



*“FOR EVER, FOR EVERYONE”?*

**NATIONAL TRUST OPPOSE MOORLAND PROTECTION**

Part of Watch Croft looking towards Carn Galva.

# **NATIONAL TRUST EXPENDITURE ON OPPOSING SAVE PENWITH MOORS COMMON LAND APPLICATIONS**

Correspondence with the NT Estate Manager,  
Heart of Cornwall, Lizard & Penrose, West Cornwall & St Michael's Mount

## **INTRODUCTION**

In June 2012 the National Trust Rural Surveyor, South West Region, wrote to the Senior Development Support Officer Commons and Greens, Cornwall Council: "Further to Save Penwith Moor's recent application to have Carn Galva registered as a Common under the provisions of the Commons Registration Act 2006 I write to advise that the National Trust has no objection to the application and indeed is able to support it."

This SPM application was the first one we made and, after a public inquiry at Zennor on 23rd January 2013, the inspector, appointed by the Secretary of State for Environment Food and Rural Affairs, made her decision two weeks later and granted 100% of our application, so that about 70 hectares would then be added to the register of common land.

In 2013 SPM made another application covering 178 hectares of land encircling Carn Galva at Watch Croft, White Downs, Hannibal's Carn, Little Galva and Bosporthennis, as well as land south of Bosigran Farm and a track of land east of Men Scryfa. There were 13 letters of support including the Open Spaces Society and West Cornwall Footpaths Preservation

Society; and six letters of objection including the National Trust – for part of the application only.

On 20th May 2014 the public inquiry opened in Zennor Village Hall and lasted two days before being adjourned until the end of the year when it reopened on 16th December at the Centre for Pendeen.

This was the most aggressive, lengthy and robust confrontation of all our applications and it became obvious that the objectors and their fellow-travellers were out to crush us – this included an application against us for costs of £2,500 made by an absentee landlord of part of the application land

The National Trust – Britain’s biggest landowner – went to great lengths to counter our arguments, even employing Burges Salmon, a high-powered firm of solicitors from Bristol, who called upon the three affected National Trust tenants to give evidence.

In their Statement of Case, Burges Salmon wrote: “The Trust supports the registration of land as common land in principle as this approach is usually commensurate with the aims and objectives of the organisation. However, in this case, the Trust considered it prudent to object to the inclusion of three parcels of land included within the Application. The Trust does not consider that those three areas meet the relevant tests and it has a responsibility to the tenants of those areas in its capacity as their landlord.” [One of the tenants was the same person who held all the land concerned in the previous Carn Galva inquiry which the NT had supported]

So what altered to change the attitude of the National Trust after their support of the earlier Carn Galva application?

“Responsibility to the tenants” is, I consider, the crucial phrase. Clearly the unfounded concerns and forceful objections of NT tenants would take precedence and be supported over the interests of the general public.

It is apparent that the belligerent objections of three individual tenants took priority over the Trust’s much trumpeted declaration that: “We also look after forests, woods, fens, beaches, farmland, downs, moorland, islands, archaeological remains, castles, nature reserves, villages - *FOR EVER, FOR EVERYONE.*” Certainly not everyone in this case.

Despite their fine words it is clear the National Trust refused to support extra protection to the countryside that would be given by registration as common land. Indeed, the fiasco they made during HEATH Project works on Carn Galva in 2008 demonstrates the vital need for this protection that would ensure public consultation takes place prior to any intended permanent ‘development’ and – hopefully – prevent a repetition of such expensive destruction and consequent compulsory remedial works.

Nevertheless, this fiercely contested application was partially successful: in May 2015 the Inspector granted approximately 50% to be added to the common land register – most of it in the ownership of the Trust.

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*Delivering our vision - 'for ever, for everyone' - is a demanding challenge and will only be achieved through good governance arrangements. "At the heart of the Trust's approach to governance is a deep-rooted commitment to openness, transparency and accountability. The better run the Trust, and the more open it is to those who wish to get involved, the more successful it will be."* [NT Governance Handbook, July 2013]

## **CORRESPONDENCE BETWEEN SPM AND THE NATIONAL TRUST**

*14th September 2016 Sent by SPM to NT Estate Manager*

I understand Mr O\*\*\*\*\* has left the Trust and that you are now his successor so am re-sending this to you.

I realise that the National Trust is not subject to Freedom of Information but, in the spirit of openness and transparency, I would be obliged if you can tell me how much money the Trust spent in opposing Save Penwith Moors various common land applications, with particular

reference to the work done by Burgess Salmon solicitors and their attendance at the Watch Croft public inquiries of 20th May 2014 and 16th December 2014.

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*16th September 2016 Received by SPM from NT Estate Manager*

Thank you for your email. I'm afraid that, not having any previous knowledge of this matter, I will need you to expand on things a little for me. Given that so much time has elapsed since 2014 I can only presume that you were corresponding with Mr O\*\*\*\*\* for almost 2 years who presumably had not provided you with the figures.

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*16th September 2016 Sent by SPM to NT Estate Manager*

Many thanks for your prompt response. Yes, I did have a very small amount of correspondence with Mr O\*\*\*\*\* during July 2013 and I hope that the notes below will help to 'flesh out the issue' for you. The various documents should, I presume, still be held by the National Trust.

On 7th August 2013 Tom Odling sent an initial objection on behalf of the National Trust (ref TCO/) to the Commons Registration Officer, Cornwall Council, concerning a Save Penwith Moors application to re-register a large area of land encircling Carn Galva, most of which is in the ownership of the Trust. (Application 2800).

On 20th May 2014 – the first day of a public inquiry into this application – an opening submission was made by a solicitor (Ms Sutherland) from the firm of Burges Salmon based in Bristol who were acting on behalf of the Trust. The inquiry lasted 2 days with a further one day, after adjournment, on 16th December 2014 prior to which Mr Odling had submitted a ‘proof of evidence’ and several other documents.

Burges Salmon did an enormous amount of preparatory work for this inquiry and produced a massive Inquiry Bundle consisting of 2 box files that was copied to – I believe –about a dozen persons. It seems clear to me that the Trust must have spent a considerable amount of money to pay for all this legal work as well as for the physical presence of Ms Sutherland for 3 days. It is the total sum paid by the Trust (to Burges Salmon?) for their objection to our application that I would like to know and hope that you will accede to my request.

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*4th October 2016 Sent by SPM to NT Estate Manager*

Did you manage to find an answer to the query regarding solicitors costs in my email to you dated 16th September?

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15th October 2016 Sent by SPM to NT Estate Manager

Further to my emails of 14th and 16th September regarding release of National Trust expenditure to Burges Salmon solicitors for their work in opposing SPM's common land application for Watch Croft etc.

I realise the Trust might be reticent in releasing this information but there is a precedent: On 8th February 2010 I received an email from A\*\*\* R\*\*\*\*\*, National Trust Regional Rural Surveyor, in answer to my query of the cost to the Trust of remedial works on Carn Galva. He confirmed that “the cost of remedial works for the National Trust was in the region of £4,500”.

I hope that the Trust will now honour their declaration of “openness, transparency and accountability: three values which we pride ourselves on” as stated in the principles underlying governance appointments (<http://www.nationaltrustjobs.org.uk/find-your-place/governance/>)

I look forward to your response.

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19th October 2016 Received by SPM from NT Estate Manager

Thank you for your email. I note that you have copied in N\*\*\* L\*\*\*\*\* [NT] whom I made aware of your original enquiry to me. The delay in my response is simply caused by the fact that as I have only been in post for 3 or so months I find myself extremely busy and required



to prioritise some matters over others. That said, I am working on your request 'behind the scenes' as it were and I would kindly request your patience.

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*2nd December 2016 Sent by SPM to NT Estate Manager*

With reference to your email dated 19th October 2016 regarding money paid to Burges Salmon solicitors as described in my previous emails to you.

I realise that you are new to your post and have other priorities, but it is now some two months since I made my original request which I would consider to be ample time to respond. Should a response not be forthcoming I can only assume that the Trust is unwilling to disclose the information and I must make an inspired guess – perhaps between £15,000 and £25,000 would be my estimate. If I am wide of the mark perhaps you would be kind enough to let me know before the end of the month, after which I shall put the issue in the public domain.

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*9th December 2016: received by SPM from NT Estate Manager*

Thank you for your patience. I have now had an opportunity to discuss this matter further with my colleagues more familiar with the issues than I was and I can now confirm that the National Trust will not disclose this information; suffice to say that the National Trust was

satisfied with the work undertaken by their appointed representatives and their associated costs.

I am unable to assist further in this matter.

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Note that the NT do not refute my estimate of between £15,000 and £25,000 so it is more than likely that they spent a large sum of money – equivalent to many of their members’ annual subscriptions – in opposing an application to improve the protection afforded to a magnificent areas of open moorland.

The secrecy of the Trust in refusing to reveal the amount of money spent in solicitor’s fees for their considerable amount of preparatory work and attendance for three days of public inquiry is a direct affront to their members, and hardly sits well with their deep-rooted commitment to openness, transparency and accountability

Ian McNeil Cooke (Co-ordinator)

10th December 2016

Photograph on next page shows two sets of new gates erected by the National Trust on Carn Galva before common land status was given.

