

## CHAPTER EIGHT

### *“An unlawful obstruction”*

#### 1. WATCH CROFT (Watchcroft)

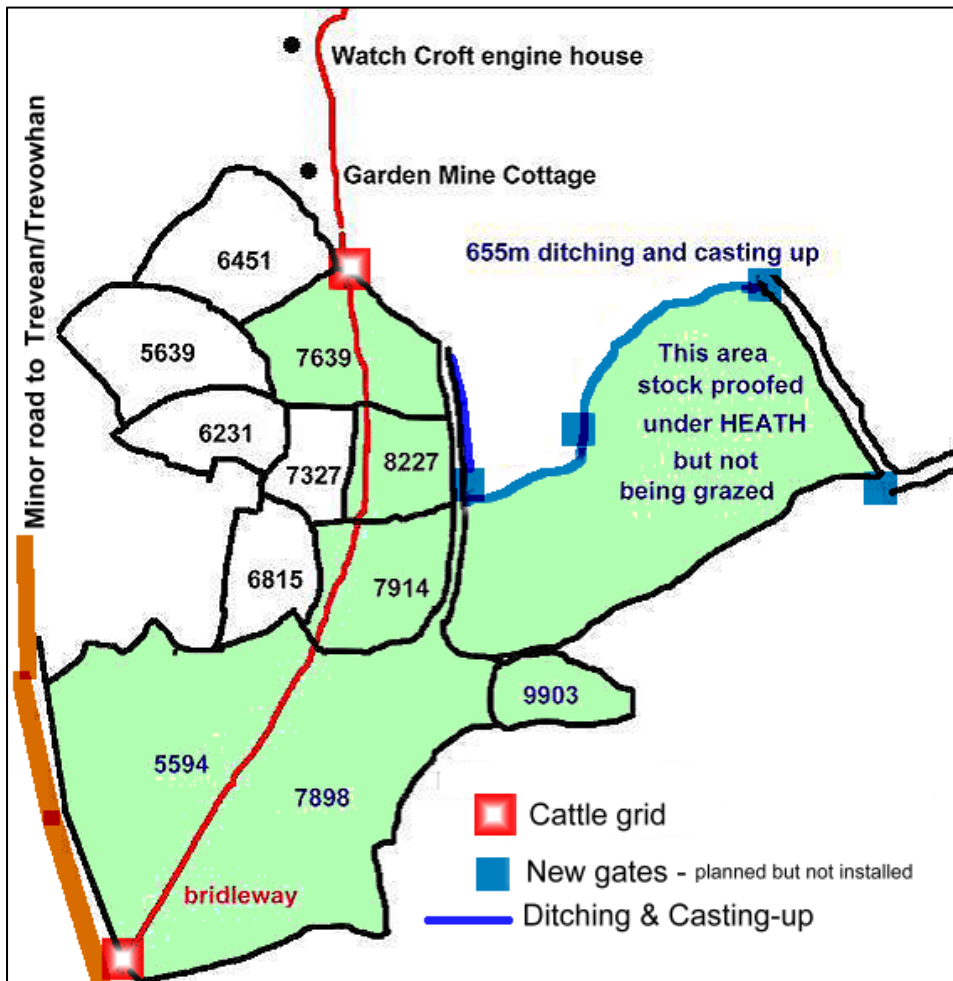
**W**ATCH CROFT LIES WITHIN AN AREA OF OUTSTANDING NATURAL BEAUTY AS WELL AS THE St Just Mining District World Heritage Site. This area, although having only one public right of way, has numerous 'unofficial' paths well used by walkers and horse riders. It is not over-grown with bracken and gorse, in fact most of it is 'white grass' and, indeed, part of this moor is still named as White Downs. The summit of Watch Croft (outside the HEATH Project area) is the highest point in West Penwith from where there are wonderful 360 degree views of the countryside with splashes of blue sea between the hills.



(08.A) Looking across part of Watch Croft towards Carn Galva with menhir in foreground..

## 2. HEATH PROJECT

THE 100 HECTARE AREA OF WATCH CROFT TO BE STOCK-PROOFED UNDER THE HEATH PROJECT is owned by the National Trust and was to be done on two separated sites – the larger one, running inland, borders the minor road to Morvah and Trevowhan, while the smaller one to the north-east borders Carn Galva (see [map](#)). Until April 2012 the area was under several ESA agreements. Project stock-proofing plans drawn up by the National Trust in October 2008 show over a dozen new gates of various types; two cattle grids; almost 800 metres of new barbed wire fencing; 655 metres of ‘ditching and casting up’; 215 metres of hedge repairs and 1½ km of temporary electric fencing along the roadside and then inland right across the wide open northern end of Bosullow Common (7898) on the south east boundary – for a variety of reasons not all these planned works reached their intended conclusion. The whole of Bosullow Common was not registered common land at that time until a successful SPM application in June 2015.



(08.B) Sketch map based on National Trust HEATH Project map dated 1st October 2008. To date green areas not grazed or fully stock-proofed.

Note: since June 2015 the areas numbered 5594 and 7898 (part of Bosullow Common) are registered common land after a successful SPM application.

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The total expenditure on HEATH Project infrastructure on Watch Croft was – as far as I can calculate – some £46,750 made up by a cattle grid and hedging etc £3,450 (never installed); Garden Mine Cottage to fit cattle grid and 20m of hedging £4,600; 130m hedge repair £4,600; 650m hedge repair (inc granite posts and granite stile) £28,865; other items include fence line clearance, barbed wire fencing, and gates.<sup>1</sup>

The 2008 autumn issue of *the HEATH News* stated<sup>2</sup> that “it is hoped that this site will be made stock-proof by the end of November – we are awaiting final plans to be signed off before commencing with works on this National Trust site”. During November the HEATH Project Area Warden made a site visit to review the grazing plan on Watch Croft and gave a talk in Zennor on heathland farming with an introduction to the Project – a site visit was also made to Watch Croft.<sup>3</sup> By the end of the month the site was almost stock-proofed “and will be made stock-proof by the end of December”; a 2km long new bridle route had also been established across Watch Croft to Carn Galva and a new network of footpaths had been created on Watch Croft.

The first known case of vandalism on ‘our areas’ occurred during November 2008 when a long length of new barbed wire fencing along the border between Watch Croft and Carn Galva was wrecked by persons unknown: it was obvious that there were individuals who were becoming totally frustrated and fed up.

### 3. THE TWO CATTLE GRIDS

ARGUABLY THE ISSUE ON WATCH CROFT THAT CAUSED THE GREATEST CONCERN AND ANGER was the installation of a cattle grid across a public bridleway (Morvah 11) near Garden Mine, with the intention to install another at the roadside junction of the bridleway and minor road to Trevean and Trevowhan.

The Garden Mine grid and small lengths of adjacent Cornish hedging were installed by early December 2008. In the New Year an email was sent by SPM to Cornwall County Council Countryside Manager [CCC] pointing out various public rights of way where work had been carried out under the HEATH Project, and asking if consent had been granted for these. Referring to the cattle grid CCC replied<sup>4</sup>: “Morvah 11 at 4177/3550 (Cattle grid installed with adjacent Cornish hedge built with gap ready for gate to be installed). Following discussions with the National Trust, this cattle [grid] is being removed and the track resurfaced and reinstated”. Just over a month later the grid was taken out and placed by the side of the track and, at the end of February 2009, CCC confirmed this cattle grid had been “unacceptable” as it breached the Highways Act 1980.<sup>5</sup>

In mid-May 2009 the Natural England HEATH Project Landscapes for Biodiversity Projects Manager – pompous title! – sent an email to Interreg<sup>6</sup> stating that a cattle grid that had to be removed from the Project site at Watch Croft had been relocated to another HEATH site. This was a lie: the cattle grid remained lying by the side of the track until the end of September 2009 when photographs were taken by SPM of the grid remains, together with current newspapers to prove the date they were taken.





(08.C) December 2008: National Trust cattle grid later removed as being a breach of the Highways Act 1980



(08.D) Site of second intended grid by the minor road to Trevean/Morvah.

In early September that year a letter had been sent by SPM to Interreg, stating that we believed they had been seriously and deliberately misled over the re-use of this cattle grid that was, even then, still lying in pieces on site. Two weeks later an unsatisfactory reply<sup>7</sup> was received regarding the alleged cattle grid ‘re-use’, stating that Interreg had not funded any remedial or alleged illegal works and suggesting we should contact the Community and Local Government office in London. This was done a few days later<sup>8</sup> explaining the issue once again and pointing out the waste of public money; similar complaints were sent to the Heritage Lottery Fund.

After lying on the ground since February the grid was finally removed in early October by two National Trust wardens using a tractor at a cost of about £300 for one day’s work.<sup>9</sup> The heaps of stone by the side of the second intended grid – never installed – by the southern gateway next to the Trevean road were also removed at this time.

At the end of October a letter was received by SPM from the National Trust Regional Rural Surveyor based in Exeter confirming that: “we are holding these [the two cattle grids intended for Watch Croft] pending agreement with Natural England through the ESA for use elsewhere on National Trust land”. SPM sent an email<sup>10</sup> to Natural England alleging that the agency had practiced deception with regard to the supposed reuse of a cattle grid on Watch Croft, as stated in the email to Interreg, and that their assertion public money had not been wasted because the grid had been re-used elsewhere – when it was actually still lying by the side of the track before

it was removed some four months after the Interreg email had been sent during May – was dishonest.



(08.E) By 19th February 2009 the grid had been uninstalled and placed by the side of the track where it remained until the end of September 2009 when it was taken off site.

(08.F) October 2009 – grid finally taken off site

Despite Interreg’s insistence that they had not provided any funding for this unlawful grid, a letter from Natural England to Graham Watson (MEP for the South West) confirmed – a week before Christmas 2009 – that the two cattle grids intended for installation on the National Trust property of Watch Croft were purchased through the HEATH Project, but that only one was installed and had to be removed on orders of Cornwall County Council Highway Authority. The other grid was reviewed by the National Trust in December 2008 and work halted by the NT before installation took place; it was agreed that the grids would then be used by the NT across two other tracks on NT HEATH Project sites. Payment was therefore included in the project for installation of both grids although cost of removal and re-installation of one of the grids was borne by NT: “At the time we incorrectly advised Interreg that these works had been completed. We are now writing to update them of the situation which is that one of these grids has now been installed and the other will be installed, subject to ESA derogation (if required) from Natural England, by the end of January 2010.” So, at last, a half-hearted admission that an untruth had been told to Interreg.

On the penultimate day of the year I sent an email to the NE official who had written the original email to Interreg on 15th May 2009 asking for an explanation and source of the information for his email – the silence was deafening. It would be interesting to know – not that we ever will – who supplied this false information to Natural England: a local National Trust official perhaps?

Over two years later, in answer to an SPM query, an email from Cornwall Council confirmed: “As far as I am aware, the cattle grid across the bridleway at Watch Croft constituted an unlawful obstruction”.<sup>11</sup>

#### 4. EXCAVATIONS

ON 30TH NOVEMBER 2011 AN EMAIL WAS SENT TO THE PLANNING INSPECTORATE IN BRISTOL asking if excavations and new granite gate posts on Watch Croft registered common land were



lawful (this area on the east side was, strangely, a separated part of the registered Nine Maidens Common). Two weeks later they replied<sup>12</sup> that excavations on Registered Common Land at Watch Croft “is (probably) unlaw-ful” and SPM sent a complaint to the National Trust who responded with a quote from the *Commons Guidance*<sup>13</sup>: “No permission is required if the boundary was constructed before 1925 or had consent to be constructed. One or other of these two things would make the boundary lawful works and maintainable without permission. Maintaining existing legal works would include casting up i.e. soil placed back on the top of an existing boundary, small repairs including replacing fallen granite or re-hanging gates in existing gateways”. To date (27th April 2016) this ‘excavation’ area has never been grazed nor the intended gates installed and, although thankfully this is the case, I maintain that it still constitutes a total waste of public funding that should be repaid.

## 5. HIGHER LEVEL STEWARDSHIP

FOLLOWING ON FROM THE ‘FREE’ STOCK-PROOFING OF A PART OF WATCH CROFT, AN ENVIRONMENTAL Stewardship Organic Entry



(08.G) Excavations on registered common land on eastern side of Watch Croft.

Level & High Level Stewardship Agreement started on 1st May 2011, covering a total area of 121 hectares including the former HEATH Project area – at a cost over 10 years of some £223,000.

The smaller of the two areas near to Carn Galva – where the fencing has never been repaired after it was vandalised – now appears to be grazed by cattle from the ‘Galvas’, while on the larger area well over half the HEATH

‘target’ has not – and hopefully never will – be grazed. This was implied by the National Trust at a meeting in the summer of 2011: on Wednesday 8th June three members of SPM met a senior local NT official at the Gurnards Head Hotel to discuss the situation at Watch Croft and answer a number of questions. He confirmed that intended temporary electric fencing would be “too visually intrusive on parts of this open area where there are no hedges”, and that consequently some areas “will not now be subjected to grazing but may be subject to manual/mechanical maintenance unless a less intrusive solution is found in the future to allow grazing without the landscape impact”.

In February the following year SPM had another on-site meeting with the same official to discuss a possible non-grazing regime of all land to the east of the bridleway (i.e. the track to Garden Mine Cottage); if this was achieved then SPM would not campaign against grazing to the west of bridleway. This compromise has so far been honoured by both sides and shows what can be done when each side is willing to negotiate in an open and honest manner.

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- <sup>1</sup> Receipted Accounts (totals inc VAT) ©Natural England
  - <sup>2</sup> Activity Report from EN/NE to Interreg IIB NWE 1st May 2008 2007 – 30th November 2008 ©Natural England
  - <sup>3</sup> HEATH Project Time Sheets ©Natural England
  - <sup>4</sup> 17/2/2009 from Cornwall Council
  - <sup>5</sup> 23/02/2009 email received by SPM from Senior Countryside Officer Cornwall County Council
  - <sup>6</sup> 15/05/2009 NE HEATH Project Landscapes for Biodiversity Projects Manager to Rebecca Grossberg (Interreg)
  - <sup>7</sup> 24/09/2009 Mr Louwers via Elodie Villeneuve, Finance Unit - Joint Technical Secretariat
  - <sup>8</sup> 28/09/2009 a letter sent by SPM to Miranda Abrey at the Communities and Local Government
  - <sup>9</sup> NE email to M Tanaka at Interreg copied to SPM 7/8/2009
  - <sup>10</sup> 29/10/2009 SPM to Regional Director South West, Natural England
  - <sup>11</sup> 06/11/2011 Programmes Manager, Environment Service Cornwall Council
  - <sup>12</sup> 14/12/2011
  - <sup>13</sup> Commons Guidance sheet 4-11. point 5