

PRESS RELEASES - SAVE PENWITH MOORS

July 2008 – March 2013



Save Penwith Moors protest walk arriving at Nine Maidens stone circle – September 2008

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5 July 2008

**GROUP FORMED AGAINST PROPOSED CATTLE GRAZING ON NINE MAIDENS COMMON,
CARN KENIDJACK & CARN GALVA**

The proposed enclosure for cattle grazing of Nine Maidens Common above Madron, Carn Kenidjack above St. Just and Carn Galva above Bosigran in West Cornwall will mean the following:

GATES AND FENCING

DOGS ON SHORT LEADS

FREE-RANGING CATTLE

DAMAGE TO ARCHAEOLOGICAL SITES

Is this the start of enclosing all open access moorland in West Penwith?

Are commercial interests behind the scheme?

Who benefits?

The Natural England HEATH (Heathland, Environment, Agriculture, Tourism and Heritage) Project is putting forward a management proposal to improve the quality of the Nine Maidens Common at Boskednan

near Newmill, and the moors around Carn Kenidjack above St. Just, by fencing them off and grazing with cattle. Similar grazing schemes are planned for heathland at Lanyon Farm, Trewey and Busvargus.

Several other parts of the Land's End Peninsula are already being 'managed' in a similar way. Most, if not all of this open land is designated as Open Access as can be confirmed by looking at the most recent Ordnance Survey maps.

The National Trust, Cornwall County Council and Penwith District Council are all partners in the HEATH Project.

Is this the first step to enclosing all the wild open spaces of West Penwith? How long will it be before we encounter fences and cattle around Chun Quoit and the Men-an-Tol? Will we soon have to pay to visit local antiquities? Are commercial interests behind it? Are there financial incentives for this sudden activity after so many years of letting the moors look after themselves? Who benefits from these enclosures?

It is a spurious argument to suggest that since these areas of heathland were grazed and managed in past centuries then it is logical to do so in the 21st century. In the past few people used these spaces for recreation; now literally thousands of visitors travel to the Land's End Peninsula to enjoy walking the coastal path and the – at present – open unobstructed moorland. They will be sadly disappointed if these

proposals go ahead. The very reason so many people visit the area will be ruined; visitor numbers will fall; the local economy will suffer.

GROUP FORMED

A group of six concerned local residents met on Friday 4th July at the Men-an-Tol Studio, Bosullow, with the aim of encouraging and co-ordinating the apparent widespread opposition to enclosure of the moors.

It was felt that:

1. The HEATH and associated projects will deprive locals and tourists of safe unobstructed well-used open air recreational spaces: dog walkers, horse riders, ramblers.
2. Detrimental visual effect of fences, gates and cattle grids will destroy the wild open unspoilt feeling of these areas.
3. Cattle can cause erosion around the stone prehistoric sites causing them to become unstable and eventually to fall.
4. Free-ranging cattle will cause intimidate and deter walkers, especially those with dogs, and those not used to cattle and open country. (Health and Safety Executive have recorded 7 deaths and 50 people injured in incidents involving cattle between 1996 and 2006.)

5. Dogs will no longer be allowed to run free but have to be kept on a short lead.
6. Horse riders will encounter gates and fences that will prevent long canters or gallops; inconvenience will be caused to those riders who have to dismount to open gates.
7. Although access points (gates) will be built this will reduce accessibility to the moors and from the moors onto other areas of adjacent open access land.
8. Gated entry points funnel traffic to one point which will become very worn, muddy and wet. Cattle often gather at these points.
9. Public money spent on fencing these commons runs counter to the provisions which empower local highway authorities to spend public money on improving access to Open Access land.
10. Clearance of bracken and gorse to create fire breaks, around ancient sites and by paths, can be done by hand/mechanical means.
11. ANY ENVIRONMENTAL CONCERNS EXPRESSED BY NATURAL ENGLAND AND OTHERS ARE FAR OUTWEIGHED BY THE USE OF THESE AREAS OF OPEN COUNTRY BY THOUSANDS OF LOCALS AND VISITORS FOR RECREATIONAL PURPOSES.

PETITION ORGANISED

One supporter of the group has created a dedicated web site that contains information of what is being proposed by the HEATH Project and our objections to it.

‘Save Penwith Moors’ believes that it is possible to call a halt to these planned enclosures by petitions to the Secretary of State for Environment, Natural England and The National Trust. To this aim they have included an on-line petition form that can be accessed at www.savepenwithmoors.com and urge all those who do not want to lose the present benefits of roaming the moors of West Penwith in safety and without hindrance to complete the petition.

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26th July 2008

MEN-AN-TOL SITE MONITOR RESIGNS

Potential damage from cattle

Visual vandalism of fences and gates

Loss of last areas of open wilderness

Tourists 'horrified'

Is this all just an experiment with an unknown outcome?

Ian Cooke, the co-ordinator of SAVE PENWITH MOORS, a newly formed group dedicated to opposing the Natural England HEATH Project that intends to fence and graze much of West Penwith's open access land, has resigned his long held position as the Cornish Ancient Sites Protection Network (CASPN) Adopt-a-Site Monitor for the Men an Tol and Nine Maidens Circle.

He considers that both these sites will come under threat of potential damage from grazing cattle, and that cattle may also pose a serious risk to the many visitors and schoolchildren who frequent these two sites: he expresses his feelings as a mixture of great sadness and anger that our wide open 'magical' spaces are to be

fenced in after so many decades of being left to fend for themselves. He adds that conversations over the past few weeks with many locals and visitors confirm that the overwhelming majority (at least 80-90%) are horrified by the proposed fencing and grazing that, close to his home at the Men-an-Tol Studio, will include the whole area from beyond Lanyon Quoit to the Men an Tol and on over Carn Galva to the seaward side of the main St.Just-St.Ives road where, incredibly, the National Trust propose to place two cattle grids on the busy B3306.

The former sire monitor says that CASPN appeals to visitors to: “Please take care not to cause damage when visiting ancient sites – lighting fires, digging holes, burying items, leaving physical offerings or affecting trees and plants. Please respect the land and all its inhabitants. ***Don’t change the site, let the site change you.***” Mr Cooke says that notwithstanding its valuable work in the past it now appears that CASPN’s support for the Natural England HEATH Project (Ref: letter from Cheryl Straffon CASPN dated 21st July 2008) undermines the rationale for its own existence, and asks whether this has anything to do with the fact that representatives to CASPN include some of the very organisations intimately involved in promoting the HEATH Project, including the National Trust, Cornwall County Council’s Historic Environment Service, Cornwall Archaeological Society, English Heritage and Natural England? (Ref: <http://www.cornishancientsites.com/aboutus.htm>)

The Save Penwith Moors co-ordinator says that he is at a loss to understand why the archaeological establishment supports the introduction of cattle to areas where there are well-known and often visited sites (Ref: see comment by Adam Sharpe on page 8 of *The Cornishman* 24/7/2008 that cattle were not a threat to ancient moorland monuments). This, despite the Historic Environment Service (HES) of Cornwall County Council advising that although some sites are “quite robust” others, even though appearing to be “stable”, can be “fragile and vulnerable to disturbance”. HES make the point that the archaeological value of sites lies as much with the accumulation of soil layers under the present turf as with their visible remains, and that it is therefore “essential to avoid any disturbance to these sites” – any such action being forbidden close to scheduled sites (these include many sites within the areas of the proposed HEATH Project). Also that there is a high ecological value in undisturbed sites where “plants and other living creatures which share these sites with us should also be respected and left as far as possible untroubled”. They also point out that it is “unwise” for visitors to archaeological sites to clamber on any walls or remove any stones: “Please respect other visitors (sic) right to quietly enjoy their own experience of the site.” (Ref: *CORNWALL’S ARCHAEOLOGICAL HERITAGE Access to monuments*, compiled by the Historic Environment Service of Cornwall County Council <http://www.historic-cornwall.org.uk/a2m/>)

But how will cattle be kept off the numerous fragile prehistoric field systems and other remains now owing their partial preservation to the very covering of vegetation that cattle are supposed to destroy? It is worth remembering that the excavated fogou (in 2003) at Boden on the Lizard was afterwards filled in with the express intention of preserving it. (Ref: personal visit to the site during excavation)

Reservations about the destructive potential of cattle do not appear to worry Cornwall's Historic Environment Field Advisor for English Heritage who declares that: "I personally do not have any objections to the grazing of Carn Kenidjack, and believe that it has the potential to be of benefit to both archaeology and wildlife. The area would have been grazed in the past and I understand was grazed within the last century" It was noted that at present local groups have to actively cut scrub from around the archaeological sites to keep them visible but that introduction of cattle should "hopefully reduce the need for this". (Ref: http://www.theheathproject.org.uk/content_pdf/en/Web_article_Nov_07.pdf)

Use of the word 'hopefully' implies that the outcome of this project is an unknown quantity. The Field Advisor has apparently forgotten that she was involved in the early 1990's with stabilising the Men an Tol after it became loose through the sheer volume of people hauling themselves through it, so creating an often wet or muddy hollow each side of the holed stone. (Ref: The Men an Tol: Management and Survey,

Cornwall Archaeological Unit, Cornwall County Council, 1993, written by Ann Preston-Jones) Will not cattle create even more damage to the various monuments during the often rainy Cornish summers?

Despite this enthusiasm for grazing cattle to ‘hopefully’ clear bracken and gorse from archaeological sites (are cattle expected to eat this growth or merely trample it down?) a booklet produced by the County Historic Environment Service states that: “Vegetation clearance on and around visible above-ground archaeological remains must be done manually with hand or power tools, or by spraying Manual methods are generally suitable only for small areas, but can be undertaken by suitably trained and supervised volunteers.” Why this apparent contradiction – grazing cattle or manual clearance of archaeological sites? The same publication notes that: “Paths and tracks which pass over, or close to, archaeological remains may present a risk (from too many people) and may need to be rerouted Care is needed so that new routes do not themselves affect sites or features.” (Ref: *Managing Archaeology and Historic Landscapes on West Cornwall’s Rough Ground*, produced by the Historic Environment Service of Cornwall County Council for the HEATH Project 2008). Will not cattle – that tend to congregate along existing paths – present an even greater threat?

These areas of former moorland may, or may not, have been grazed in the past – Mr Cooke says he has ridden a horse and walked the moors of West Penwith on at least 2000 occasions during the past 40 years

and has certainly never seen any permanent or semi-permanent grazing during that time, only the occasional handful of strays: other moorland users report similar experiences. (Ref: Craig Weatherhill, Ted Motler and others) Are there phantom cattle roaming these moors?

Ridicule is sometimes poured on those who consider cattle to be both potentially intimidating and dangerous. But anyone who has ever been chased or charged by cattle will know that this scorn is unwarranted.

The Health and Safety Executive (HSE) notes that one of the two major factors involving incidents between cattle and members of the public concern walkers with dogs but that many other incidents are not reported to the HSE. They go on to point out that “all large animals are potentially dangerous” and that when under stress – weather conditions, illness, aroused maternal instincts, and unusual disturbance – even normally placid cattle may become aggressive, so that all breeds should be treated with respect.

There is also a potential risk that the public’s right to roam at will across open access land could be denied at some time in the future. The HSE indicate that: “it may be possible under some circumstances to restrict access (to Open Access land) to avoid danger to the public” even though the public rights of way still remain usable. It is unclear to what “some circumstances” might refer. The HSE also advise that the amount and type of public access to land should be taken into account when considering where to keep animals: large

regular groups of walkers with dogs, groups of children and occasional individual walkers. (Ref: *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) which should be referred to for the full text.)

All these are factors that apply in particular to the three significant areas of archaeological interest visited by members of the public: Carn Kenidjack (Tregeseal Circle and Holed Stones), Lanyon Farm (Lanyon Quoit, Bosiliack Barrow and Men-an-Tol), Nine Maidens Common (Boskednan Circle, ring cairns and barrows). Mr Cooke maintains that in the past these areas of moorland were hardly ever used by the public for recreational purposes as they are now by many dog walkers, ramblers and horse riders, and that the loss of these small fragile places of wilderness and solitude with their enigmatic ancient sites will be a catastrophe for locals and for tourism. He asks all those opposed to plans to fence and graze so much of West Penwith's open access land to contact him at info@savepenwithmoors.com and help to halt these intended projects.

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1st August 2008

CARN GALVA

2 CATTLE GRIDS ON THE BUSY B3306 COAST ROAD

ROAMING CATTLE

ACCIDENTS INEVITABLE

As part of the HEATH (**H**eathland, **E**nvironment, **A**griculture, **T**ourism, **H**eritage) project that covers areas of heathland in Holland, Brittany, Normandy, Wales and Cornwall, the National Trust proposes to fence and graze with cattle a large area around Carn Galva on the north coast of the Land's End Peninsula that lies between Morvah and Gurnards Head.

Part of this proposal includes the insertion of two cattle grids on the B3306 narrow twisting coast road that runs from St.Just to St.Ives – arguably one of the most scenic roads in Britain. Jon Brookes of the National Trust informed Zennor Parish Council on 9th January 2007 that there would be no need to close the road for building the two cattle grids, and that the £37,000 for the whole project would be met from European Heath Project Funds. [Ref: website of Zennor Parish Council minutes of meeting held on Tuesday 9th January 2007]

Two supporters of 'Save Penwith Moors' recently went to the site of the proposed cattle grids and took photographs where the grids will - if permitted - be inserted on this road that is exceptionally busy during the holiday season. Both cattle grids are to be positioned close to sharp bends in the road; the western one, near Rosemergy, will be adjacent to the end of a footpath leading downhill over the moors and is likely to provide a convenient track for cattle to use.

Traffic flow statistics at Zennor on the B3306 during 2004 shows that traffic in August was almost four times that recorded during January: the August daily average in a 24 hour period was 1301 vehicles - some 40,000 in that month. [Ref: *Annual Report of Traffic and Collision Statistics 2005*; *TRAFFIC AND COLLISIONS IN CORNWALL*, Richard Fish, Department Director; Cornwall County Council.

http://www.cornwallstatistics.org.uk/media/pdf/p/h/Traffic_Collisions_2005_ALL.pdf

If cattle are to be allowed to roam across this road serious accidents are bound to happen, especially as this is the only straight stretch of road between Morvah and Zennor where it is possible to overtake and is subjected to frequent dense foggy conditions that makes visibility extremely difficult. Vehicles using this road include huge lorries supplying agricultural goods; various delivery lorries, trucks, tractors, double-decker buses travelling the regular coastal route, tourist coaches, camper vans, caravans, and cars.

As if this dangerous and absurd scheme was not enough the National Trust also proposes to fence and graze a section of the South West Coast Path at Trevean Cliff just west of the Carn Galva project. This part of the coast is steep and precipitous – are we to be treated with more unfortunate cattle falling over the cliffs and being killed or seriously injured? Or does the Trust intend to put up yet more fencing on the seaward side of the grazing area and further blight the beauty of the area?

The two letters about cattle and fencing the coastal footpath at Porthgwarra (*The Cornishman* 31/7/2008 page 37) backs up what ‘Save Penwith Moors’ have been saying all along: that cattle spoil paths; fencing spoils the beauty of the area; and that “the experiment at Porthgwarra has never been properly justified in conservation terms by either Natural England or RSPB”.

Join us to combat these and other projects to fence and graze local open spaces before it is too late: contact info@savepenwithmoors.com

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27th September 2008

Save Penwith Moors would like to respond to comments you have published over the last two weeks from representatives of the Heath Project.

What Jenna Palmer's letter and Ross Champion's statement make clear is that it is not the objectors who misunderstand what is at stake, but the Heath Project itself. Neither the letter nor the statement acknowledge *anywhere* the unique nature of the sites we are trying to preserve. What, other than ignorance, can explain Mr Champion's patronizing view of the slow-witted residents of West Penwith that “they’re reluctant to understand this happens all across Cornwall and South West England”.

Where else in Cornwall, or South West England for that matter, are there in close proximity four major prehistoric sites like Lanyon Quoit, Men-an-Tol, Nine Maidens stone circle and Bosiliack cairn, together with ten other Bronze Age barrows and Iron Age houses? Some of these structures may be as old as Stonehenge, and deserve as much respect. Unlike Stonehenge, however, they stand in a remote and wild location which gives them their unique appeal. According to the Heath Project's own plans this area will be enclosed by over 3.5 km of barbed wire fencing, including about 1.5 km of double barbed wire around an old mining area as yet unfenced. Dozens of cows will then be put out to graze at the very time when most tourists, British and overseas, come to view the major monuments. These inspiring places should not be

violated by miles of barbed wire nor reduced to a commonplace cow-patted enclosure. The Heath Project may regard this as progress. Very many people, not just in West Penwith, disagree.

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22nd October 2008

Craig Weatherhill and Ian McNeil Cooke of Save Penwith Moors, along with three officials of the Natural England HEATH Project (two from Natural England and one from the National Trust), participated in a two hour coach journey with seven members of Penwith District Council Social Economic and Environment Committee under the chairmanship of Councillor Pilcher, on Thursday afternoon 16th September, to visit three moorland sites under consideration for stock proofing and grazing by the HEATH Project.

We felt it essential that members of the council should at least walk onto the moors at one of the sites rather than simply stop by the roadside, as this would give them a much better impression of what was being proposed. Our first stop was by Carnyorth Moor where the group walked up to Carn Bean from where a large part of the moor could be seen; then on to Bosigran where two cattle grids are proposed to be installed on the B3306 coast road below Carn Galva; and finally to Lanyon Quoit.

A summary of our main points of view were given to councillors.

1. The moors are not a mass of bracken and gorse infested land but contain a wide variety of vegetation including large areas of heather and grasses. Enclosure with barbed wire fences, gates and cattle grids will mean the loss of the last few large remaining areas of safe unobstructed space in West Penwith for dog walkers, horse riders, ramblers, groups of school children and tourists. It is the **perceived** wild natural wilderness with its numerous iconic prehistoric sites that so many people from around the world come to see: visually and physically obtrusive new stock proofing will destroy this and is likely, eventually, to lead to a severe loss of tourist revenue in one of the poorest parts of Western Europe.
2. While parts of the moor may have been grazed in the distant past this was long before most people had the time or money for leisure activities. Introduction of cattle – unpredictable and potentially dangerous – will cause serious damage to archaeological sites and existing wildlife habitats, and act as a deterrent to the public –risk of injury should not be ignored. Have landowners carried out risk assessments?
3. There has been an almost total lack of any consultation with local residents and businesses, or even with local councils.
4. Why have Natural England chosen these most important areas when similar locations that hardly ever see a human being are left alone to look after themselves?

Despite prior agreement with Penwith District Council Rural Economy Officer that both parties would issue a press release, Natural England has decided not to do so

Save Penwith Moors consider that:

1. Archaeological sites, fire breaks and existing paths should be kept clear using hand or mechanical means or, possibly, by spraying herbicide (asulam) to kill bracken.
2. New paths should be created to open up densely overgrown 'open access' land.
3. A scheme similar to the ESA should be introduced so that farmers do not lose out financially.
4. The three areas of Carnyorth Moor, Carn Galva and Lanyon Farm (Lanyon Quoit Croft and Men-an-Tol Croft) should not be fenced and grazed. The financial benefits to a very few individuals and environmental concerns expressed by Natural England and others are far outweighed by the use of these last few areas of open country by thousands of locals and tourists for recreational enjoyment.

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1st January 2009

National Trust forced to climb down over drainage works at Four Parish Stone near Carn Galva

In the early afternoon of Monday 22nd December Andrew George MP held a meeting on the moors near Carn Galva with representatives of Cornwall County Council, The National Trust and Natural England. It was a private meeting to which Save Penwith Moors were not invited even though it was our group that had brought this drainage issue to the notice of relevant authorities. It is not known what exactly was discussed but it is significant that within a day or two the drain in question had been sealed off to prevent flooding of three adjacent footpaths: the exterior of the drain has earth and rab pulled down over the pipe exit; the interior has a large stone wedged into the pipe.

A letter from the County Council (see full text below) confirms that the sealing off of the drain was an official action: “The landowners have been required to undertake work that will have the effect of reinstating the path at the junction of footpaths nos. 23 and 57 in Madron.”

The fact that the National Trust must have designed this elementary drainage work with no regard to its legality, or its drastic effect on adjacent footpaths (when they make much capital of creating better public

access to the moors), does not bode well for their future efficient implementation of the HEATH Project where far more complex issues are concerned.

Go and have a look at the Trust's attempt at constructing the promised Cornish hedge between Carn Galva and Nine Maidens Common: a pathetic endeavour and an eyesore unworthy of an institution that purports to be looking after our countryside. Have they any idea what they are doing?

Transcript of letter dated 15/12/2008 from Ian McNeil Cooke to Mike Eastwood, Countryside Manager, Environment and Heritage, Old County Hall, Truro.

Re: National Trust HEATH Project works on Carn Galva moors.

I am writing to draw attention to recent stock proofing works near the Four Parish Stone (approx SW430354) at a junction of public rights of way.

A deep ditch has been dug on the inside of a hedge with a 12" (approx) drainage pipe intended to channel water through the hedge onto the only flat piece of ground in the vicinity, where there is a junction of three public rights of way (Madron 23 & 57; Morvah 15) and one well-used 'unofficial' path leading up to the Nine Maidens Stone Circle.

These paths are all well used, especially in the summer, and, although always subject to minor flooding before these recent works, is more than likely to be made impassable when the inside ditch fills with rain water and is carried through the drain. It is at present a deep mud bath.

I enclose a recent photograph of the area showing the drain and would be grateful for your comments as to whether this work is legal.

There is also a new short section of Cornish hedge with provision for access gate about 100 metres from Four Parish Stone on Morvah 15. Would permission have been needed to do this work and, if so, has it been granted?

Transcript of reply to above dated 23/12/2008 from Mike Eastwood, Countryside Manager.

Re: Public Footpath Nos 23 and 57 in Madron and No 15 in Morvah

Thankyou for your letter of 15th December 2008. I understand that officers from the County Council looked at the drainage issues on site with the landowners yesterday. The landowners have been required to undertake work that will have the effect of reinstating the path at the junction of footpaths nos. 23 and 57 in Madron.

In response to the questions raised at the end of your letter, a Cornish hedge across a right of way would be an obstruction, though under certain provisions of the Highways Act 1980, it is permissible to erect new gates and stiles on public rights of way with the authorisation of the highway authority. I am advised that we have received an application under section 147 of the Highways Act 1980 for permission to erect a gate at this location on Morvah 15. At this stage, permission has not been granted and the application is still under consideration.

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9th March 2009

OVERDOSE IN STUPIDITY

The National Trust has given replies to a number of questions submitted by Save Penwith Moors action group concerning the recent shambles of the earthworks and drainage pipe near Four Parish Stone that flooded three public rights of way (see *The Cornishman* 15/1/2009).

Apparently the plans for this work – drawn up by the West Penwith National Trust property staff – were approved after site visits by Natural England, the Historic Environment Service of Cornwall County Council and the National Trust archaeologist. The work was supervised by the West Penwith National Trust Area Warden and Archaeological Warden.

The installation of the drainage pipe was admitted by the Senior Countryside Officer of Cornwall County Council to be in breach of the Highways Act (1980) and has since been removed, as has the illegal cattle grid on National Trust land at Watch Croft. It is therefore obvious that the agencies involved in sanctioning the drain and cattle grid were acting illegally.

Save Penwith Moors has always campaigned strictly within the law and hope that this overdose in stupidity and incompetence by local HEATH Project agencies will be suitably admonished by their superiors.

END

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5th April 2009

THE NATIONAL TRUST IN HOT WATER
PUBLIC OUTCRY OVER FIASCO NEAR LAND'S END
SUCCESS OF LOCAL PROTESTS

The National Trust in West Cornwall is in hot water: it has been compelled to remedy two instances where recent work to enclose popular open-access moorland near Land's End has breached the Highways Act (1980).

DRAIN PIPE FLOODS PUBLIC FOOTPATHS

A large drain pipe was inserted into a restructured hedge on the lowest part of Carn Galva moors so that a large volume of rain water – funnelled down deep ditches recently dug by the Trust – caused the serious flooding of three well-used public rights of way.

After local protests the work was inspected by the various agencies concerned including The National Trust, Natural England, DEFRA and the local MP, Andrew George, who described the reaction of the agencies as one of “consternation and embarrassment”. The Trust admitted that the damage was “regrettable”: a spokesman (Jon Brookes, National Trust estates manager for West Penwith) was quoted as saying: “We hold

our hands up and say the work was too heavy and we're doing all we can to mitigate the damage that's been caused". The possibility of a financial penalty being imposed on the Trust was mooted by Natural England. The drain pipe has now been taken away.

CATTLE GRID BLOCKS PUBLIC BRIDLEWAY

As if this incompetence was not enough, the local Trust made another obvious error when they installed a cattle grid across the complete width of a bridleway without authorisation, so preventing horse riders from exercising their legal right to use this track. Complaints have now resulted in this being removed.

CONTROVERSIAL 'MANAGEMENT' PROJECT

This work is part of the highly controversial and unpopular Natural England HEATH (Heathland-Environment-Agriculture-Tourism-Heritage) Project, paid for with funds from Europe and the Heritage Lottery Fund, with the principle aim of rejuvenating and 'managing' West Penwith (Land's End Peninsula) moorland through erecting miles of barbed wire fencing, numerous gates and several cattle grids in preparation for grazing cattle to clear some of the bracken and gorse.

Details of the Project stock proofing have, until now almost completed, been largely kept from public knowledge. Even Peter Bowden of Natural England has admitted that the HEATH Project "had been bad at

community engagement and there should have been a pilot project”; and that “there should have been better community involvement two years earlier”.

SAVE PENWITH MOORS ACTION GROUP

Our action group was formed in July 2008 by six concerned local residents who have walked and ridden the area for many decades, and has been in the forefront of campaigning against fencing and proposed grazing of the last few safe cattle-free areas of local moorland so popular with locals and tourists alike.

The incompetence of local National Trust officials is outstanding, as well as being a complete waste of money. Is anyone to be held to account? Will the Trust be any better at ‘managing’ the moors once cattle are grazing? On their present record it seems highly unlikely.

We consider it is high time the HEATH Project to enclose and graze iconic West Penwith moorland with its many prehistoric sites is abandoned, and the area restored to its previous state with the speedy removal of miles of recently erected barbed wire fences and numerous gates.

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1st May 2009

MOOR CATTLE – A RISKY LIABILITY?

CATTLE MAY NOW BE KEPT OFF THE MOORS DURING BUSY HOLIDAY PERIODS

DOGS MAY DISTURB NESTING BIRDS

RISK ASSESSMENTS

SAVE PENWITH MOORS

In their web site on the HEATH Project for West Penwith, Natural England, after posing the questions “Are cows dangerous? Are there times of the year when cattle are more nervous of people and dogs?” go on to recommend that land owners consider taking cattle off heath land at the busiest times of the year.¹ This recommendation was taken up by the tenant farmer of Lanyon Farm who offered not to graze the moors around Men-an-Tol during school holidays: this gesture was, apparently, “in recognition that those not used to the countryside, particularly children, may be intimidated by cattle”² Natural England recognises that all large animals are potentially dangerous, and that even normally placid cattle can become aggressive when under stress, and that “Dogs can be particularly interesting to cattle.”³

DOGS MAY DISTURB NESTING BIRDS

The countryside access code states that all dogs must be kept on a lead from March until the end of July when taken across open access land as designated under the Countryside and Rights of Way Act 2000 – this includes most of West Penwith’s moorland – and is intended to prevent disturbance to ground nesting birds.⁴ This is the time of year when cattle are proposed to be grazing on the moors – why will they also not disturb nesting birds?

RISK ASSESSMENTS

To a question at a recent Heathland Forum whether any risk assessments had been carried out for reintroducing grazing cattle on the moors, it was stated that the landowner has responsibility for this, and that it was up to the landowner or manager to decide whether to do such an assessment.⁵ However the Natural England web site declares that: “Farmers are aware that before grazing animals are re-introduced to an area a risk assessment is required” – i.e. it is an obligatory decision. Have any assessments been done yet?

SAVE PENWITH MOORS

Save Penwith Moors asks whether the Natural England recommendation to remove cattle from the moors at busy holiday times of the year implies recognition that there could be problems between cattle and members of the public. And, of course, the Men-an-Tol holed stone is not the only ancient site to be visited during school holidays; neither are these iconic monuments devoid of locals and tourists at other times of the year. We point out that the moors are visited all the year round by individuals and groups – including parties of school children –and not just during busy holiday times, and that many people, even those familiar with cattle, are deterred from walking through or close to a herd of cattle, especially when walking with a dog.

It is high time – especially with the onset of the busy tourist season – that the balance between public recreation and farming is evened up: after all it is money from the public purse that is paying for all this stock proofing and grazing. Years ago landowners had to use their own money – moorland grazing now only seems to take place when a subsidy is available.

Save Penwith Moors demands that plans to graze cattle on the moors around the popular areas of Carn Kenidjack, Carn Galva, Watch Croft, Men-an-Tol and Lanyon Quoit are abandoned, and the area restored to its previous state with the speedy removal of miles of recently erected barbed wire fences and numerous gates, so that the public may have a few unspoilt spaces to enjoy.

8th May 2009

CATTLE NOW ON PENWITH MOORS

A cattle grid, nine new gates, and long stretches of new barbed wire fencing have now been installed to virtually complete the stock proofing of Carnyorth Moor (St Just) as part of the Natural England HEATH Project. A small herd of longhorn cattle now grazes this moor.

Natural England gave an undertaking last January that the bridle gates would be modified to make them openable by riders without hazard and that mounting blocks would be installed – neither has been done.

Save Penwith Moors deplors this provocative disregard by the HEATH Project of the decision of St Just Town Council not to support the Project,⁶ as well as countrywide public opinion against it, especially as a Heathlands Forum with representatives from Natural England, the National Trust, National Farmers Union, local councils and others was set up in the hope that a way through could be found to the agreement of all parties.

The Forum agreed terms of reference were summarised [Forum Minutes 9.2.2009 item 2.5 (vii)]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

It is clear that the agencies and graziers involved in the HEATH Project – so contrary to the prescriptions and spirit of the Environmentally Sensitive Area scheme (ESA) – have completely ignored the concept of dialogue to address public concerns.

In the 19th century, Robert Hunt, the Victorian collector of local folklore, wrote that: “The spirit of the Celts, possibly the spirits of a yet older people, dwell amidst those rocks [Carn Kenidjack on Carnyorth Moor]. Within the shadow of this hill are mounds and barrows, and mystic circles, and holed stones, and rude altars, still telling of the past. The dead hold undisputed sway all around; no ploughshare has dared to invade this sacred spot, and every effort made by modern man to mark his sway is indicated by its ruin...”⁷

Let us hope that Robert Hunt’s remark will still prevail.

END

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6 June 2009

NATURAL ENGLAND HEATH PROJECT
(Heathland-Environment-Agriculture-Tourism-Heritage)
ACTION GROUP REQUEST SUSPENSION
OF NATIONAL TRUST OFFICIAL

In view of the appalling incompetence, illegality and insensitivity of the work planned, approved and supervised for the National Trust properties of Watch Croft and Carn Galva in West Penwith, Cornwall, eight supporters of Save Penwith Moors action group have sent a joint letter (dated 26/5/2009) to the National Trust Area Manager requesting that their Property Manager for West Penwith (Jon Brookes) is suspended from his post without delay. A copy of the letter to the Director-General of the National Trust also suggested that the Trust carry out an internal enquiry regarding this work that has caused such local anger and consternation.

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, we consider, should be abandoned forthwith and the moors restored to their former state prior to these recent works.

Our letter was accompanied by a long list of detailed reasons why we have taken this action (see below) and recipients were asked to refer to our web site www.savepenwithmoors.com for photographic evidence (follow link to Updates and Picture Gallery).

END

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). This has now been removed although to date (13th May) no remedial work has been done.
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,⁸ and that this would be done by “beating up the existing unfenced hedges, in a traditional fashion, to make them stock proof”.⁹ The hedge by the 4 Parish Stone is shown on the 1813 OS for which the survey was carried out in the 1790s – hence it was built in the 18th century or earlier and is far earlier than the age claimed by the Trust. (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”.¹⁰ 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 they were “*Approved by NE, HES, NT archaeologist after site visits*”.¹¹ 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.”

7. The National Trust has carried out numerous works in direct breach to the spirit and prescriptions 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]

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26th June 2009

**INTIMIDATING SIGNS ON CARNYORTH MOOR
PREHISTORIC STONE CIRCLE UNDER THREAT
ST JUST TOWN COUNCIL IGNORED**

An area formerly perfectly safe for ramblers, dog walkers and horse riders has been turned into a virtual no-go area with new barbed wire fencing, numerous gates and free roaming longhorn cattle.

INTIMIDATING SIGNS ON MOOR

At the end of 2008 the Heritage Lottery Fund awarded £979,500 to English Nature (now Natural England) South West Region (Truro) for the *Ow Taswul Ros An Avor* (Restoring the Sea of Heather) Project in order “To achieve sustainable management of 73% of Cornwall's (sic) heathland landscape. To enhance public access, involvement and appreciation and to encourage economic links”.

<http://search.hlf.org.uk/English/GrantsDatabase/grantsproject?applicationID=12194>

Natural England has recently fixed signs on the new gates around Carnyorth Moor warning people that cattle are roaming freely as part of a conservation project, and that dogs should be kept under close control or on a lead at all times.

Reports being received by Save Penwith Moors on an almost daily basis indicate that these signs are discouraging people walking or exercising their dogs, and horse riders from going across the moor. This, despite one of the stated aims of the HEATH Project being to improve access on the Penwith moors.

It is becoming clear that these signs DO DETER even when cattle might not be present: if it is necessary to display a sign with a long-horned fierce-looking animal then it is there to warn of a real potential risk. Public access is most certainly not being enhanced or appreciated.

STONE CIRCLE UNDER THREAT

The longhorn cattle on Carnyorth moor have been photographed on several occasions grazing inside Tregeseal prehistoric stone circle and using the stones as rubbing posts. Not only is there a very real possibility that some of the stones will be dislodged but that their presence will also intimidate visitors.

The Historic Environment Service of Cornwall Council have been informed by the following email (sent 17/6/2009 18.49; read by Attmere Lauren of HES 18/6/2009 7.41).

“As a partner of the HEATH Project you are doubtless aware that a group of longhorn cattle are now grazing Carnyorth Moor, They have been seen and photographed on several different days within the stone circle that seems to act as a magnet, and also using the stones as rubbing posts. Can you assure me that someone from the HES will be monitoring this site on a regular basis for any damage - as you know some of the stones are hardly embedded in the soil. If there is any damage to the circle then our group will take appropriate action against those responsible.”

A meeting on site has been arranged for next Wednesday (1st July) between two supporters of Save Penwith Moors and the Senior Archaeologist of Historic Environment Service, Cornwall Council.

TOWN COUNCIL IGNORED

An English Nature (now Natural England) booklet published in 2005 on *Grazing management of lowland heathlands* (ISBN 1 85716 869 0) stresses that it is essential for the success or failure of any scheme to have public opinion on its side: this can “make or break any project”. Also that it is “vitaly important that you bring local communities along with you and that you keep them informed of developments”.

These declarations have clearly been ignored in West Penwith where the public were not informed of what was intended until the Natural England HEATH Project was a virtual fait accompli.

Last year Save Penwith Moors action group collected well over 1000 individually signed protest forms against fencing and grazing the moors, and last September St Just Town Council (representing thousands of local residents) voted 8 to 2: “that the proposals as put forward by the Heath Project, particularly regarding the erection of fencing, stiles and gates [on Carnyorth Moor], will have an adverse effect on access and tourism” (<http://www.stjust.org/minutes/2008-sept-29-mins.pdf>).

Yet Peter Bowden of Natural England wrote a letter to *The Cornishman* (28/5/2009) stating that they do listen to views of the community and sited installation of mounting blocks for horse riders as an example. Perhaps they do indeed listen – but they certainly don’t take much notice of any major issue.

Natural England has turned off its hearing aid and provocatively continues with its highly controversial scheme reminiscent of the ill-fated 1980s attempt to fence and break in the southern part of Carnyorth moor. (I have put a lot about this saga on our web site <http://www.savepenwithmoors.com/SAGA%20PENWITH%20MOORS.htm>).

The 21st century enclosure and grazing of this moor has deprived the public of the last easily accessed safe inland open space for recreation near St Just. It is time that the imbalance between moorland used for agriculture and that used for public enjoyment is addressed – it is now far too much in favour of the former.

Save Penwith Moors asks anyone who encounters a problem on Carnyorth Moor to email info@savepenwithmoors.com so it can be passed on to the relevant authority and brought up at the next Heathlands Forum due to be held on Tuesday 7th July.

END

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10th July 2009

20th Century

MOORLAND FENCED AND ‘RECLAIMED’

ESA RULES CHANGED BY GOVERNMENT MINISTER

21st Century

UNEQUAL BALANCE NEEDS TO BE RE-ADDRESSED

EXEMPTION FROM GRAZING NOW REQUESTED

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.

ESA RULES CHANGED BY GOVERNMENT MINISTER

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 secretively 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.

UNEQUAL BALANCE

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.

EXEMPTION FROM GRAZING TO BE REQUESTED

As a possible solution to this imbalance, and bearing in mind the precedent of the ESA in the 1980s, we will be requesting 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) for the specific areas of Carn Galva, Watch Croft, Lanyon Farm and Carnyorth Moor that our group are especially concerned about. If this was done there would be no need for all the intrusive new gates and fences which could then be removed as being redundant. Farmers could then be fully compensated with payment for manual and mechanical maintenance of these moorland areas instead of for grazing cattle. Much, if not all, of the present aggravation would then evaporate.

END

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5th September 2009

SAVE PENWITH MOORS

THE CAMPAIGN GOES ON

GRAZING EXEMPTION REQUESTED FROM MINISTER

Save Penwith Moors action group considers that there is a desperate need to address 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.

As a possible solution to this imbalance we have written (25th July 2009) to the Minister for Marine and Natural Environment at DEFRA, Huw Irranca-Davies MP, for a grazing exemption for the specific areas of Carn Galva, Watch Croft, Lanyon Farm and Carnyorth Moor that our group are especially concerned about. If this was done there would be no need for all the intrusive new gates and fences which could then be removed as being redundant. Farmers could then be fully compensated with payment for manual and mechanical maintenance of these moorland areas instead of for grazing cattle. Much, if not all, of the present aggravation would then evaporate.

The Minister replied by letter that he has asked the Chief Executive of Natural England, Dr Helen Phillips, to respond direct to the SPM co-ordinator and Andrew George MP. We await her reply.

HEATH PROJECT FUND PROVIDERS CONTACTED

As a result of the appalling waste of public money by the National Trust installing two works that breached the Highways Act that had to be removed and the land made good (cattle grid on Watch Croft and drain on Carn Galva), as well as the excavation of a deep long ditch on Carn Galva that has had to be back filled twice as a breach of ESA regulations (the first back fill was not approved as being sufficient), SPM has written to the two main fund providers – The Heritage Lottery Fund and the office of Interreg North West Europe with their office in Lille, northern France – pointing out what has been going on and requesting that a full audit is provided of grant money given and what it has been used for. Both organisations have replied that they will investigate the matter and respond to SPM.

SAFETY REVIEW OF B3306 CATTLE GRID

Following complaints to Cornwall Council concerning the inherent dangers of the cattle grid installed across the B3306 at Rosemergy, the Council Regional Engineer, Highway Service, has replied that he will instigate a formal safety review by a specially trained officer independent of the HEATH Project.

SPM complaints were that pony and traps, horse riders and cyclists, all who have the legal right to use this public highway, will have to cross the B3306 on a blind bend against oncoming traffic, negotiate the gate at a lay-by now being used as an unofficial car park, cross the road once again against oncoming traffic to regain the left hand carriageway with traffic coming from behind around the blind bend. (please see attached photograph)

ENDS

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1st December 2009

PRESS RELEASE

TIME TO PUT AN END TO IT

Relentless enclosure of land used by the people as an essential part of their lifestyle whether, as in the past, it was grazing livestock and fowls, cutting furze and bracken for fuel and bedding or, today, for leisure and recreational pursuits, has been going on for over half a millennium.

As in previous centuries, there is angry and determined opposition to enclosure of moorland although, now, this is primarily directed against powerful national institutions backed by the government¹² rather than individual landowners.

It is now the repugnant policies of Natural England that are financing ugly scars of barbed wire fencing across our once beautiful and unspoilt open wilderness and magnificent coastline. Their arrogant, patronising and dictatorial methods refuse to consider the concerns and suggestions of local residents, and they have the nerve to express surprise at the degree of opposition to their ruthless assault on the countryside in the name of a dubious programme to promote biodiversity. Public finance is being used to restrict our freedom of movement – grant funding should be withheld.

Much of our peninsula is owned by the National Trust and a few wealthy landowners. It is all very well for the landed gentry to enjoy their private gardens, woods and wildlife shooting areas, those of us who are less fortunate will now be left to run the gauntlet of unpredictable cattle and marvel at miles of new barbed wire fencing and numerous gates that are destroying the last vestiges of untamed wilderness and ripping the heart out of a much loved landscape. **IT IS NOW TIME TO PUT AN END TO IT!**

ENDS

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4th December 2009

UNLAWFUL OBSTRUCTION TO STAY IN PLACE

Following complaints by members of the public to installation of a cattle grid across the complete width of a public footpath (St Just 147) on Carnyorth Common, so causing a potential danger to walkers, especially those with dogs or small children whose legs can get trapped in the grid, and preventing people from exercising their legal right to use this path, Save Penwith Moors issued a formal complaint to Cornwall Council [*Mike Eastwood*].

The complaint was considered by both the Living Environment Manager [*Steve Crummay*] and the Council Legal Services team, the view being that [direct quote] “the cattle-grid is an unlawful obstruction on the public footpath” and was classified as a Priority Four ‘offence of nuisance’. Despite this the Council stated that financial restraints meant that the issue was unlikely to be tackled in the near future – if at all.

Save Penwith Moors considered this was not acceptable and asked for the issue to be dealt with as a Priority Two ‘Recent obstructions of a permanent nature’ in an attempt to get the grid removed.

The new complaint was dealt with by the Council’s Performance & Improvement Officer [*Dave Christophers*] and a response was received by Save Penwith Moors co-ordinator on 2nd December. This stated that our complaint was not upheld and that the issue had correctly been given Priority Four.

This is now the second case of a HEATH Project cattle grid obstructing a public right of way: the first case was of a grid on National Trust land at Watch Croft that was reported in *The Cornishman* (26/2/2009) after it had been removed. How many similar cases are there in West Cornwall? We hope to find out.

The cattle grid on Carnyorth Common had been “authorised” by the Countryside Officer of the previous Cornwall County Council without any modification order being applied for to divert the public footpath around the grid. This begs the question of whether his decision was influenced by the Council being a partner in the Natural England HEATH Project.

We are astonished that Natural England, who were responsible for the planning and installation of this cattle grid with public grant money under the HEATH Project, and are unlikely to have ever carried out a risk assessment, can install unlawful work with impunity, and that this work is allowed to remain in place while continuing to pose a serious hazard to the public. Who will be held to account for any accident? Why cannot Natural England save council taxpayers’ money, do the decent thing for once, and use some of their own funds to take out this dangerous grid?

Save Penwith Moors has now lodged a complaint with the Local Government Ombudsman.

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26th February 2010

RECESSION – WHAT RECESSION?

At a time when Cornwall Council has announced a budget cut of £100,000,000 over 4 years that includes children's services and the fire service, as well as the loss of 500-600 jobs, **AND** an increase in council tax of 2.9%, Natural England continues to spend money on fencing and grazing West Penwith moorland at obscene amounts – and intend to carry on spending millions over the next decade.

The Natural England Higher Level Stewardship (HLS) scheme claims to deliver significant environmental benefits in high priority areas over the next 10 years. Almost the whole of West Penwith, apart from the urbanised areas around St Ives and Penzance/Newlyn are targeted areas for HLS that, in most cases, is likely to involve fencing and grazing cattle on present open-access land – inland and coastal.

It is of very serious concern that such an excessive percentage of our peninsula is even being considered for these enclosures: a provocative disregard of opposition expressed over the past two years to implementation of the HEATH Project that has already seen many areas of moorland fenced and grazed in West Penwith and on The Lizard.

Carnyorth Common (Carn Kenidjack, St Just) is a prime example of what the future holds in store and how users of this moor are being adversely affected.

Already over £57,000 has been spent over the past two years under HLS for Carnyorth and Boswens Commons out of a total payment over 10 years of £289,152.80. And this does not include more than £42,000 spent on stock proofing the moor with barbed wire fencing, gates and a cattle grid that Cornwall Council has declared to be an “unlawful obstruction” across a public footpath – it is still there.

But despite this generous hand-out of taxpayers’ money what has actually been achieved on Carnyorth Common during the past 2 years? Not a lot by the look of it apart from considerable annoyance, inconvenience and intimidation for those who actually use the moors for walking and horse riding – far fewer people are now going onto this moor that was described in a recent report as being in good condition. [see Cornwall Farming Wildlife Advisory Group (FWAG) Higher Level Stewardship Farm Environment Plan HLS Application Reference AG002244590, Part 3 (3.1) ©Natural England]

Save Penwith Moors consider that, at a time of national recession when massive budget cuts are being contemplated by government departments, the huge amount of taxpayers’ money earmarked for ruining a valuable public amenity should be subjected to close scrutiny, and that a few relatively small areas should be left unfenced and ungrazed as we have consistently requested of Natural England.

END

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20th May 2010

CARNYORTH COMMON – ST JUST

‘CONSERVATION GRAZING’ - AN EXPENSIVE NON-EVENT

A Natural England agri-environment agreement, specifically designed to benefit the environment and promote biodiversity for a period of ten years through grazing with animals – one of many such agreements locally and throughout the country – was made by that government agency with a local farmer in St Just-in-Penwith (the Land’s End Peninsula) on the 1st August 2007, the total payment for the ten year period being a staggering £289,152.80

The agreement covers 141.2 hectares of Boswens Common (Sancreed Parish) and Carnyorth Common (St Just Parish) and attracts an annual payment in excess of £28,000. To comply with the agreement necessitated stock proofing of this open moorland before a small herd of longhorn cattle could be introduced – the first time in very many decades that this popularly used space would be enclosed and grazed. There was no early public consultation or indication of what was about to happen until plans were being finalised – an alleged breach of European environmental legal requirements.

Stock proofing with barbed wire fencing and numerous new gates – where none had previously ever existed – began in late October 2008 and was not finished until the early spring of 2009 despite the local Town

Council voting overwhelmingly against it a month before work began [*Minutes of the Town Council 29 September 2008* <http://www.stjust.org/minutes/2008-sept-29-mins.pdf>]

NO WATER TROUGHS FOR CATTLE

Stock proofing was carried out under the Natural England HEATH Project (an acronym for Heathland – Environment – Agriculture – Tourism – Heritage) that was signed off as completed at the end of March 2009 even though, over one year later, two water troughs have still not been installed and a cattle grid on this moor, also installed under HEATH, was declared by Cornwall Council to be an unlawful obstruction of a public right of way yet still remains in place as a constant danger to walkers, especially those with dogs and small children.

ACCESS CURTAILED

Access to the moor for walkers and horse riders has been severely curtailed, and stones of a prehistoric stone circle destabilised by cattle – the perception of open wilderness enjoyed by locals and tourists alike is being wilfully destroyed by an agency tasked with looking after our countryside.

CATTLE ONLY APPEAR AFTER 21 MONTHS

The first cattle to be seen on Carnyorth Common was in early May 2009 some 21 months **AFTER** the agreement was finalised and several payments (exceeding approximately £50,000) had already been made for this ‘conservation grazing’ – funded by the European Agricultural Fund for Rural Development and the UK Government.

This is now the second year that cattle have supposed to be out on the moor yet still spend much – if not most – of their time grazing in adjacent back-up fields where they are given supplementary feed and have their only source of water.

NOT VALUE FOR MONEY

Save Penwith Moors now ask if it is standard practice for Higher Level Stewardship payments to be made even though the area in question (Carnyorth Common) remained without stock proofing or cattle for some 21 months, thus representing the loss of almost two years of what we are told is a critical biodiversity programme. This does not represent value for money – taxpayers’ money – at a time when severe financial cut-backs are being contemplated for essential public services. Is this an isolated example or does it represent the tip of a very large Natural England iceberg?

NO ANSWERS

Many serious questions relating to this agreement have been asked of Natural England – both to the Exeter and Truro offices – but we have never received any answers. The issue has now been passed on to a higher government authority in the hope that different public servants will have the common decency to serve the public by providing answers.

OUR CAMPAIGN OBJECTIVES – 1.6%

It is a misconception held by some individuals and organisations that Save Penwith Moors [www.savepenwithmoors.com] campaigns against all fencing and grazing. This is not so. Our core campaign is confined to only a few relatively small areas of previously unobstructed moorland that, we consider, should be left alone for the safe and peaceful enjoyment of locals and tourists. These areas [Men-an-Tol and Lanyon Quoit Crofts (Lanyon Farm), Carnyorth Common, Watch Croft and Carn Galva] amount to a mere 1.6% of the Natural England target area for Higher Level Stewardship in Penwith. We do not consider our request for a grazing exemption and removal of all new stock proofing for this small percentage to be unreasonable. After two years of campaigning we will continue to attain our objectives by all lawful means. **ENDS**

15th September 2010

PARLIAMENTARY OMBUDSMAN

SAVE PENWITH MOORS and NATURAL ENGLAND

EUROPEAN ENVIRONMENTAL DIRECTIVES

During May 2010 the Co-ordinator of Save Penwith Moors submitted a dossier to the Parliamentary Ombudsman – via our Member of Parliament – alleging that Natural England had failed to implement legally binding articles of the Aarhus Convention and subsequent European Directives regarding early public participation in the planning and execution of the HEATH Project and Higher Level Stewardship schemes in West Penwith while options were still open, and that this lack of consultation resulted in the local community being faced with a *fait accompli* in the form of numerous new gates, cattle grids, barbed wire fencing and grazing cattle that had ruined the perception of open unobstructed wilderness in an area of Outstanding Natural Beauty, and that this had resulted in restricted access for the disabled, walkers and horse riders. It was also alleged that Natural England was guilty of maladministration of the Higher Level Stewardship agreement covering Carnyorth Common.

LAWFULNESS OF HEATH PROJECT WORKS CHALLENGED

Bearing this in mind we have alleged that this failure to abide by the relevant European Directives brought the lawfulness of Natural England's actions into question and that all cattle and new stock proofing should therefore be removed from Carnyorth Common, Watch Croft, Carn Galva and two crofts of Lanyon Farm (Men-an-Tol and Lanyon Quoit Crofts).

“TO OUR SATISFACTION”

Natural England has responded to the Parliamentary Ombudsman with an assurance that they are taking steps to see whether they can resolve matters to our satisfaction, and that I have agreed to give them time to do that. The Ombudsman has informed me that if I am dissatisfied with NE's attempts to resolve matters and/or are taking too long to do this I can make further complaint to the Ombudsman.

Over the past months only a handful of secondary concerns have been addressed, and in some cases rectified, by Natural England (unlawful cattle grids, excavations on Carn Galva, a few gate catches). Most of these relate to errors made during the HEATH Project and were brought to the attention of Natural England/National Trust by concerned residents communicating through Save Penwith Moors.

While these remedial works are to be welcomed, our major concerns – that have not changed since we began our campaign in early summer 2008 – have, until the recent appointment of a new NE contact, always been met with dogmatic responses from the Chief Executive down to officials in the Truro office.

Being mindful of current government financial cut-backs, it is our belief that there is now an urgency to get a resolution for our complaints, and we therefore consider it would be an inappropriate waste of time and money for Natural England to undertake any further minor remedial works.

WE WANT TO SEE INFRASTRUCTURE REMOVED ALTOGETHER – NOT ‘IMPROVED’.

This would then constitute a resolution of our complaint to the Parliamentary Ombudsman ‘to our satisfaction’.

OBJECTIVES AND SUGGESTIONS

To restate our fundamental objectives:

1. Cattle to be removed from Carnyorth Common.
2. Any new agri-environmental agreements covering Watch Croft, Carn Galva and the 2 crofts of Lanyon Farm (Men-an-Tol and Lanyon Quoit) to exclude introduction of grazing animals.

3. Once grazing animals are no longer an issue for these areas then the new HEATH project stock proofing infrastructure becomes redundant and should be removed (fencing, gates, cattle grids).

Suggestions (some of which can apply to areas outside those of our immediate concern)

1. To provide a possible solution to this issue of moorland maintenance we suggest that future Higher Level Stewardship agreements that cover West Penwith moorland bordering the Tinnern Way from St Just to St Ives should exclude grazing animals and associated stock proofing but would pay farmers/landowners for manual maintenance, preservation of archaeological sites, footpaths etc, as we have previously suggested (this refers especially to Woon Gumpus, Chun Downs, Nine Maidens Common and Mulfra/Treen Commons) and that after a minimum of 10 years (the duration of most Higher Level Stewardship agreements) the situation should be reassessed with a comparison to other moorland sites that have been grazed during that period.
2. To upgrade and effectively maintain the Tinnern Way to give a unified 'identity' to these moors that will be of immense benefit both to locals and the tourist industry.

3. Footpath and open access signage, and upgrading of current parking (a prerequisite of improved access, especially for the elderly and disabled), to be improved but kept discreet so as not to destroy the ‘informal’ feeling of the areas under consideration.
4. Create community links to ensure maintenance, recreational and cultural links are secured.

13th May 2011

“MANIFESTLY UNREASONABLE”

LIB-DEM MP ‘GAGGED’ BY NATURAL ENGLAND

AN ACTION SUPPORTED BY TORY MINISTER

MP NOT TO BE USED AS A “CONDUIT” TO OBTAIN INFORMATION

APPEAL TO INFORMATION COMMISSIONER

MINISTER CONTRADICTS COMMISSIONER

LETTER OF COMPLAINT SENT TO THE PRIME MINISTER

LOCAL MP GAGGED BY NATURAL ENGLAND

On 23rd April 2011 I received a remarkable and disturbing letter from the Secretary of State at Defra, the Rt Hon Caroline Spelman MP,^{xiii} in which, to paraphrase her remarks, it was confirmed that unelected officials of a Government quango – Natural England – had the right, under certain conditions, to refuse to answer correspondence from a local Liberal Democrat Member of Parliament acting on behalf of his constituents – and therefore a member of the Government itself.

BACKGROUND

The action group Save Penwith Moors, of which I am the co-ordinator, has been in dispute with Natural England for almost three years about various aspects of the environmental scheme known as the HEATH Project [an acronym for Heathland – Environment – Agriculture – Tourism – Heritage] that ended in March 2009 by which time all publicly funded stock proofing infrastructure should have been completed across West Cornwall – which it still is not.

The HEATH project was a 4 year multi-million-euro trans-national conservation scheme designed to ‘manage’ heathland, primarily through cash incentives favouring towards grazing that predetermined the choices made, with partners in the UK, France and Holland, in which English Nature and then, after October

2006, Natural England, was the Lead Partner. The effects on the ground in West Cornwall has been the installation of miles of new barbed wire fencing, dozens of gates and cattle grids on hitherto unobstructed public open access land. Our campaign has limited itself to opposing this scheme to four relatively small areas of moorland containing some important prehistoric sites that are, arguably, the most frequently used local open ‘wilderness’ areas for recreational purposes (walking and horse riding) by both locals and tourists on whom the local economy largely depends – a prime objection being the virtual total lack of any public consultation before works began, despite objections by some local councils.

It has been a daunting and time-consuming task to challenge such a powerful and, generally speaking, hitherto well respected and knowledgeable organisation and, in the course of our campaign, we have had a ‘steep learning curve’ that required requests for items of information concerning the planning and application of the Project in order that we might be able to accurately present our case that has now been progressed to the Parliamentary Ombudsman for the second time for their assessment.

MANIFESTLY UNREASONABLE

However, in March 2010, Natural England informed us^{xiv} that they would no longer be responding to further requests “on the same issues” as it considered them to be “manifestly unreasonable”. [NOTE: Does the phrase “on the same issues” refer to any information request about the HEATH Project as a whole or does it

merely refer to a specific aspect of that Project i.e. finance, stock proofing, etc? We have never been told this.]

An appeal was lodged with the Natural England Area Manager who upheld their decision of “manifestly unreasonable” on 7th April 2010.^{xv}

We then appealed against this decision to the Information Commissioner’s Office that was acknowledged on 30th April 2010 but not upheld in his report dated 10th January 2011. However he made one very important point in the final paragraph [99]: “The Commissioner wishes to note that, while it may be appropriate to take into account previous conduct (as explained in this notice), the public authority must still treat every new request on its own merits. When doing so it is essential that it does not treat the requester (or the Group), rather than the request, as being vexatious or manifestly unreasonable.”^{xvi}

OUR MP MUST NOT BE USED AS A “CONDUIT” TO OBTAIN INFORMATION

On 21st May 2010 the Chief Executive of Natural England, Dr Helen Phillips, had written to our Member of Parliament, Andrew George MP, ^{xvii} confirming that “Natural England would not be responding to any further requests for information from members of the SPM [Save Penwith Moors] group on matters relating

to this and similar issues as we consider them to be manifestly unreasonable we hope that in these circumstances SPM do not seek to use yourself as a conduit to try to obtain information”.

This extraordinary final sentence by an unelected agency official would effectively deny a constituent the right to request help from his/her elected Parliamentary representative – a right that we consider fundamental in a parliamentary democracy. [NOTE: SPM does not have a membership but was formed in July 2008 by six concerned local residents although it does have a much larger residue of supporters and sympathisers: Natural England seems to consider anyone who expresses opposition as coming under the umbrella of SPM and can therefore be dismissed out of hand.]

SECRETARY OF STATE CONTRADICTS INFORMATION COMMISSIONER

On 23rd April 2011 I received a letter from the Secretary of State at Defra, the Rt Hon Caroline Spelman MP,^{xviii} in which she elaborated on this issue: “When a request for information has been declared to be manifestly unreasonable the Public Authority [in this case Natural England – I McN C] may also refuse to respond to requests for information or any other correspondence from anyone else whom that Public Authority believes to be attempting to continue the correspondence on the original requestor’s behalf. I understand that this was the rationale for Helen Phillips’ response to Andrew George MP on 21 May 2010.”

The Secretary of State has now widened the ‘disenfranchised’ from alleged members of SPM to anyone who Natural England “believes” – now that is an all-embracing term that smacks of McCarthyism – to be working on SPM’s behalf including our Member of Parliament, and she has also expanded requests from information to “any other correspondence”.

These statements by the Secretary of State directly contradict that of the Information Commissioner in that requests for information should consider the request NOT the requester as to whether it is “manifestly unreasonable”.

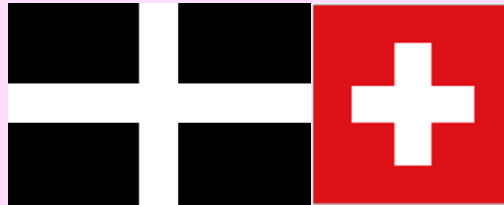
Save Penwith Moors consider the remarks by the Natural England Chief Executive, elaborated upon by the Secretary of State, to be a gross violation of the public’s right to Freedom of Information and, possibly, rights under the UNECE Aarhus Convention to be consulted and informed of environmental decisions that affect local communities, as well as a denial of the Coalition Government’s attempt to create open and transparent Government Departments.

It is our intention, should concerns and complaints not be openly and honestly addressed, to progress these complaints to the Aarhus Compliance Committee in Europe.

A letter of complaint regarding this issue has been sent to the Prime Minister requesting that a thorough investigation is launched by his office into the morality – if not indeed the legality – of the statements made by Dr Phillips and Mrs Spelman in line with the Coalition Government’s stated aim of being “inspired by the values of freedom, fairness and responsibility”. Copies have been sent to the Deputy Prime Minister, Leader of the Opposition and local Member of Parliament.

ENDS

28th February 2012



FROM CORNWALL TO GENEVA

**LOCAL ACTION GROUP ALLEGE NATURAL ENGLAND
FAILED TO ABIDE BY EUROPEAN ENVIRONMENTAL LAW**

**Documents sent to the
Aarhus Convention Compliance Committee in Geneva**

Having failed to get any satisfactory resolution of our complains by the UK Parliamentary Ombudsman, Save Penwith Moors has now sent a 44 page dossier, together with 70 supporting documents, to the United Nations Economic Commission for Europe [UNECE], Aarhus Convention Compliance Committee, in Geneva, Switzerland, complaining that: “the UK Government, through its Department of Environment, Food and Rural Affairs, failed to ensure that the national agency tasked with managing the environment – Natural

England [NE] (formerly English Nature) – consulted with affected local communities in West Penwith (the Land’s End Peninsula), Cornwall, prior to enclosing public open-access areas of moorland with the widespread installation of barbed wire fences, gates and cattle grids as part of the trans-national HEATH Project.”

“As Project lead partner, Natural England should have carried out consultations to enable local opinion and concerns to be expressed and taken into account at an early planning stage before being presented with a *fait accompli* in 2008, and we allege that this omission represents a breach of Pillar 2 of the Aarhus Convention and brings into question the lawfulness of all HEATH Project stock proofing throughout West Penwith.”

Notes:

The Aarhus Convention, under the auspices of UNECE was signed in the city of Aarhus in Denmark on 25th June 1998 and consisted of three ‘pillars’ dealing with environmental matters: access to information, access to justice and public participation.

On 24 February 2005, the UK ratified the UNECE Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (The Aarhus Convention). In line with the Convention’s procedures the UK became a full Party to the Convention 90 days after this

date, in May 2005. The Convention is an important measure to ensure 'environmental democracy' throughout the UNECE region.

MEN-AN-TOL

¹ Natural England web site - *Frequently Asked Questions regarding the HEATH project and heathland management* http://www.theheathproject.org.uk/content_pdf/en/FAQs.pdf (page 3)

² Minutes of Heathlands Forum held on 17 March 2009 (Item 7.3)

³ Natural England web site - *Frequently Asked Questions regarding the HEATH project and heathland management* http://www.theheathproject.org.uk/content_pdf/en/FAQs.pdf (page 3)

⁴ [http://www.countrysideaccess.gov.uk/things_to_know/countryside_code]

⁵ Minutes of Heathlands Forum held on 17 March 2009 (Item 7.3)

⁶ 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 29th September 2008 at 7.15 p.m. <http://www.stjust.org/minutes/2008-sept-29-mins.pdf>

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

⁷ *Popular Romances of the West of England or The Drolls, Traditions, and Superstitions of Old Cornwall* by Robert Hunt, London, Chatto and Windus 1881 page 216

⁸ 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.

⁹ Copy of a letter from Jon Brookes to Andrew George MP dated 22/08/2008 ref Jfb/THH

¹⁰ Copy of a letter from Jon Brookes to Andrew George MP dated 22/08/2008 ref Jfb/THH

¹¹ NT reply dated 12 March 2009 to item 7 on Heathland Forum agenda of 9th February

¹² Natural England is ultimately responsible to the Minister for Marine and Natural Environment at DEFRA

^{xiii} Rt Hon C Spelman MP, letter dated 19 March 2011 Ref: PO 222515 – envelope postmarked 20th April 2011

^{xiv} Peter Bowden, Natural England (Truro Office), 3rd March 2010, Ref: RF1660

^{xv} Matthew Carter, Natural England Area Manager (Truro Office), 7th April 2010, Ref: RF1660

^{xvi} Reference: FER0308249 Environmental Information Regulations 2004 Decision Notice Date: 10 January 2011, For complete Notice see http://www.ico.gov.uk/~media/documents/decisionnotices/2011/fer_0308249.ashx

^{xvii} Dr Helen Phillips, Natural England Ref: O HP 0310 0065 to Andrew George MP (St Ives Constituency)

^{xviii} Rt Hon C Spelman MP, letter dated 19 March 2011 Ref: PO 222515 – envelope postmarked 20th April 2011