

CHAPTER SIXTEEN

“So far remain free of stock-proofing”

1. WHAT WE HAVE ACHIEVED

ALTHOUGH SPM HAS HAD MANY SET-BACKS WE HAVE HAD SOME SUCCESS IN KEEPING A FEW of ‘our areas’ free of stock-proofing and grazing. One area, Watch Croft, has only been partially stock-proofed and grazed (on the seaward side of the bridleway to Garden Mine Cottage), and two other locations so far remain free of stock-proofing – the whole of Chun Downs/Higher Downs and Nine Maidens Common. However, Carnyorth Common and Carn Galva – after being wide open unobstructed spaces for many decades – are now enclosed and grazed. In addition, the two crofts of Lanyon Farm are being grazed after old ruinous fencing was replaced under the HEATH Project.

To date Save Penwith Moors have:

- By the end of 2008 collected over 1200 individually signed protest leaflets from locals and visitors during various events [see [Annex 4](#)]. Petition collecting then finished since no notice was being taken of this opposition by Natural England or ministers at Defra.
- Organised and carried out various public events and leafletting during the winter of 2008-2009.
- Made representations to St Just Town Council who later voted against the stock-proofing of Carnyorth Common.
- Made representations to Penwith District Council that resulted in the setting up of the Heathlands Forum.
- Despite the HEATH Project and Natural England’s reluctance to carry out any meaningful communication we managed to alert many individuals and local communities as to what was intended and what had already been carried out.
- Sent 1000’s of emails about moorland grazing and stock-proofing issues to various agencies and individuals.
- Made complaints – with detailed evidence – regarding waste of public money and alleged unlawful works and activities by the HEATH Project to Cornwall (County) Council, National Audit Office, the Information Commissioner’s Office, Natural England, The Heritage Lottery Fund, the Parliamentary Ombudsman, the Aarhus Convention Compliance Committee in Geneva and, in 2014, to the European Commission in Brussels.
- Made submission to the Parliamentary Ombudsman concerning Natural England non-communication did not result in a formal inquiry, nevertheless the PO did compel NE to respond comprehensively to our complaints. Our later submission to the Aarhus Convention Compliance Committee was disallowed because of a technicality – had the HEATH Project started after May 2006 when the Convention became binding on the UK it might have turned out very differently. Brought to the attention of English

Heritage the damage and degradation caused to various archaeological sites by grazing cattle and ensured that remedial action was taken.

- Made representations – through our MP – to ministers at Defra to look at ways to use non-grazing regimes for our campaign areas. Ministers would not intervene.
- Our complaint that the release of sensitive personal data by Natural England resulted in the quango carrying out a wide-ranging internal inquiry and additional staff training.
- It is highly likely – but never admitted – that the back-down by Nine Maidens commoners to join the HEATH Project had much to do with our protest walk and generally raising the level of local opposition.
- We have successfully campaigned for the removal of unlawful works on Watch Croft (cattle grids); Carn Galva (gates) and Carnyorth Common (cattle grid), as well as effectively insisting that breaches of ESA prescriptions on Carn Galva were rectified (excavations etc).
- Our common land re-registration applications achieved an over 60% success rate despite sustained opposition from powerful national organisations and ‘well connected’ individuals (Farmers Union, National Trust, various law firms and farmers/landowners), so that nearly 500 hectares of moorland have now been added to the Commons Register. But our achievements in this field demand that there is regular monitoring of common land sites to ensure that no works are carried out without the necessary permission – reliance is in the hands of the public who use these areas.
- Written numerous letters to the local press and taken part in several TV and radio interviews

2. SAVE PENWITH MOORS OPINIONS VINDICATED

A NUMBER OF INTERESTING OBSERVATIONS WERE MADE IN WRITTEN EVIDENCE BY THE Cornwall and Isles of Scilly Local Nature Partnership¹ and the Cornwall Area of Outstanding Natural Beauty Partnership² in September 2016 that was submitted to the Parliamentary Environmental Audit Committee: *The Future of the Natural Environment after the EU Referendum inquiry*. Full report at

<http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/environmental-audit-committee/the-future-of-the-natural-environment-after-the-eu-referendum/written/37676.html>

On 4th January 2017 the Environmental Audit Committee, acknowledging that new environmental protection act was needed after Brexit, published their New Report: The Future of the Natural Environment after the EU Referendum. See

<http://www.publications.parliament.uk/pa/cm201617/cmselect/cmenvaud/599/599.pdf>

<http://www.publications.parliament.uk/pa/cm201617/cmselect/cmenvaud/599/59902.htm>

and also for their recommendations at

<http://www.publications.parliament.uk/pa/cm201617/cmselect/cmenvaud/599/59909.htm>

SUMMARY

Observations made by the two Partnerships make the point that, despite investment in local agri-schemes, there has been a sharp decrease in biodiversity with many species still declining, and that current agri-schemes in Cornwall are ineffective or have made no difference; that there is too much emphasis on biodiversity to the detriment of other environmental issues such as landscape, heritage and access; that current agri-schemes are too inflexible to take account of local circumstances – i.e. one-size-fits-all – and that there is a lack of resources to effectively monitor schemes which is a critical activity that has not so far been done effectively.

SOME OBSERVATIONS RELEVANT TO SAVE PENWITH MOORS CAMPAIGN

- Most tourism is generated via the attractiveness of coast and countryside. Therefore it is critical that we achieve a system post Brexit, which supports our farming economy but also, conserves and enhances the landscape and its natural and cultural environment.
- Simple conservation is not enough. Give[n] the current sharp declines in biodiversity; any post Brexit action to manage the natural environment must seek not only to halt, but also to reverse these declines.
- Cornwall AONB analysis shows a huge fall in small farms between 2009 and 2013 ... This is indicative of farm intensification and is a picture that we see across Cornwall as a whole.
- Despite investment in agri-schemes in Cornwall species populations are still declining.
- It is clear that the current agri-schemes in Cornwall [are] either ineffective and / or the levels of investment and activity are not enough to make a difference. The answer is probably both.
- Most agricultural based conservation initiatives in the UK are project funded, some through the Heritage Lottery Fund or other such national funding programmes, as well as European Funding programmes such as LIFE [the EU's funding instrument for the environment and climate action] and Interreg.
- Schemes have been too complicated and difficult to administer for the smaller farmer.
- Lack of resources to monitor the schemes could lead to abuse and difficulties in measuring scheme success.
- Too much of a focus on biodiversity could result in a lack of investment in other aspects of the environment e.g. landscape, heritage and access and also vital ecosystem services such as carbon capture.
- There is a key opportunity to work across government to embed the natural environment across government and by investing in nature to save a heap of cash in other areas. Health is a great example since if we properly invested in access to a high quality environment; research shows us that we would have a healthier (less NHS reliant) population.
- Conservation agencies should be adequately resourced to implement and deliver the support locally. Monitoring is a critical element that must be properly resourced.

In answer to the rhetorical question: *What are the positive/ negatives of current schemes which should be retained/ avoided* it was stated under negatives that schemes were:

- Too inflexible to properly take account of local circumstances.
- Not monitored effectively, not able to say if they were successful.
- Focuses on biodiversity outcomes, not multiple benefits.
- Encourages large agri business to the detriment of the smaller farmer.

These are all issues which SPM has, over many years, persistently brought to the attention of Natural England (and others). And it is disturbing – as well as ironic – that there are a large number of organisations within the AONB Partnership who have been complicit in aggressively combating the views and activities of SPM, in particular our recent campaign to re-register common land.

Natural England (Truro) was asked to comment on this report³ but only responded that: “The document does not reference data or sources to support the conclusion about HLS therefore I cannot offer further comment with regard to this particular document.”

This is odd since the Report, written by an official of the AONB, must, presumably, have been read and accepted by Natural England who are one of the organisations within the AONB Partnership. The author of the Report was asked (2/12/2016): “You state that: “I'm afraid I'm not in a position to comment on the effectiveness or not of local schemes since I'm not aware of the schemes, the options, the monitoring or otherwise and shave (sic) no day to day dealings with agri environment schemes”. Yet despite this comment you affirm in the Audit Report that “It is clear that the current agri-schemes in Cornwall (are) either ineffective and/ or the levels of investment and activity are not enough to make a difference...” On what evidence do you base your remark that current agri-schemes in Cornwall may be ineffective? And how does this conform with the remark that you don't think it is agri-schemes that are poor in themselves?”

A response the same day stated: “I'm well aware of the research that has been carried out in Cornwall which shows that Biodiversity is declining at an alarming rate. Therefore the only conclusion that can be drawn from this is (a) the agri schemes are not being effective and/or (b)there isn't enough of them. If they were being effective/there was enough of them, then we would see wildlife populations stabilised or increasing. We're not seeing that.”

Seems like a lot of wriggling and waffle going on here. It is an issue that needs more attention by SPM.

3. SAVE PENWITH MOORS - A VISION FOR WEST PENWITH

IT HAS ALREADY BEEN NOTED THAT NEW STOCK-PROOFING INFRASTRUCTURE HAS BEEN INSTALLED on some of our areas of major concern although other locations have remained as open unenclosed heathland.

Our campaign for the future needs to be reconsidered now that applications for new Environmental Stewardship agreements have ended –mostly Higher Level Stewardship as far as SPM are concerned – to be replaced by Countryside Stewardship previously known under the work-

ing title of NELMS^A even though future funding for this scheme is unclear due to the recent Brexit vote.

Heathland **E**nvironment **A**griculture **T**ourism **H**eritage

HEATHLAND



(16.A) Nine Maidens Common – an ungrazed site for many years.

We consider that the recent rash of enclosures of previously open heathland with fencing and gates under various agri-environmental schemes should be modified to redress the imbalance of benefits gained by the farming community and the general public. While each individual example of enclosure may not seem important, it is the cumulative effect that is disastrous to the visual and physical amenity value of open ‘wilderness’ moorland that is a major tourist attraction and a haven for local walkers and horse riders.

There should be a mixture of grazed and ungrazed heathland sites throughout West Penwith. The latter to be in line with our campaign areas of main concern: Carnyorth Common, Higher / Chun/Castle Downs, Watch Croft (part), Carn Galva, Men-an-Tol & Lanyon Quoit Crofts, Nine Maidens Common, areas that form the spiritual and physical heartland of the peninsula. But these areas could also include those other stretches of mostly previously registered common land along the ‘spine’ of West Penwith: Woon Gumpus, Mulfra Common and other areas bordering the Tinnens Way (see below).

^A <https://capreform.blog.gov.uk/2016/03/14/countryside-stewardship-opens-its-doors-for-2016/>

ENVIRONMENT

Once current agri-environmental agreements come to an end,^A and before any Countryside Stewardship agreements are enacted, then all HEATH Project infrastructure – fencing, gates, cattle grids, and the short lengths of Cornish hedge against the new gates – should be lawfully removed from ‘our areas’ as outlined above, and not left for decades to break down and rot to become an eye-sore, as has happened to some of the 1980’s wooden stiles and fencing still on Truthwall Common (Carnyorth).



(16.B) New National Trust gates and fencing on Carn Galva (2013).

Any future heathland ‘maintenance’ should then only be subject to manual/mechanical maintenance. There must be regular inspections – using trained volunteers if necessary – to ensure that the public are getting value for money and are able to use these areas of open access land to their full potential.

To prevent unaccountable ‘free-lance’ development those areas of common land that were de-registered during the 1960’s and 70’s should be subject to applications for re-registration whenever possible. Help should be given to tidy up the countryside by getting rid of old farm machinery, plastic silage bags, decayed fencing etc, as well as hanging field gates properly.

^A Assuming all agreements are for 120 years then the end dates are: Carnyorth (August 2017); Higher Downs (December 2022); Chun Downs (December 2022); Watch Croft (May 2021); Carn Galva (May 2021); Lanyon Farm (May 2012); Castle Downs and Nine Maidens Common are not under any agreement.

AGRICULTURE



(16.C) Cattle at Bosigran Farm with Carn Galva in the background.

Natural England needs to acknowledge that grazing is not necessarily mandatory for agri-environment payments and come to a consensus as to where there should be grazing and where there should be other forms of maintenance. We consider that no new stock-proofing on hitherto unobstructed moorland should be undertaken without affected local communities and stake-holders first being consulted in line with the Aarhus Convention Pillars 1 and 2 (United Nations Economic Commission for Europe.)^A

Agri-environmental schemes should be used to pay farmers and protect the landscape from damage but with public finance (EU and/or UK) used to carry out organic management regimes using manual/mechanical maintenance as outlined above.

TOURISM

We recognise that agriculture, although very important, is not the ‘be all and end all’ of the West Penwith economy that should also include much better tourism infrastructure. The Peninsula has, for many decades, been host to a ready-made environmentally-friendly tourist and local recreational facility: the network of public rights of way, customary paths and ancient church-way routes. They should be maintained to a far higher standard than is presently the case.

Although the South West Coast Path is well known, the overland Tinnors Way is not. This ridgeway route was important to local trade from prehistory to the 19th century but, until now, overtures made to the relevant authorities to restore, designate and promote the Tinnors Way as a middle-distance adventure route have met with disappointing indifference. (see [Annex 3](#))

^A (1) Public access to information about the environment and (2) Public participation in certain environmentally relevant decisions. See also <http://ec.europa.eu/environment/aarhus/> What is the Aarhus Convention?



(16.D) Permissive path near Bosulow Iron Age settlement.

Almost certainly as old as the Bronze Age and, perhaps the Neolithic, this important and very scenic ridgeway route, 14 miles in overall length, traverses the highest route through the very heart of the moorland areas from St Just to St Ives. It can be accessed from roads crossing it at right angles at several points along its route, a route which passes close by numerous iconic archaeological sites. Only parts are currently designated public rights of way. The Way should be properly upgraded into a unique designated overland walk (and where feasible bridleway) that would act as a link between the various separated areas of heathland to give these uplands a sense of unified identity. Footpaths/bridleways that link into the Way from the coast and other inland areas should be cleared and maintained on a regular basis to make short circular walks that would include sections of the Way. Route maps and notes on the archaeology should be available in shops etc closest to the route (and bus stops?) and very non-intrusive signage used on all routes.

We hope a specific group will be formed to keep these paths clear of summer vegetation and other obstructions, and feel strongly that action to get this route up-and-running would greatly enhance the local economy and increase public awareness of this unique landscape and all it contains.

We consider that, with the ongoing cutbacks in Cornwall Council budget, landowners and tenant farmers, who receive generous subsidies of public money, should, as part of their agri-environmental agreements, be liable for the upkeep of paths and bridleways on their land and ensure that all stiles and gates are maintained to best practice standards. This would only leave those paths/tracks with no apparent ownership to be maintained by Cornwall Council, Penwith Access and Rights of Way and/or others.

HERITAGE



(16.E) The Men-an-Tol (2010).

The Penwith Peninsula and, in particular, its moorland areas, is extraordinarily rich in archaeology. The sheer number of sites and monuments, along with their wide diversity of types and ages, warrants a further World Heritage Site status. This also includes the widespread pattern of fields, many still in agricultural use, which date back to the Iron Age and, in some cases, the Bronze Age. This wealth of archaeology attracts an abundance of visitors and is, therefore, of great importance to the local economy.

Numerous sites are legally protected by Scheduling, but a good many others, including most of the field patterns, enjoy no legal protection whatsoever; the Scheduling programme for the area having been suspended in 1987 at the beginning of the Environmentally Sensitive Area scheme.

The HEATH Project and Higher Level Stewardship activity – mainly grazing – paid little regard to archaeology from its active outset in 2008 and its initial project, on Carnyorth Common, realised the fears of many observers. Such is the value of the area's archaeological heritage that it merits the very highest priority in any ecological conservation management project. The 25-year duration of the ESA curtailed the disturbing level of archaeological destruction witnessed in the 1970s and early 80s, but succeeded only in serious neglect of sites and monuments which, through lack of adequate monitoring, were left to become overgrown and forlorn.

Any 'Vision' or management plan for the area must set the very highest priority on the well-being of its archaeology. The rule must be if a proposal (such as the introduction of grazing) is considered that puts at risk sites and monuments and ease of public access – be it pedestrian or equestrian – then it should be abandoned and an alternative, benign, method of management set in its place.

November 2016

4. AFTERWORD

DURING OUR CAMPAIGN WE HAVE BEEN SUBJECTED BY OPPONENTS TO LIES, HALF-TRUTHS, innuendo, misinformation and intimidation, all in an effort to confuse and silence us. Although it inevitably happened it has – despite all the aggravation – never been our intention to directly campaign against local farmers, but against the ever changing national policies they have been encouraged to take part in by the government of the day, stimulated by the European bureaucracy. First we had MAFF paying for moorland to be broken in and turned into green fields; then we had the ESA which paid for the remaining moorland to be, basically, left alone; then we had the HEATH Project that paid out of public funding for former open moorland to be enclosed and grazed.

These schemes were contradictory both on a macro level but also on a micro level. For example, the ESA did not allow any new fencing on the moors yet, a few decades later, HEATH went in a completely opposite way and installed many miles of new fencing, gates and cattle grids on previously unobstructed ESA moorland sites.

Save Penwith Moors has always maintained that, in addition to farm subsidy payments,⁴ implementation of the various government and/or European Union agricultural schemes has far more to do with money being doled out to boost farmers' and landowners' bank balances than concern for biodiversity. What will come next within the context of Brexit remains to be seen.

It is significant that there are areas of common land where the commoners have long held the legal right to graze but have never, in recent decades, done so until public funding has appeared. Some of these sites are still not – thankfully – stock-proofed despite being encouraged to do so by Natural England.

As our campaign progressed through the years it became apparent that the principal agency arguing against us – Natural England – was acting in an entirely underhand way. For example, NE seemed to think that the function of the Heathlands Forum “was to assist local landowners”: this was, I think, an admission that there was never any intention by NE of trying to resolve problems we submitted on behalf of the public, but rather to try and make us give up and ‘surrender’.

In an article⁵ resulting from interviews between the SPM Co-ordinator and the Natural England Senior Manager specialising in conflict resolution – a wolf in sheep's clothing if ever I saw one – he stated that Higher Level Stewardship gives farmers a “helping hand with what has already happened on the moors for generations.” Yet the *raison d'être* behind this scheme is not to give farmers a ‘helping hand’ but to, supposedly, benefit moorland biodiversity through conservation grazing, and he completely ignored the fact that many of the areas have not been grazed – and certainly not enclosed – for, in some cases, generations.

Whenever English Heritage and/or Natural England have repeatedly been told of cattle damage or degradation of historic monuments – and I am thinking in particular of Tregeseal Stone Circle and the Men-an-Tol stone complex – they invariably first try to put the blame onto visitor pressure despite overwhelming physical and photographic evidence to the contrary. Only later, when the proof is so overwhelming that it cannot be dismissed, do they grudgingly admit damage has been caused by cattle.

The release of sensitive personal data and the planning and installation of unlawful and unsatisfactory stock-proofing works are indicative of Natural England's total incompetence. It does not inspire confidence that their supervision of current and future agri-environment schemes will be carried out any better.

Interconnected: Many of the parties trying to 'face down' our campaign are officially or unofficially interconnected, so making our task all the more difficult. I am thinking in particular of the links between Natural England as lead HEATH Project partner and:

- Cornwall Wildlife Trust (stock-proofing under HEATH Project of Bakers Pit and Caer Bran Nature Reserve);
- National Trust who were the main beneficiaries of HEATH with about 500 hectares being stock-proofed with public finance (Carn Galva, Watchcroft, Trevean Cliff, Trevega Wartha, Treen Cliff, Chapel Carn Brea, Trencrom Hill, Bosporthenis, Rosewall Hill);
- Royal Society for the Protection of Birds (stock-proofing of Porthgwarra with other parties).

In addition to close stock-proofing associations, Natural England has intimate links with the Areas of Outstanding Natural Beauty through direct funding whereby Defra ensures NE has sufficient funds for AONB.⁶ Natural England also has close associations with English Heritage (Historic England) through stock-proofing consents for scheduled monuments whereby, in general, EH is an enthusiastic supporter of grazing at archaeological sites and, on a national level, works in partnership with NE on the historic environment as affected by agri-environmental schemes.⁷

OVER THE PAST EIGHT YEARS WE BELIEVE OUR ACTIONS HAVE BEEN IN THE BEST PUBLIC INTEREST during which a handful of activists has been encouraged and helped by many hundreds of supporters – to whom I give my heartfelt thanks – in our struggle against powerful national and local organisations. The future will require vigilance by the public to ensure that our beloved moors are not further despoiled. – it has truly been a David and Goliath contest but the 'Natives' will continue to be 'Restless'.

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- ¹ The 11 Board members include one each from RSPB, National Trust and Cornwall Wildlife Trust.
<https://www.cornwall.gov.uk/environment-and-planning/cornwall-and-isles-of-scilly-local-nature-partnership/board-members/>
- ² The AONB Partnership consist of 18 organisations including Cornwall Council, Cornwall Wildlife Trust, Natural England, National Farmers Union, National Trust, English Heritage, Country Land and Business Association. <http://www.cornwall-aonb.gov.uk/partners/>
- ³ Email from SPM dated 25/10/2016
- ⁴ The European Union spends around €9 billion a year on farm subsidies. This site tells you who receives the money <http://farmsubsidy.openspending.org/>
- ⁵ *The Cornishman* 23rd October 2010 <http://www.thisiscornwall.co.uk/news/Moors-campaigners-celebrate-victory/article-2779958-detail/article.html>
- ⁶ Areas of outstanding natural beauty (AONBs) Conservation Boards Departmental Guidance (Defra 2008)
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/183296/aonb-cbguidance.pdf
- ⁷ SHINE - Selected Heritage Inventory for Natural England <http://www.myshinedata.org.uk/>