be helpful. RP added that for the next year at least the room and refreshments could be provided at St Clare, he would ask SC how it could continue under OneCornwall. HS said that he could write to the Chief Executive on behalf of the forum. PB mentioned the ESA Liaison Group that he had referred to at the previous meeting which had met

twice a year. He added that the group needed a balance of representation. RA to speak to Andrew Hitchens as a possible farmer representative.

**9.0 Any Other Business**

9.1 CW proposed thanks to HS for his chairmanship. This was endorsed by all.

**10.0 The Date of the Next Meeting**

10.1 The date of the next meeting was confirmed as Tuesday, 12<sup>th</sup> May 2009.

10.2 The first item on the agenda to be the election of a Chair (nominations to be invited beforehand).

The meeting closed at 3.55 pm

Signed.....

Date.....

## HEATHLANDS FORUM 12<sup>th</sup> May 2009, 2.00pm

Board Room, Council Offices, St Clare, Penzance

**Attendees:** William Maddern (WM) - Sancreed Parish Council  
Rob Poole (RP) - Cornwall Council  
Peter Bowden (PB) - Natural England  
Geoff Osborne(GO) - Zennor Parish Council  
Ian Cooke (IC) - Save Penwith Moors  
Craig Weatherhill (CW) - Save Penwith Moors  
Adrian Bigg (AB) - PAROW  
J Waldon (JW) - Independent Consultant  
Steve Yandall (SY) - Save Penwith Moors  
Jon Brookes (JB) - National Trust  
Steve Crummay (SC) - Cornwall Council  
Roy Mann (RM) - Madron Parish Council  
Debbie Evans (DE) - Minute Taker

### 1.0 Apologies

Andrew George MP  
Stephen Bone  
Cllr Sandy Angove  
Richard Angove

## **2.0 Election of Chairman**

- 2.1 Following a general discussion RM proposed WM as Chair. This proposal was seconded by GO and agreed unanimously by those present and entitled to vote.

## **3.0 Minutes of the last meeting**

- 3.1 After amendment to item 5.1 to read ‘riding’ rather than ‘cycling’, the minutes were signed as a true record of the meeting held on 17<sup>th</sup> March 2009.

## **4.0 Matters Arising**

### **4.1(i) Watch Croft/Carn Galva**

IC referred to questions submitted by SPM group following the last meeting and asked why the National Trust had stated that the works had been approved by Natural England when this was not the case. JB responded that following a meeting with the ESA Project Officer, verbal agreement had been received. Thereafter there had been some confusion in communication regarding timing and methods. PB added that there had been written communication regarding fencing and verbal communication regarding hedging.

- 4.1(ii) IC quoted an article in the Cornishman stating that NT was doing ‘everything possible to mitigate problems’. IC said that there was no visible evidence of any progress. JB responded that he was working closely with NE and a final plan had been sent to Vaughan Robbins and John Pender. This work will require machinery and site and this

could not be done during wet weather. There followed a discussion about the nature of damage to the site and whether it resulted from vandalism or water ingress.

4.1(iii) CW asked whether permission had been granted for the works at Watch Croft as this was on registered common land. JB advised that repairs to existing boundaries did not need permission. CW disputed whether this was actually a repair of an existing boundary and quoted the relevant section of the Commons Act s.38 3(c) JB responded that this was not his understanding of the situation but he would get it checked by appropriate NT department.

4.1(iv) WM asked if John Pender's report had yet been received. RP advised that following the previous meeting it had been requested but had not been forthcoming. **ACTION POINT** – obtain copies for the next meeting.

#### 4.2 ESA/Heath Project

IC circulated a document which highlighted apparent contradictions between the requirements of ESA and the Heath Project. He said that this had previously been emailed to PB but no response had been received. PB responded that he had never received the document but was in the process of responding to another letter from IC and would deal with these queries as part of this response. **ACTION POINT** - WM requested that feedback be given at the next meeting.

### 4.3 Carn Kenidjack

- 4.3(i) AB asked if there was any information on the work on gates and mounting blocks. CW advised that further gates went up last week but these were not of the type agreed with the Bridleways Officer. SC queried who CW meant by this but CW did not have a name (may have been Toby Lowe). CW circulated a photograph of the gate in question and gave details of the problems with this design. He also read out the content of an email from a horse rider that visits the area regularly detailing the problems encountered with the gate. CW added that cattle had now been introduced to the area and were already congregating within the circle and rubbing against the stones. He said that cattle were off putting for walkers and riders, and this particular breed (Longhorns) could cause injury to people and horses with their horns. He pointed out that there were no water troughs in place for the cattle.
- 4.3(ii) CW stated that if any stones topple as a result of the grazing it will result in prosecution under the Ancient Stones & Monuments Act. WM asked if there had been any damage yet. CW said that nothing had been recorded yet but the cattle had only been in since the weekend and the situation was being monitored on a daily basis. CW also stated that the farmer had been seen driving across the circle on a quad bike and he wondered if NE was aware of what the farmer had done. PB responded that he had spoken to the farmer recently and had been advised that the gates were open to a clean field where drinking water was available for the cattle. He added that it was the farmer's responsibility to be aware of potential damage to the stones and he pointed

out that this was not a recognised bridleway only a footpath. The work done was under an agreement for reasons of improving habitat through grazing with traditional breeds and if the farmer doesn't graze the land he will be in contravention of the agreement. AB commented that cattle were not a problem in open spaces but they do habitually congregate where people go (such as gates) and that is when problems occur and an alternative route is needed. CW pointed out that under the plans for Carn Yorth the pipe for the water trough is shown to be only 5 or 6 feet from the right of way and so cattle will congregate there. PB responded that he would make the farmer aware of the issues raised but stated that the grazing plan started years ago and would still have gone ahead irrespective of the Heath Project. AB commented that although this was not a bridleway it was an historically used route and it had originally been agreed that bridle gates would be put in. RP commented that Forum members around the table had the necessary skills to determine whether gates were correct or not. **ACTION POINT** – PB to look into issues surrounding gates, stiles and water troughs with assistance from AB.

4.3(iii) SC said that grazing has been introduced in another area which is less used by the public and this is showing significant benefits for wildlife and biodiversity without damaging the archaeology. SY whether this was just anecdotal or whether an audit had been carried out beforehand. PB advised that an audit was done in 1996/7 and an HLS Farm Environment Plan would have been done last year. There followed a discussion about the general effects and specific benefits. CW stated that previous



archaeological surveys had not been well done with some monuments being left off. AB commented that the beneficial effects for access of grazing could be observed at Rosewell Hill when contrasting the NT land which has been grazed with the other side which has not.

4.4 Action Points – see summary at the end of the minutes

#### **5.0 Summary of Position – National Trust, Natural England & CCC**

5.1 JB advised that NT work was moving forward. Waiting for a response from Highways Agency regarding cattle grids on the Galvas. Grazing was planned to start in mid-June but realistically work are not likely to be completed until the end of June.

5.2 CW asked how NT proposed to stock proof Watch Croft. JB responded that it would be a while before they approached that and he would come back to the forum when that is considered.

5.3 PB reported on behalf of NE advising that grazing had commenced at Carn Kenidjack . At Carn Galva they are working with NT and the John Walden project continues.

5.4 PB said that he was replying to IC's letter and if any further issues arose please ring him or raise at a meeting. It is easier to respond to once to all parties rather than to individual queries on the same issue.

5.5 SC reported on behalf of Cornwall Council advising that they were dealing with operational issues such as gates that don't work. He apologised for delays in

responding to enquiries following his recent absence due to illness and work resulting from the floods. SC requested that members advise details of specific issues by telephone or email and he will arrange site visits.

- 5.6 CW commented that there was no signage advising the public of what was happening. PB said that he was arranging this.
- 5.7 SC said that he felt that in addition to dealing with the current operational issues he felt that the Forum's role in long term strategic planning for Penwith Moors was equally important. Communication with users was vital and the Zennor tragedy had proved that this could be done.
- 5.8 CW referred back to the issue of bridle gates and commented that assurances had been given back in January that this issue and mounting blocks would be dealt with. SC responded that he didn't have a list of what was needed and once he had the information he would do all that was possible. AB advised that he still had the original list provided to Joe Oliver but hadn't had the time to audit what was still required. CW confirmed that he was happy for AB to do this and requested that mounting blocks be sited on the left hand side not the right hand side. **ACTION POINT** – AB to liaise with SC & CW to provide a list of requirements in respect of bridle gates and mounting blocks. RP offered assistance with any mapping, photocopying etc.
- 5.9 SY commented regarding communication with the public and said that so far there had been no involvement with the public and most felt that they could not approach the

various agencies. If more ownership could be encouraged this would reduce vandalism.

## **6.0 The Penwith Moors Vision Project – Update (John Waldon)**

6.1 JW reported on progress so far saying that most of the time had been spent interviewing the various interested parties. He was putting more emphasis on how similar problems could be avoided in the future rather than specific issues. Generally he had found great passion for the Moors but there was a lack of a summary of why the area was so special and why it should be managed. He had begun with the agencies to see if there is any agreement between them and willingness to participate.

6.2 The farming community seem to need more clarity and to see where they fit in the scheme. Farmers had offered to contribute practical participation.

6.3 It was obvious that communication could have been better.

6.4 It would be a few months before anything tangible could be presented and JW is trying to find funding to give the Vision Project a longer life. There was a general discussion about the possibility of funding from UNESCO and AONB.

## **7.0 Summary of Position – Save Penwith Moors**

7.1 IC read out the following statement;

**SUMMARY OF POSITION**

There is a desperate need to readdress the unequal balance between moorland used for agriculture and by locals and tourists for recreation etc. It is becoming far too much in favour of the former, especially as many other areas have now been fenced and grazed – long stretches of the coastal path and Pendeen Carn to name two examples.

We therefore see no reason to moderate our position with regard to Carnyorth Moor, Watch Croft, Carn Galva and Lanyon Farm regarding removal of fences, gates, etc as spelt out in the minutes of 9th February 2009. However we want to see the affected farmers financially compensated so that these areas can be managed in an unobtrusive manner (by hand or mechanical means). This will, we believe, preserve their recent appearance of perceived natural unspoilt wilderness – I emphasise the word **perceived** –so that these areas are not ruined for ever.

7.2 IC expressed concern regarding the effect of the works on tourism and referred to a petition raised by SPM which had collected over 1000 signatures against fencing and grazing. There was a general discussion regarding the phrasing of the questions used when canvassing and how these had changed over time.

7.3 IC reported that he had received an email from Cheryl Traffon of CASPN reporting that Paul Bonnington had told her that SPM had withdrawn its objections to grazing in all areas other than Carn Kenidjack and Carn Galva and that this had been stated in

minutes of a Heathland Forum meeting. IC confirmed that this was not the case and asked why NT were reporting this. PB suggested that because SPM had stated that efforts would be concentrated in these areas it had been misinterpreted. CW responded that SPM objects to all grazing on the moors and is only concentrating its efforts in these areas because this is where it is happening at the moment.

## **8.0 Proposed Site Visit**

8.1 It was agreed that a site visit would be helpful. This would be arranged to coincide with the next Forum meeting. **ACTION POINT** - RP to arrange transport. To look at Carn Kenidjack and Nine Maidens.

8.2 SC suggested that, as a contrast, on another occasion a visit could be arranged to a site that has been grazed for a number of years.

## **9.0 Any Other Business**

9.1 PB expressed concern about the level of representation on the Forum for farmers. Both RA and SB had been unable to attend this meeting due to other commitments. IC suggested Kenny Trembath. PB to ask him.

9.2 SY asked PB if grants were available for walling. PB confirmed that this was the case and SY asked why these were not taken and Cornish hedges erected instead of barbed wire. PB advised that this was mainly due to time and in general NE were in favour of

Cornish hedging. SY suggested that if the barbed wire were to be replaced by hedging in the future it would answer many of the criticisms.

- 9.3 SY asked RP if he had been able to pursue the query raised at the previous meeting regarding the implications for the food chain of high levels of soil contaminants.  
**ACTION POINT** - RP to take up with Environmental Health

### **10.0 The Date of the Next Meeting**

- 10.1 The date of the next meeting was confirmed as Tuesday 7<sup>th</sup> July, 2009 at 12 noon. RP to arrange lunch The meeting closed at 3.55 pm

### **ACTION POINTS**

1. RP to obtain copies of John Pender's report.
2. Feedback on the ESA/Heath Project document to be presented at the next meeting.
3. PB to look into problems for public of cattle congregating at gates, stiles and water troughs with assistance of AB.
4. AB to liaise with CW and SC to provide a list of work required on bridle gates and mounting blocks.
5. RP to arrange lunch and transport for site visit on 7<sup>th</sup> July.
6. RP to contact Environmental Health to investigate impact on the food chain of animals grazing on contaminated land.

## **Demand for dismissal of National Trust official**

### **SAVE PENWITH MOORS STATEMENT**

In view of the appalling incompetence, illegality and insensitivity of the work planned, approved and supervised for their properties of Watch Croft and Carn Galva, Save Penwith Moors action group will be demanding the dismissal of the National Trust Property Manager (Jon Brookes) for West Penwith.

#### DETAILED REASONS

1. Illegal installation of a drain at Carn Galva near 4 Parish Stone that flooded 3 public rights of way in breach of the Highways Act (1980).
2. Illegal installation of a cattle grid across the complete width of the public bridleway Morvah 11 on Watch Croft in breach of the Highways Act (1980). The NT map dated 1/10/2008 of work to be carried out also shows they had intended to install another cattle grid on this bridleway where it meets the minor road to Trevowhan.
3. Construction, using two mechanical excavators, of earthworks and deep ditching into the subsoil along the boundary between Carn Galva and Nine Maidens Common with several hundred boulders of various sizes being dumped alongside, and within, this ditch. This, despite a Trust web site declaring they were only replacing displaced soil that had weathered away off these hedges,<sup>13</sup> and that this would be done by “beating up the existing unfenced hedges, in a traditional fashion, to make them

stock proof”.<sup>14</sup> (This work is certainly in breach of the ESA prescriptions and is probably also illegal but has yet to be officially verified).

4. Construction, in a manner similar to the Carn Galva works, of earthworks and ditching on registered common land on Watch Croft that cuts this common land in half. This work has been carried out with no public notice or consultation. (This work is also probably illegal but has yet to be officially verified).

5. Mr Brookes claimed that “consultation on this scheme [Carn Galva] has been varied and includes presentations to the residents of Morvah parish and Zennor Parish Council....During all this time I have received one negative comment”.<sup>15</sup> This is hardly surprising since local residents and walkers regularly using this area, but outside Morvah and Zennor parishes, were never informed of what was being proposed and that, when eventually requested, the plan of intended works gave no indication of the above mentioned drain and earthworks.

6. In his reply to a series of questions from Save Penwith Moors as to who approved the plans for work on Carn Galva, Mr Brookes replied that that they were “*Approved by NE, HES, NT archaeologist after site visits*”.<sup>16</sup> However at the Forum held on 17/3/2009 [minutes item 4.2] Peter Bowden of Natural England stated that “Natural England did not approve the work done on Carn Galva but have since engaged with NT on remedial action and have given a certain amount of time for rectification as far as possible. Completion is expected by the end of June.” Was this yet another case of deliberate misinformation or simple carelessness?



7. The National Trust has carried out numerous works in direct breach to the spirit of the ESA (see below).

Do not remove any hedges or walls (Item 1 scheme prescriptions)

*When work began on Carn Galva the NT removed a length of hedge down to ground level by the 4 Parish Stone when workmen's huts and equipment were placed there in late October/early November.*

Maintain stockproof hedges and walls in a stockproof condition using traditional methods and materials. (Item 3)

*This has patently not been done otherwise there would be no need for the NT to raise the height of hedges on Carn Galva and Watch Croft.*

Do not erect any permanent fences. (Item 4)

*Brand new (not replacement) barbed wire fencing and gates have been erected on Watch Croft adjoining Carn Galva.[see NT map dated 1/10/2008]*

Do not remove large boulders from your land or excavate (Items 6 & 12)

*NT excavated a large number of boulders and dug extensive trenches on southern boundary of Carn Galva.*

Do not install any new drainage system or substantially modify any existing system. (Item 13)

*NT excavated deep drainage trenches down to the rab on southern boundary of Carn Galva, as well as many new trenches on Watch Croft.*

Do not erect temporary fencing (Item 21)

*NT plans show they intend to erect 1600 metres of temporary electric fencing alongside the minor road at Watch Croft and across the moors along the border with Dakota Farm. [see NT map dated 1/10/2008]*

The present tragic situation at Carn Galva and Watch Croft, disastrous for the public image of the National Trust, the HEATH Project and, indeed, for the West Penwith moorland so admired and appreciated by people from all over the world, does nothing to inspire public confidence in the ability of the National Trust to carry out their further obligations under the HEATH Project which should be abandoned forthwith and the moors restored to their former state prior to these recent works.

## **Heathlands Forum Meeting 7th July 2009, 2.00pm**

**Board Room, Council Offices, St Clare, Penzance**

**Attendees:** William Maddern (WM) - Sancreed Parish Council

Rob Poole (RP) - Cornwall Council

Stephen Bone (SB) - M C Bone & Son, Farmer

Geoff Osborne (GO) - Zennor Parish Council

Ian Cooke (IC) - Save Penwith Moors

Craig Weatherhill (CW) - Save Penwith Moors

Adrian Bigg (AB) - PAROW

Steve Yandall (SY) - Save Penwith Moors

Jon Brookes (JB) - National Trust

Debbie Evans (DE) - Minute Taker

### **1.0 Apologies**

Steve Crummay

Andrew George MP

John Waldon

Richard Angove

Peter Bowden

### **2.0 Minutes of the last meeting**

2.1 The minutes were signed as a true record of the meeting held on 12th May 2009.

### **3.0 Matters Arising**

3.1 4.1(iii) – IC asked what the position was regarding Watchcroft. JB reported that he had been advised by both the Bristol office and DEFRA that the works were legal as the boundary date precedes 1924.

3.2 9.4 – IC reported that in response to this he had received a letter from Nick Lawrence that referred to some previous unsatisfactory work carried out by contractors. However the contractors had claimed that NT representatives were present throughout the works and had approved them. JB stated that this was not the case and the sub-contractor was responsible for the problems that had now been corrected.

3.3 4.1(iv) – CW referred to the report by John Pender(JP) which had been supposed to have been prepared in February but was later claimed to have been given verbally. CW had been unable to find any record of that and JP has now closed the file and the original claimants have been denied access to the file and are not happy. WM confirmed that there were legal reasons why the claimants were not allowed access to the file and that it was exempt from the Freedom of Information Act. RP added that he had a meeting with JP following the last Forum meeting and was told that the verbal report was given to Matt Barton who should have reported on the matter to SE&E Committee. There was no evidence that this report was given and RP has not seen the file. JP had stated that it was legal and lawful under the agricultural exemption act. He had been invited to attend the Forum meeting but had a prior commitment.

CW commented that the claimants were disappointed that they had to hear this from another officer rather than receiving a direct reply.

3.4 5.8 – AB reported that he had done a full survey of the bridlegates and most were OK but one was in a seriously dangerous condition. This was reported immediately but no action was taken. There has since been an accident. This would be discussed later in the meeting. SY suggested that JW should be made aware of this as he may have come across a similar situation on Bodmin.

#### **4.0 Updates from Forum Members**

##### **National Trust**

4.1(i) JB reported that the hole at Carn Galva had been excavated and it was just a void not an adit. It has now been filled in and the hedge built up with 2 mounting blocks put in.

4.1(ii) At the eastern end of the Galvas there is to be some work on the ditches. Some of the dumped material will be taken off, re-hedging with access point included. JB added that he had not intended to put in a bridlegate but was open to suggestions on this.

4.1(iii) JB will be running 5 walks in conjunction with farmers to „Meet the Cows“ for those who are nervous of cows.

##### **Save Penwith Moors**

4.2(i) IC read out a prepared statement which is annexed at the end of these minutes.

4.2(ii) The statement ended with a proposal to hold a public meeting in St Just entitled „The Penwith Moors – a threatened amenity“ at which all parties would be able to state their case and answer questions from the public. CW stated that he would be happy to second the proposal. RP said that while the Forum could assist with facilitating such a meeting it would be necessary to check that Natural England would be happy to attend. This matter to be dealt with under Action Points.

4.2(iii) SB asked about the Carnyorth situation gave details of his own experience of HLS. SY commented that the timing of grazing would be critical to the effectiveness of the practice. CW said that he thought there had been an agreement not to graze during the holiday period but this seemed to be happening. SB replied that this offer had been made in an attempt to alleviate the situation but had perceived from the minutes that this had been taken as an admission of a problem which was not the case. As he had received no response he had not taken any further action on it. AB commented that from an access point of view grazing had worked well in some areas but in this case there had been no preparation for grazing which meant that the only places cattle were left to go were on the paths. SB added that for HLS entitlement the land had to be seen to be managed which included cutting and burning as well as grazing. CW pointed out that while SB’s land had traditionally been enclosed it was different at Carn Kenidjack which had traditionally been open.

4.2(iv) CW raised the issue of risk assessments stating that cattle have been put out by the farmer without carrying out a risk assessment. PB had previous stated that a risk assessment was not required, yet the Natural England website states that risk assessments are required

before introducing cattle to an area. Also at Carn Kenidjack the farmer has been giving the animals supplementary feed which causes them to charge at feed time (it had previously been stated that supplementary feed would not be given). IC added that at Carnyorth cattle have been in two small fields where feed and water is placed.

4.2(v) JB commented that the problem with HLS was that there was no flexibility to allow for the seasons and also more staff were needed on the ground to help with advising farmers on this. AB stated that this had been the case on the Lizard. SB agreed that the knowledge of moorland grazing amongst farmers was poor and any help would be appreciated. RP commented that advisors had tried to help farmers in breed selection to ensure that the cattle did the job and also resulted in an end product as well. RP said that he would support the role of a warden working on the ground.

4.2(vi) IC & CW had met with archaeologists to discuss problems at Tregeseal Stone Circle who are now going to consider the situation. Bracken will be cut away to give more space for the cattle to around the circle.

4.2 (vii) CW reported on the incident which resulted in injury to a horse. The gate was in a dangerous condition and had been reported 5 weeks previously. NE had undertaken to deal with it straight away but had failed to do so. The horse was badly injured and the rider suffered bruises. The horse was a very valuable animal and the owner would be making a claim. He added that he had received a report from another rider that the farmer of this particular area had threatened to ban riders from the moor and pointed out that this was a right

under the Highways Act. CW gave details of incidents in other areas of injuries resulting from grazing cattle. WM commented that that these often resulted from dogs being kept on leads and it would be better if they were off the lead. CW pointed out that NE notices advise walkers to keep dogs on leads. CW asked if farmers were aware that they are likely to be sued in the event of an incident. SB replied that all farmers have public liability insurance and that problems are more likely where there are cows with calves. RP advised that risk assessments were not required for school visits to farms. AB said that the problems go back to lack of planning beforehand and looking at where cattle are likely to gather and how to manage the potential risks. In response to a question from WM, AB confirmed that Carn Kenidjack was not an official bridleway but there is open access for walkers and there is recorded access for riders which could be claimed under a modification order. Wandering rights cannot be claimed. CW added that under s.31 of the Highways Act, any route regularly used for 20 years is deemed to be a highway. AB described in more detail the problem with the design of the gates and the way in which they were hung, particularly the strength of the gravity returns. The latch on this particular gate was faulty although there was no evidence of vandalism. AB added that he would like to know if NE had since rectified the problem.

### **4.3 Stephen Bone**

4.3(i) SB reported that his main focus was in Lanyon where he was looking to enter into HLS which will require management entailing grazing, cutting and burning. This was financially necessary because of the ending of ESA unless NE offer an alternative to HLS. SB's advised that this land is rented and the landlord is supportive.



4.3(ii) Fences are regularly being cut and if caught the culprits would be prosecuted. CW stressed that such vandalism is not endorsed by SPM. SB said that he could understand the comments regarding risk assessments but pointed out that the land contained many natural hazards too and some fences were around mine shafts for public safety.

4.3(iii) SB reiterated that he has no choice but to graze the land in order to support his business and his employees.

## **5.0 Action Points**

### **OUTSTANDING FROM PREVIOUS MEETING**

5.1 IC advised that he had received a letter from PB undertaking to address the points raised.

5.2 PB & AB still to look into the problems for public of cattle congregating at gates etc.

5.3 RP had contacted Environmental Health regarding potential risk to health of cattle grazing on contaminated land. He had been advised that they were aware of it but it was not an issue unless cattle are grazing where there is fallen stock. Samples are taken throughout the food chain to monitor for this. RP added that in this area not many animals are sold as finished, if this changes then there may be a case for looking into it further. SY said that he was still concerned and would take it up personally and had already spoken with 3 MPs. SB added that many farms in the area would have heavy metal contamination.

## NEW ACTION POINTS

5.4 SY said that many of the problems would be alleviated if the barbed wire fencing could be replaced with traditional hedging and asked that PB cost this exercise and find out if it could be done under ESA. This would put a time limit on the barbed wire. SY added that it was important that the archaeology of the walls was maintained for wildlife, tourism and cultural reasons. There followed a general discussion regarding HLS and European funding.

5.5 RP reported that Richard Angove asked that any small measures that NE can do such as dealing with mounting blocks should be dealt with as soon as possible. WM to write to PB regarding this.

5.6 WM also to write to NE on behalf of the Forum suggesting that an HLS Warden be appointed for the area to assist farmers.

5.7 Proposed public meeting in St Just – it was agreed that RP should approach St Just Town Council to ask if it would be interested in hosting such a meeting. It was agreed that it should be on the basis of trying to move the situation forward and should involve all parties including landowners and the Euro MP if possible. SB suggested that the farmer involved should be approached on an individual basis first rather than in a public meeting.

5.8 SY suggested that JW should be asked to report on the progress of his project at the meeting. DE confirmed that JW has already promised to do so when sending his apologies for this meeting.

## **6.0 Any Other Business**

6.1 AB reported that he had noticed that works that appeared to be a new grazing project had commenced on Lady Downs at Embla. This would entail fencing on land that has not previously been fenced. He questioned why, if this was the case, it had not been brought up at a Forum meeting. JB said that he knew nothing about it but obviously it was the right of individual land owners if they wished to. IC added that there is work going on at Pendeen Carn too. GO to look into the Embla situation.

6.2 There was a discussion about how to make the Forum more accessible to the general public. It was agreed that it was not feasible to make the meetings public and the minutes are already published but it would be helpful if there was a mechanism for members of the public to contact the forum. It was agreed that DE should prepare a press release about the forum and RP would arrange for a dedicated Heathland email address to be set up. WM to be the contact for written and email correspondence.

## **7.0 The Date of the Next Meeting - Wednesday 2nd September, 2009 at 2.00pm**

The meeting closed at 3.45 pm

### **4.2(i) STATEMENT BY SPM**

On 25th October 1984 a public meeting was held in St John's Hall Penzance under the title of *The Penwith Moors: A Vanishing Landscape*. It was called to protest against a MAFF (Ministry of Agriculture, Fisheries and Food) scheme that paid generous subsidies to farmers

to break-in and reclaim moorland: this resulted in considerable environmental damage as well as wholesale destruction of important archaeological remains including at Carnaquidden, Trink, Bartinney and Truthwall Common. This scheme was abandoned a few years later and replaced by the ESA, intended to safeguard important landscape features, wildlife habitats and archaeological remains: one of the initial ESA stipulations being that farmers should graze **all** their rough land.

On the 10th February 1987 a packed meeting of farmers took place in Zennor village hall for the ESA project officer to inform what the ESA would mean to them. The most controversial aspect turned out to be the requirement to graze cattle on the open moors: many conservation-minded farmers argued that this would require fencing, thus defeating the object of protecting the landscape. Some farmers claimed that parts of the moors had not been grazed for over a hundred years.

In late spring 1987 Cornwall County Council reported to the Agricultural Minister that the ESA in Penwith was unworkable, and that the requirement to graze **all** rough land would have profound landscape and ecological consequences, and was contrary to advice from both the Nature Conservancy Council and the Countryside Commission.

Very shortly afterwards the Government altered the rules so that farmers were not obliged to graze all their rough land but would still be paid under the ESA.

This appears to have remained the case until the HEATH Project appeared on the scene and stealthily began to implement their policies that have many contradictions with the ESA:

previous concerns about grazing and erecting fences on the moors were reversed, thus negating 20 years of environmentally friendly work carried out by farmers under the ESA.

In the distant past moors were grazed because farmers had to scrape a precarious living from an inhospitable landscape: at that time there were no subsidies available to help them, nor was there any financially vital tourist industry to sustain the local population.

While we recognise that landowners and their tenants have a legal right to graze the moors, in recent times this seldom, if ever, happens unless public money is on offer.

Save Penwith Moors action group considers that there is a desperate need to readdress the unequal balance between moorland intended for agricultural use and by locals and tourists for all kinds of recreation. It is far too much in favour of the former who appear to be the only beneficiaries of the HEATH Project.

We request that Natural England and the National Farmers Union ask the respective government department for an exemption for stock proofing and grazing under the HEATH Project/HLS (Higher Level Stewardship) as happened under the ESA in the 1980s, for the specific areas of Carn Galva, Watch Croft, Lanyon Farm and Carnyorth Moor that our group are especially concerned about. If this could be done there would be no need for all the intrusive new gates and fences which could then be removed. Farmers could then be fully compensated with payment for manual and mechanical maintenance instead of for grazing cattle. Much, if not all, of the present aggravation would then evaporate.

It is becoming clear from events on Carnyorth Moor – the first of „our“ areas to now be grazed by cattle – that members of the public who have habitually used this moor for rambling, dog walking and horse riding are now being put off doing so. Not only by the cattle that tend to congregate around gates and the stone circle, but also by the notices which are perceived as indicating that there can be potential dangers on the moor even when cattle are not present.

We insist that Natural England honours its pledge to “listen to views of the community” (*The Cornishman* 28/5/2009 Peter Bowden).

I therefore propose that this forum should liaise with St Just Town Council without delay to hold a public meeting in the town with speakers from both Natural England and Save Penwith Moors to present both sides of this debate under the title of *The Penwith Moors – a threatened amenity* and give local people an opportunity to voice any concerns.

[Note: *threatened amenity* both swamping with bracken and gorse (NE) and intrusive fences and gates and intimidating cattle (SPM)]

## **PRESS RELEASE**

**From Heathlands Forum**

**BUT NEVER RELEASED**

‘More support for farmers’ was the message from a recent meeting of the Heathland Forum following discussions about the environmental management of Penwith Moors.

The Forum was formed in response to a public meeting held in October last year to address concerns over The HEATH Project, a Joint initiative involving the National Trust, Penwith District Council, Cornwall Council, Cornwall Wildlife Trust and Natural England to introduce grazing cattle to a small number of areas on the Moors. The Forum membership includes representatives from Save Penwith Moors, Natural England, National Trust, Cornwall Council, Penwith Access and Rights of Way, National Farmers’ Union, Farmers and elected members from Town and Parish Councils.

Most of the existing Environmentally Sensitive Areas agreements held by farmers in west Penwith will end in 2012. It will be replaced by another agri-environment Scheme, Environmental Stewardship. The lower tier of this scheme or Entry Level which most farmers will apply for, will have similar requirements to the former ESA scheme. Some farmers may opt to go for a higher tier of management, referred to as Higher Level Stewardship or HLS. A

smaller number of farmers are likely to opt to enter into this higher tier to carry out more complex management of land to encourage greater biodiversity of wildlife in high priority landscapes, protect archaeological features and provide more opportunities for the public to gain access to the countryside.

Opponents of the scheme claim that the presence of cattle and fencing restricts access to the Moors for walkers and riders and in the long term will result in damage to the archaeology of the Moors and a downturn in tourism to the area.

Following the meeting held on Tuesday 7<sup>th</sup> July, Forum Chairman Councillor Bill Maddern commented *‘Despite the differences of opinion around the table, we are all agreed that farmers need to be supported to manage the unique environment of Penwith Moors. It is hoped that by holding regular meetings issues can be raised and resolved quickly at a local level’*.

The Heathland Forum can be contacted by writing to Cllr. Maddern at Cornwall Council, St Clare, Penzance TR18 3QW or by email [heathland@cornwall.gov.uk](mailto:heathland@cornwall.gov.uk)

Copy ends



## Heathlands Forum Meeting 2<sup>nd</sup> September 2009, 2.00pm

Board Room, Council Offices, St Clare, Penzance

**NB. These are notes of the meeting. They are not annotated minutes.**

**Attendees:** William Maddern (WM) : Sancreed Parish Council  
Jon Brookes (JB) : National Trust  
Peter Bowden (PB) : Natural England  
Adrian Bigg (AB) : PAROW  
Kevin McFadden (KM) : St Just Town Council  
Geoff Osborne (GO) : Zennor Parish Council  
John Waldon (JW) : Consultant  
Craig Weatherhill (CW) : Save Penwith Moors  
Ian Cooke (IC) : Save Penwith Moors  
Steve Yandall (SY) : Save Penwith Moors  
Tom Fletcher (TF) : Principal Access & Development Officer,  
Cornwall Council  
Rob Poole (RP) : Rural Economy Officer, Cornwall Council  
Linda Davies : Note taker

## **1. Apologies:**

Stephen Bone  
Richard Angove  
Steve Crummay

## **2. Minutes of last meeting**

It was mentioned that on page 3, 5.6 of the last minutes, WM was going to write to NE on behalf of the Forum suggesting that an HLS Warden be appointed for the area to assist farmers but this had not been done yet. WM said he would look into this.

Project Officer responsible for scheme in Penwith. Does he need to do something different? Work more closely with farmers? Project officer already doing this.

Under 5.4 of last minutes, traditional hedging reconstruction. Extract from CROW report.

It was then agreed that the minutes were an accurate report of the last meeting and were signed by WM as a true record of the meeting held on 7<sup>th</sup> July 2009.

## **3. Matters arising**

It was agreed that Cornish hedging should be used rather than sticking barbed wire up. Should be actively seeking grant money to put up Cornish hedging. PB said they do try to do as much hedging as possible.

CW commented that old breeds of cattle were a lot smaller and the hedges were not adequate now for the larger breeds. PB said that the farmers chose what breed of cattle they wanted. CW said it was not farming in the traditional way.

There was talk about the damage to hedges etc by contractors. NT representatives were there and PB said he would be happy to withdraw statement blaming contractors.

It was suggested that there should be a public meeting set up in St Just. WM said he had no power to do this and asked KM if he could arrange this. KM said it would not be a problem and would report back to the Town Council about this meeting. He was asked how he would feel about hosting a public meeting in St Just. KM said he personally doesn't have a problem but would need to speak to St Just Town Council first. He is only a representative.

IC asked what happened about the press release. RP said that it would have to go through Cornwall Council procedures. WM said RP had done his best but that things take time now since we've become a unitary council.

#### **4. Penwith Moors Vision Project update**

JW thanked everyone for the opportunity to explain his report. He has written it in three stages. He emphasised that people he spoke to feel very strongly about the area and that there was a built-in reluctance to change. He felt there was a lack of identity and that the area should be formally recognised. There was also a lack of constructive communication between agencies, organisations and individuals. This should be addressed to bring people together.

There was a lack of clarity of what makes the area special. People in the street didn't know what all the fuss was about and didn't understand why the moorlands had to be managed. Feedback, largely from the farming community, complained about the loss of the ESA. How to keep it the same but not to intervene.

Workshops with CWT, RSPB etc. Enormous discrepancies about how people described area. Useful if agencies and organisations draft a Statement of Fact – part of report.

There is no easy fix up as this is a complex place. There needs to be a build up of trust between groups/organisations.

NCO to sign it off as a statement of resource.

Workshop to work collectively. More engagement amongst local communities. Shame to lose agreement amongst agencies.

Need for area to have a focal point or info, advice.

Farmers' rights need to be respected.

Farmers in ESA – loss of identity – glue holding everything together retained.

People don't understand what ESA can stand for. Not designed to manage. Process to stop damage. Farmers get payment not to damage land/walls etc.

Recommendation: replace ESA with some form of identity.

WM thank JW.

IC asked about tourism, funding, economic – European funding.

TF – ANOB network – national parks visionary climate change

Hard copy/electronic copy of the report available next week.

RP commented that he thought the forum had had its day.

Need for something that people can go to ie. CWT, farmers etc. No Countryside Officer. TF said that was what the ANOB was for. JB asked what mechanism there was for the report to go into the public arena. Would put it on the website. JB asked if it could be sent to parish councils.

## **5. Save Penwith Moors Update**

IC written to minister at DEFRA.

Ditches – Carn Galva waste of public money.

Audit Funding – work found to be illegal – funding withdrawn.

Cattle grid at St Mary – have to cross on blind bend to cross cattle grid.

CW – Carn Kenidjack, Carnyorth Common – gate too close to stile. Put in claim 3 months ago – nothing done. Can assurances be upheld. Health and Safety reported.

Signs put up on gates intimidating – putting people off – want them removed.

Ditch at Carn Galva – areas destroyed – ancient monuments.

IC – discuss report in future.

SY – contaminated land – Council obliged to investigate

## **6. Natural England Update**

Several visits to Carnyorth Common. Kenny Trembath visited every gate and was greasing hinges on the gates. He always took care that the access was adequate. Gate vandalised. NE not responsible for vandalism. Take latch off. JB said if they had any issues they should speak to Kenny Trembath.

Problem with cattle when dogs involved. KM asked if there was calving on the moors as mothers could get very protective of their young and some get aggressive. People don't always put their dogs on leads. No cows on moors when calving. He stated that girls would not go on the moors on their horses when there are Long Horns up there. Cattle intimidating on paths.

Gate in land too heavy – needs to be addressed. Problem with gate – far too narrow. Gate is narrow because lane is narrow. Can't widen gate unless lane is widened.

Cattle grid on public footpath illegal. Has been reported.

Doesn't help disabled people.

Report to Health and Safety Executive.

IC worried that signs are not on all parts of the moor. Will signs be taken down when cattle not there?

AB – Rare Breeds Society have replacement for Cornish Blacks.

## **7. Options for the future**

Forum served purpose. Should we continue to host it? Needs comment from JW. JW will give some thought and make a recommendation.

There is a place for a future forum which should include CWT and the ANOB.

European money available.

Sustainability of Cornish walls – spend as much money on walls as possible.

It was agreed that there should be another forum.

Identify common ground and built on that. Important we have some continuity.

## **8. AONB**

Everyone impressed with JW's verbal report. All agreed that they would need another forum meeting but action must result from it.

Meeting ended

## **HEALTHLANDS FORUM MEETING**

**St Clare, Penzance, 25 November 2009**

### **PRESENT**

Bill Maddern CC (BM) Cornwall Council / Sancreed Parish Council

Adrian Bigg (AB) PAROW

Rob Poole (RP) Cornwall Council

Jon Brookes (JB) National Trust

Geoff Osborne (GO) Zennor Parish Council

Craig Weatherhill (CW) Save Penwith Moors

Ian Cooke (IC) Save Penwith Moors

Stephen Yendall (SY) Save Penwith Moors

Tom Fletcher (TF) Cornwall Council

Terri Winchester (TW) Cornwall Council (Notes)

### **ACTION**

#### **1 Apologies**

Peter Bowden (PB) Natural England

Steve Crummay (SC) Cornwall Council

#### **2 Minutes Of Last Meeting**

- a) The notes were circulated prior to the meeting
- b) Andrew George MP to be added to circulation list



**RP/TW**

### **3 Matters Arising**

- a) SY raised issue of pollution on sites. SY received email's from DEFRA and EA who consider that local council should be dealing with it. RP agreed to forward within the council.
- b) IC asked about dedicated email address detailed in press release and RP confirmed that it is now up and running following a short delay, it was held up by agency and CC Department. IC is concerned that information is not readily available to the public, the notes from this meeting are on Penwith Moors website, he asked if they could also go on the Cornwall Council website – BM observed that the old council had facilitated this and although Cornwall Council has limited resources he feels that the public should be made aware and the CC website is the right channel to highlight issues. IC reported that St Just Town Council had decided to defer a public meeting – RP to update Town Clerk

### **4 Updates From Forum Members**

- a) CW is disappointed that Natural England (NE) and St Just Town Council are not at this meeting. NE instigated the project and claim that they wish to engage but seldom turn up for meetings. SY stated that NE had failed to answer most specific questions and that those that had been answered were responded to with generalisations. AB advised that he has communicated with Matthew Carter, NE and the reason that NE are not attending is they feel all questions have already been answered and information provided through Freedom of Information request. CW reiterated that he not happy that NE is not engaging. SY stated that

SW Environmental Health spokesperson had raised issue of polluted ground and grazing with PB but he had failed to respond. BM added that we can not demand they attend meetings. CW would like explanation for what has happened at Carnyorth with cattle gates. AB offered to take a list of issues including PB not attending the meeting to Matthew Carter, and AB feels that concerns will be addressed. JB advised that Caryorth gates are the responsibility of the landowner or tenant farmer and BM agreed that approaching the farmer direct would be the quickest way to resolve the problem. IC commented that NE had put gates in on Carnyorth and also said that a letter had been sent by SMP to Interreg(France) stating that the cattle grid removed from Watch Cfroft, and funded by HEATH, had not been re-used on Carn Galva as claimed by NE in a email to Interreg during the summer but was photographed still lying by the side of the bridleway at the end of September 2009. GO enquired whether Madron Parish Council where aware of this and if they would be supporting this forum. RP suggested that John Waldron's report would shape the forum. JB corrected the point of use of cattle grid, it has not yet been installed but the intention is to offer it to Carn Galva Volunteer Working Group to install in the spring. AB liaises with CC PAROW and the poor weather conditions have not helped progress at Carnyorth but there are plans in progress to improve access. TF confirmed that CC are keen to support the forum and work with local community he will report back to fellow officers and hopes the council will be able to help, he feels that the direction the forum takes is important. BM reflected that CC voicing their support was a positive thing.

b) AB attended Cornwall Countryside Access Forum (CCAF) meeting 24 November, they are reconstituting a working group that will embody Penwith and other moors and they are keen to liaise with Healthland Forum

c) CW acknowledged that support from CC and CCAF is positive but he feels that NE should answer for the cattle grid installed at Cornyorth confirmed by County Highways as an unlawful obstruction with access diverted without a Modification Order; AB informed the meeting that NE got permission from CC, which was given in error and CC accept that it needs to be addressed – TF confirmed that AB understanding of the issue

d) SY is of the opinion that NE need to be at these meeting for them to be meaningful

### **5 Update On John Waldon's Report**

The report was circulated prior to the meeting

a) Representation on Healthland Forum was discussed and it was agreed that membership should widen to include

- Tourism
- Education/Schools
- CWLT (already shown interest)
- NFU (Carnyorth tenant farmer Kenny Trembath)
- Landowner

- Duchy (for Climate Change)
- RSPB
- AONB (Jimmy Scoby also CLA)

RP to email PB regarding wider membership – he feels that NE will support appropriate representation

b) TF suggested a need to highlight the benefits of joining the forum and review the frequency of meetings, perhaps have an open meeting once a year with smaller group

meeting more regularly

c) Important to move forward and implement actions from John Waldron's report

d) Ask each parish to nominate one representative

e) Cap number of permanent members but invite others as appropriate – involve locals by keeping them informed – sub groups to look at specialist work

f) John Waldron's report and forum notes to St Just Town Council

g) IC supports progress on Tinnens Way but will not renege on reason why the group was originally set up. TF suggested writing to CCAF and CC on this – AB advised that new CCAF Chairperson, Graham Ronan and Mike East, Head of Environment for CC are both supportive of this group. Tinnens Way deserves status similar to Berkshire Ridgeway. AB in discussions with CC's Landscape and Urban Design Team regarding the Tinnens Way as part

of 'Ride UK' route. RP advised that there is Local Action Group project funding of £30/40K to take forward (subject to application and due process).

## **6 Action Points**

- a) SY felt that actions should be set for people outside of this meeting
- b) Review of gates – AB currently involved in audit of gates and signs, working with CC. He will keep forum updated
- c) Look at PAROW network – parts of Carnyorth are too overgrown to access
- d) Tinnors Way would link into network (spine central to offshoot paths), progress gathering momentum and RP suggested a small sub-group should form to ensure that it becomes a reality. On agenda for next PAROW meeting and St Ives MCTI
- e) St Michaels Way – some signage issues. AB requested information so that he can address through PAROW
- f) CW suggested need for exemptions and grazing restricted to certain parts of the moors

## **7 Request From St Just Town Council**

- a) They have a meeting 26 November and asked RP to report back from this meeting – TC support the forum and feel that issues are caused by NE and CC mismanagement of the scheme. Town Councillors have asked if a key problem is that outstanding issues identified by the Healthland Forum are a barrier to progress and remedies

**8 Steve Yandall Presentation:** “ The sustainability of grazing and its potential for depressing biodiversity and economic growth” – Paper circulated Additional information and discussion included:

- a) AB observed that there is not one solution (eg. burning or mechanical carbon footprint) and varied management could include grazing – he felt that it would be easy to add to benefit list for grazing – SY agreed that we need to adopt different techniques to limit the bad impacts
- b) BM noted that Australia had opted out with scientific backup
- c) JB requested an electronic copy of presentation
- d) TF feels that forum would be supported if they examined ideas and locked into priorities

**SY/TW**

## **9 Date Of Next Meeting**

Wednesday 13 January 2010 at 2pm Venue to be confirmed **(This meeting did not take place)**

# HEALTHLANDS FORUM MEETING

St Clare, Penzance, 3 March 2010

## Notes

### PRESENT

Cllr Roy Mann Mayor of Penzance - Acting Chair

Adrian Bigg (AB) PAROW

Rob Poole (RP) Cornwall Council

Jon Brookes (JB) National Trust

Geoff Osborne (GO) Zennor Parish Council

Craig Weatherhill (CW) Save Penwith Moors

Ian Cooke (IC) Save Penwith Moors

Stephen Yendall (SY) Save Penwith Moors

Peter Bowden (PB) Natural England

Tom Fletcher (TF) Cornwall Council

Terri Winchester (TW) Cornwall Council (Notes)

### 1 Apologies

Bill Maddern CC (BM) Chair Cornwall Council / Sancreed Parish Council

Steve Crummay (SC) Cornwall Council

## **2 Notes Of Last Meeting**

- a) 3b St Just Town Council public meeting deferred
- b) 4a Natural England not engaging - SY provided rewording to clarify issue
- c) 4a Gate at Carnyorth and cattle grid from Watch Croft – IC provided rewording to clarify issue

The notes were amended and agreed as an accurate record of the meeting

## **3 Matters Arising**

- a) 2b Papers are being sent to Andrew George MP
- b) 3a Polluted ground – PB advised that the responsibility is with CC not NE. RP referred it to CC expert who has responded
- c) 4a Carnyorth and other gates – SPM are concerned that the gates do not conform to British Standards or the recent BHS Report. PB responded that responsibility was passed over to farmer/landowner at the end of the scheme. NE acted on advice at the time of installation and have been inspecting the gates with AB and Farmer Kenny Trembath, NE do not have funds to replace gates but will make the catch mechanisms safer



## 4 Updates From Forum Members

### PAROW

- a) Gates – AB accepts that the gates do not meet the required BHS specification and is looking at what can be done to improve the safety of the catches. PAROW are working with Mr Trembath, Countryside Officer Toby Lowe and NE and they will continue to progress a way forward - shortening or moving the stepping bar is a consideration. **ACTION AB**
- b) Cattle grid – although inconvenient the side gate could be used. CC could address issue by diverting the definitive PROW or removing the cattle grid. TF confirmed that CC support PAROW view. SY asked if NE would take findings forward with any new projects; PB responded that new schemes would be mindful of who the users are, they would investigate and consult, gate installations have been a learning curve for all including BHS. TF advised that furniture on PROW is often an issue and all that can be done is to try and resolve individual issues in a positive way. SY made reference to Yorkshire Dales example: *British Standard is not legal obligation but public authorities are required to adopt best practice*

### Save Penwith Moors

- c) IC read at an extract from John Waldon’s report regarding justifying change
- d) SPM would like notes from this meeting to be available on other web sites and the press informed about issues raised by this forum

e) SPM keen for Tinnens Way to be a recognised promoted tourist route. St Just to Towednack is free of fencing and ESA ends in 2 years time. CW is preparing a report; the site is an important Bronze Age (possibly older) location that should have the same status as Berkshire Ridgeway. TF acknowledged that this is something that the forum could progress and he agreed to take suggestion to his colleagues. JB suggested that it could be publicised in AB's 'Down you way' column. PB commented that land owners allow permissive paths and it is up to them to provide access, it is also a SSSI habitat and the legal requirement is for agri-environment management. IC added that little has been done over the past 20 years and he thought that HLS scheme would address what went wrong with ESA. PB responded that it was successful in terms of take up of agri-environment during the mid 1980s, HLS has grazing options and NE have a responsibility to ensure that the habitat is managed and not damaged, they engage in a voluntary process with landowners. SY referenced Hansard Report October 2009 – *HLS requires people to give public access*, PB advised that would apply to CROW land if it is an isolated island of land, SY's interpretation is that it could be used as a vehicle to extend the Tinnens Way. PB reiterated that landowners need to be consulted. TF advised that a range of options could be considered to achieve access. NE's arrangements with landowners are by negotiation and landowners could take back land at any time. AB advised that access permissions vary from permissive to tolerated access, individual circumstance needs to be considered. PAROW would support looking at access to the Tinnens Way, AB suggested that we need to identify route, consider management to make route useable and examine the legal implications for continued use. Possible option would be to use

access land; AB will be reviewing route with Steve Crummay. PAROW to explore NE funding. **ACTION AB**

f) Carnyorth – IC observed that £57K has been spent in first 3 years and he asked what environmental benefit had been achieved: PB responded that it is too early to know, effects will be monitored

## **5 Update Cornwall Council**

a) Opportunity of NE Access Management Grant for CROW land next year: CC working with PAROW to apply for 75% grant funding

b) Cornwall Countryside Access Strategy (CCAS) as a working document is being reviewed and refreshed, it will be linked into Local Transport Plan in terms of strategic routes and access to areas, it also links into health and wellbeing agenda and reducing carbon footprint, as such, CCAS could be a vehicle to progress work on Tinnens Way **ACTION TF/AB**

c) Cycle Forum is reviewing strategic cycle network ‘Cornish Way’

d) CCs Environment Service is looking at access and other issues including ‘Green Infrastructure’ which is priority for the council. This forum is a way to engage with partners and the localism agenda

e) Area of Outstanding Natural Beauty (AONB) Draft Management Plan is a document worth being aware of: AONB Manager is Collette Holden

f) Comment - SY encouraged by support for Tinnors Way and opportunity for private development for horse or cycle business: AB advised this could link into Ride UK

g) RP has received 2 emails via the Heathlands mailbox

## **6 Update Natural England**

a) St Just Town Council met 22 February; Cattle grids at Caryorth Common where discussed, NE will be monitoring HLF agrienvironment scheme and investigating other HLF agreement opportunities

b) PB is no longer able to sustain the level of commitment that NE has given to the Heathlands Forum over the past 12 months; NE's Penwith advisor is Vaughan Robins. Further engagement would need to move things forward and include representation from landowners rather than be dominated by SPM. SPM are aggrieved that questions and emails remain unanswered – PB agreed that he would respond to new relevant questions that have not previously been dealt with

## **7 PAROW Access Update – also reported under item 4**

a) Caryorth – temporary halt to work due to archaeological features; AB is waiting to hear back from Countryside Officer, Toby Lowe: Update at next meeting **ACTION AB**

b) AB is of the opinion that it is important for this group to maintain debate but to look forward rather than keep looking backwards

## **8 Local Access Group Application For Funding**

a) £15K is available to fund small business – turn around is under 6 weeks - SY asked if it could fund a scopedocument for the Tinnors Way – RP said that all applications would be considered

## **9 Future And Commitment To The Forum**

a) The meeting discussed options and proposals included

- Quarterly or half yearly meetings
- One large open meeting to get the scope of what we want to achieve
- Wider representation with one nominated representative
- Specific issues dealt with by focus groups
- This is not the forum to resolve issues between SPM and NE
- Focus on West Penwith area

RP offered to review proposed forum membership *Appendix 1* **ACTION RP**

## **10 Any Other Business**

a) Live stock signage on Carnyorth gates – RP and PB have spoken to Farmer Trembath who insists that signs will stay. PB suggested replacing with smaller signs. IC requested that contact telephone number on signs following a horse riding accident – TF advised that

Bodmin Moor signage has Landowners Association telephone number on but in an emergency 999 should be used. AB agreed that smaller signs would be better and suggested gates could be tied open when cattle are not there – PB will take suggestion to Farmer Trembath **ACTION PB**

b) Polluted ground - SY concerned that CC expert feedback only relates to least polluted site of Carnyorth, IC added that in 1980s Cornwall county council buried arsenic which could be a danger to the public and contaminate the food chain. RP will forward concerns to CC expert **ACTION RP**

c) JB reported that Trevene Farm wire fencing has been cut and people are connecting it with SPM – SY advised that SPM do not want to be associated with anything unlawful

d) JB reported that choughs have been spotted in the area – RSPB would be interested in joining a reformed group

### **11 Date Of Next Meeting**

End of May 2010 – date to be confirmed (This meeting did not take place)

## *Appendix 1*

### **Heathlands Forum Proposed Development Membership**

<b>Organisation</b>	<b>Sector</b>
St Just Town Council	Public/local
Zennor Parish Council	Public/local
St Buryan Parish Council	Public/local
CC Environment	Public
CC Rural Economy	Public
Cornwall Wildlife Trust	Voluntary/charity
Save Penwith Moors	Voluntary/charity
CC Historic Environment	Public
Natural England	Public
National Farmers Union	Private
Farmer 1	Private
PAROW	Voluntary/charity/local
Area Outstanding Natural Beauty	Public

**Draft notes amended and agreed at meeting held on 24 September 2010**

# HEALTHLANDS FORUM MEETING

St Clare, Penzance 24 September 2010 Draft Notes

## PRESENT

Bill Maddern CC Cornwall Council - Chair Stephen  
Warman (SW) Natural England  
Steve Yandall (SY) Save Penwith Moors Ian  
Cooke (IC) Save Penwith Moors Craig  
Weatherhill (CW) Save Penwith Moors Jan  
Beare (JBe) Open Spaces Society Geoff  
Osborne (GO) Zennor Parish Council Adrian  
Bigg (AB) PAROW  
Liz Cox (LC) Cornwall Wildlife  
Jon Brookes JB) National Trust Collette  
Holden (CH) Cornwall AONB  
Anne Reynolds (AR) Cornwall Council Historic Environment Rob  
Poole (RP) Cornwall Council  
Steve Crummay (SC) Cornwall Council (joined the meeting from item 4)  
Terri Winchester (TW) Cornwall Council (Notes)

## 1 Apologies

Kenny Trembath Farmer



Tom Fletcher Cornwall Council

Andrew George MP Receives papers for the meetings

## **2 Notes Of Last Meeting**

a) 2a Public meeting deferred

b) 10c should read SPM do **not** want to be associated with anything unlawful

c) 10d Spelling error should read Choughs

The notes were amended and agreed as an accurate record of the meeting, future notes will be signed off by Chair

## **Matters Arising**

a) 3b Polluted ground - not resolved to satisfaction of SPM

b) 4d Publicising meeting notes – not yet agreed

## **3 The Future of the Heath Forum**

a) BM introduced SW

b) BM clarified that previous meeting had determined that the forum needs to be more structured with relevant representation and wider input

c) SW provided an update on Natural England (NE) current position: They have had a change of management and new regional director wants to address Penwith issues. SW acknowledged that some aspects of the project were not handled in the best way and that the last phases were rushed with some consultation left later than the ideal.

Environmentally Sensitive Area (ESA) scheme ends 2012 and SW is keen to make sure that West Penwith get the right replacement, he is working with IC and SPM to resolve issues where practical. He has consulted John Waldon regarding his report and they feel that the position is fixable with:

- d) Individual management of each moorland unit
- e) Higher Level Stewardship (HLS) using model agreement
- f) Completion of Natural England and English Heritage surveys
- g) Recognition of national importance as SSSI. NE keen to take forward knowing it is a couple of years work and will require a lot of consultation
- h) Farmers understanding skills
- i) Resources are restricted but could be made available to projects like Tinnors Way as a priority

Recommendations give a starting point to follow on from ESA and SW suggested Heathland Forum engages wider, has an independent chair and topic groups feed into it. SY said that they assumed HLS would follow on from ESA

SW responded ESA defines quality of area whereas HLS has flexibility for NE to negotiate with farmers on cash flow and environment but could lose integrity of area

#### **4 Updates From Forum Members**

## **Save Penwith Moors IC reported**

Parliamentary Ombudsman dealing with SPM complaint against NE. IC asked for assurance that NE are taking steps to resolve issues and an undertaking that they intend to remove grazing and stock proof structures. SW responded that the allegation relates to maladministration and not grazing. BM agreed that his understanding is that ombudsman judgement is restricted to administration of project. NE and SPM meeting scheduled for 4 October. SPM feel that it will be difficult for Heath Forum to move forward without commitment from NE to remove grazing. CW stated that grazing ties in with unlawful administration and gates were put in without known ownership of land which means farmer does not have grazing rights. SW stated that grazing issues are separate from administration. IC reiterated that they are not asking for all grazing to stop, just in 4 areas (Carnyorth Common, Watch Croft, Carn Galva and Lanyon Farm). BM advised waiting for decision of ombudsman. SW gave assurance that resolving issue is important to NE. CW welcomed NE positive intentions. JBe concerned that economics and politics have priority over what is best for the future of the moors. He stated that tourism is important to area and recent ramblers report states that 63% of users will not cross land with cattle on

BM asked for forum agreement that SW should take forward suggested model and populate topic groups. All agreed. A similar model was suggested and agreed at last meeting Item 9

- j) Tinnors Way upgrading – any future HLS agreement should provide for maintenance but exclude grazing. LC offered assistance from a volunteer group that she is working with. RP and SW will look at what would make a well balanced Tinnors Way sub-group to draw in funding. CW has drafted a paper that he will send to TW for circulation
- k) GO concerned that NE and Cornwall Council have their own forum agenda and feels that Penwith locals need more input. SW's view is that expertise is necessary and BM observed that Cornwall Council representatives are relevant experts. SY asked if local experts would be included in groups, CW added that official and private input is need for balanced groups. GO would rather see local historic representative than county, SW suggested that official expert input provides national and democratic accountability but that local knowledge and experience were also important. LC observed that providing expert information and facts enable choices. SW will draft organic rather than rigid structure taking on the point that locals have valid views. SY concerned that we are getting away from concept of why Penwith District Council initiated the Heath Forum – BM corrected him in that Penwith only facilitated meetings. IC added that Terms of Reference were agreed at meeting February 2009. AB feels that sub groups will have opportunity to look at local issues and report detail back to forum. SC observed that the past will affect the future and we need to find common ground post ESA to get to where we want to be in 20 years time. SW is happy to resolve issues with sub groups and report back to forum

### **PAROW – AB reported**

- l) Carnyorth - good liaison with NE
- m) Tinnors Way – embryo group progressing Tinnors Trail, clearance work funded with Access Management grant. Unsure how to proceed in getting permissions from land owners, funding needs to be spent within this financial year. JBe suggested officialism can be counter productive and landowners would be more receptive with local input

### **Cornwall Wildlife Trust – LC reported**

- n) Wild Penwith Project is looking at habitat management in Drift catchment and work includes:
  - Agri Environment Schemes
  - Soil management
  - Wildlife and water improvements
  - Biological monitoring
  - Questionnaire asking what locals are interested in
  - Community events eg. talks, walks, value of the heathland, birds, and scrub clearance
    - Engagement with horse riders

LC requested thoughts as to other ways to engage

### **National Trust – JB reported**

- h) Keen to widen the brief and work with Wild Penwith group
- i) Recent restructure – business plan includes community forum for west Cornwall with Countryside Hub in Penzance

- j) Supportive of Tinnars Way Project. IC is pleased with NTs clearance work as it shows what can be done
- k) Short staffed but has 200 volunteers with 20 walkers doing surveys

### **Cornwall AONB – CH reported**

- l) Draft Management Plan consultation period ends 30 September, feedback requested – TW to circulate link

### **Cornwall Historic Environment – AR reported**

- m) Contractor in Bodmin is doing demonstration days of a biobaler which is used for scrub clearance specifically over large landscapes: AR will monitor effectiveness as it maybe an option for future management of heathland

### **Cornwall Council Economic Development – RP reported**

- n) Action Plan 2011 - £50K for rural hub
- o) SY raised issue of polluted ground (see 2a) still no response from Mr Osborne. JB gave example of polluted ground grazing in north Wales where beef is tested prior to selling. SC suggested consulting Bodmin Moor Livestock report and steering group
- p) SC agreed to making notes from meetings publicly available via Cornwall Council Website, One Stop Shop and other local publications

q) SW asked if he had the mandate to progress sub groups – the meeting agreed. CH suggested that 2 embryonic sub groups initially look at grazing and Tinnens Way. Meeting agenda to have updates from sub-groups

### **5 Any Other Business**

a) SC advised that Cornwall Countryside Access Forum (CCAF) could be informative, it is a statutory advisory forum that advised authorities and has a Moorland Access sub-group based around Bodmin. AB is on this working group and they will be looking at all aspect of grazing – he will liaise and provide feedback between groups. SW suggested that we should piggyback on existing for where we can

b) Badgers Lane has been closed since floods - SC confirmed that funding is in place and work will be scheduled for reopening

**6 Date Of Next Meeting** 2nd week December 2010 (This meeting never took place)

## **ADDED NOTES November 2016**

The final Forum was held on 24th September 2010 and attended by 14 persons including, for the first time, Stephen Warman the NE Senior Manager: he suggested the Forum engaged wider with an independent chair and ‘topic’ groups feeding in to it. However, just four days before this Forum Mr Warman had held a meeting at County Hall, Truro, with the chairman of the Heathlands Forum and a Cornwall Council official, to discuss development of the Forum.<sup>17</sup> Was it then decided that the Forum should quietly ‘disappear’ despite Natural England later flippantly insisting, in January 2011, that they had: “long been committed to maintaining dialogue with local communities and stakeholder groups in connection with its promotion of conservation land management activities and will work with the Heathland Forum, Local Authorities ... and other agencies and voluntary bodies to ensure that it understands fully the aspirations of local people and interest groups ...”<sup>18</sup>



Added 26th February 2011

### **IS THE FORUM NOW DEAD?**

The Heathlands Forum, that was set up by the former Penwith District Council in November 2008 in response to growing local concern and anger at the fencing of previously unobstructed open access moorland has, since this first and only open forum, been held at invitation only in February, March, May, July, September and November 2009; March and September 2010. Since then nothing. It is supremely ironic that, after all this time, minutes of past Forums are only available for the public to read on *this* web site even though we have repeatedly requested that they be made more available. [Minutes for the September meeting cannot be published until formally agreed at the next meeting - if this ever happens.]

The Forum gives an opportunity – the only opportunity – for local residents, through Save Penwith Moors or by submitting questions and concerns as individuals, to directly address Natural England, the National Trust and others. If the Forum is discontinued then this avenue for discussion will end and a legitimate opportunity for protest and offering alternative viewpoints will be discontinued.

## REFERENCES

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<sup>1</sup> <http://www.stjust.org/minutes/2008-sept-29-mins.pdf>

29/9/08 2827 Meeting of the Town Council was duly convened and held in the Council Chamber at 1 Chapel Street

St Just on Monday 29<sup>th</sup> September 2008 at 7.15 p.m.

Present: Councillor M Nicholls – Town Mayor

Councillor M Thomas – Deputy Town Mayor

Councillors Mrs S James, Ms S Angove, B F Angwin, B Rees, W East, C McClary,  
K McFadden, N McFadden, D Stevens together with the Town Clerk (Mrs E George).

Press

Police (2)

1 member of the public

k)Heath Project – consideration of – as result of recent meeting

The Council discussed this item in considerable detail following a meeting with the Save Penwith Moors Group and Natural England (The Heath Project). Concerns were expressed on the proposed fencing, possible danger of cattle to public, lack of monitoring of the project, further consideration be given to more traditional methods of controlling gorse and bracken.

On a proposal by Councillor McClary seconded by Councillor S Angove the Council resolved – Whilst acknowledging the need for some form of management of Kenidjack Common, the Town Council feels that the proposals as put forward by the Heath Project, particularly regarding the erection of fencing, stiles and gates, will have an adverse effect on access and tourism. ( 8 in favour, 2 against, 1 abstention).

The Clerk to inform the following of the above decision: A George, M.P., Rt. Hon. Hilary Benn – Secretary of State for Environment, Food and Rural Affairs, Mr I McNeil Cooke and Mr C Wetherill (Save Penwith Moors Group,)

The Heath Project – Natural England, Mr J Brookes, National Trust.

<sup>2</sup> Cllr Hudson Smith (HS) (Chair) - Penwith District Council

Cllr William Maddern (WM) - Penwith District Council

Rob Poole (RP) - Penwith District Council

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Graham Hatton (GH) - Sancreed Parish Council  
Peter Bowden (PB) - Natural England  
Geoff Osborne (GO) - Zennor Parish Council  
Ian Cooke (IC) - Save Penwith Moors  
Craig Weatherhill (CW) - Save Penwith Moors  
Cllr Sandy Angove (SA) - St Just Town Council  
Jon Brookes (JB) - National Trust  
Adrian Bigg (AB) - PAROW  
Cllr Jan Rhurmund (JR) - Penwith District Council  
Steve Crummay (SC) - Cornwall County Council  
Richard Angove (RA) - National Farmers Union  
Debbie Evans - Minute Taker

### **Apologies**

Andrew George

<sup>3</sup> *The Cornishman* 4/9/2008

<sup>4</sup> <http://www.defra.gov.uk/corporate/regulat/forms/erdp/esa/wpesaguide.pdf> &  
<http://www.defra.gov.uk/erdp/docs/national/annexes/annexx/wprex2.htm>

<sup>5</sup> Email dated 21st July 2008 received from Joe Oliver, Assistant Project Manager and Partnership Manager, The HEATH Project, Truro, TR1 1XU

<sup>6</sup> *Health and Safety Executive (HSE): Cattle and public access in England and Wales information sheet* Reference Agriculture Information Sheet No 17EW (web-only version updated 11/06)

<sup>7</sup> <http://www.cornwall-aonb.gov.uk/latestnews.html>

<sup>8</sup> <http://www.cornwall.gov.uk/index.cfm?articleid=35242>

<sup>9</sup> *Cornwall's Archaeological Heritage Access To Monuments*, compiled by the Historic Environment Service of Cornwall County Council <http://www.historic-cornwall.org.uk/a2m/>

<sup>10</sup> *Cornwall's Archaeological Heritage Access To Monuments*, compiled by the Historic Environment Service of Cornwall County Council <http://www.historic-cornwall.org.uk/a2m/>

<sup>12</sup> Local Government Act 1972, Part 3, schedule 12, paragraph 18, sub-paragraphs 4 and 5

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<sup>13</sup> [http://www.nationaltrust.org.uk/main/w-global/w-localtoyou/w-devoncornwall/w-devoncornwall-news-heathland\\_restoration/w-devoncornwall-news-heathland\\_restoration-qanda.htm](http://www.nationaltrust.org.uk/main/w-global/w-localtoyou/w-devoncornwall/w-devoncornwall-news-heathland_restoration/w-devoncornwall-news-heathland_restoration-qanda.htm)

**Some of the hedges are being covered with earth. Why is this happening?**

These hedges are not ancient or archeologically important hedges, but were built in the mid 19th century by farmers to contain stock. When the hedges were originally built, earth was scooped up from ditches at the base of the hedges. Over time this soil has weathered away and fallen back into the ditches. We are re-collecting this earth from the ditches and restoring them to their original purpose. In time, the earth will re-grass and blend into the landscape.

<sup>14</sup> Copy of a letter from Jon Brookes to Andrew George MP dated 22/08/2008 ref Jfb/THH

<sup>15</sup> Copy of a letter from Jon Brookes to Andrew George MP dated 22/08/2008 ref Jfb/THH

<sup>16</sup> NT reply dated 12 March 2009 to item 7 on Heathland Forum agenda of 9th February

<sup>17</sup> FOI request to Parliamentary Ombudsman Annex 4 - Natural England: Save Penwith Moors, Record of meetings held by Stephen Warman

<sup>18</sup> A letter from NE to SPM dated 28th January 2011