

ARCHIVED NEWS

THE NATIONAL TRUST

CARN GALVA & WATCH CROFT

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CARN GALVA REMEDIAL WORK

Local National Trust officials admitted that the ditching work carried out last winter was a “mistake” and were keen to remedy it. The Trust and their tenant have now been instructed to correct the

damage before the end of June when it will then be inspected by Natural England and the local ESA Project Officer to ascertain if any further remedial work needs to be done. The site will afterwards be monitored every 6 months over the next 2 years. Time will tell what now transpires.

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DEMAND FOR DISMISSAL OF NATIONAL TRUST OFFICIAL

A statement was read out by Save Penwith Moors co-ordinator at the Heathlands Forum held on 17th May regarding the local National Trust Property Manager. Our statement was not appreciated – surprise – and may not even be included in the minutes. So here it is:

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

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

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5th June 2009

KID GLOVES FOR THE NATIONAL TRUST

CARN GALVA – PLANNING ENFORCEMENT

Vaughan Robbins, Natural England’s project officer for West Penwith’s environmentally sensitive areas (ESAs), speaking with regard to the works at Carn Galva (*The Cornishman* 15/1/2009) confirmed that the land is under an ESA agreement and that the National Trust and tenant farmer are responsible for complying to that agreement. Two weeks later (5/2/2009) the same newspaper reported that this official refused to discuss the matter but issued a written press statement stating their aim was to correct any damage rather than impose financial penalties, and that the case would be fully investigated. This issue also reported that Jon Pender, a planning enforcement officer for the Penwith District Council (now Cornwall Council) “has confirmed that his investigation into the

legality of the works at Carn Galva – in terms of planning permission – are complete. The findings will be published next week”.

Four months on, and despite numerous requests by various supporters of Save Penwith Moors, this report has never seen the light of day. We are now told by a Cornwall Council official that no report has been produced but that the file is “open” while Mr Pender requests that the National Trust “undertake the work they have promised”.

It seems that special kid glove treatment is being meted out to the Trust: it is highly unlikely that a private individual would be treated so leniently.

In a letter received from the National Trust Area Manager (1/6/2009) it was stated that the Trust has almost finalised and agreed detailed proposals with Natural England “for remedial work at Carn Galva following some unsatisfactory work completed there previously by our contractors”, and that this should be completed by the end of June.

It is Save Penwith Moors contention that this contractual work was never properly supervised by Trust officials, and that it is disingenuous to blame contractors for the Trust’s shortcomings. It is the Trust who is to blame for this appalling mess.

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19th June 2009

NATIONAL DISTRUST THE INVISIBLE ENFORCEMENT REPORT

This report by the council enforcement officer was supposed to be presented to the former Penwith District Council (PDC) planning committee last February. This never happened. A complainant was informed that this report was verbally delivered to the PDC Social, Economic and Environment Committee: a date of that meeting and a copy of the relevant minutes have been requested.

It has recently been reported that the file on the ditching and upcasting by the National Trust on Carn Galva has been closed, with the conclusion that there has been no breach of planning control despite the extensive excavation by two large mechanical diggers (nearly 2 kilometres, 2-3 metres in width and a metre deep).

We have now been told that there has in fact been no report. What is the truth of this whole episode? Why the secrecy? Save Penwith Moors is requesting the see the contents of the ‘closed’ file.

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NATIONAL TRUST BLAMES CONTRACTORS

A letter was sent on 26th May by eight supporters of Save Penwith Moors (SPM) to the National Trust Area Manager at Lanhydrock, the first paragraph of which reads as follows:

“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, Save Penwith Moors action group now requests that the National Trust Property Manager (Jon Brookes) for West Penwith is suspended from his post without delay. Detailed reasons for this are listed below and you are asked to refer to our web site www.savepenwithmoors.com for photographic evidence (follow link to Updates and Picture Gallery).”

A reply received on 2nd June stated that our “low opinion” of Mr Brookes was not a view held by the Trust, and that he and his team “have just about finalised and agreed detailed proposals with Natural England for remedial work at Carn Galva following some unsatisfactory work completed there previously by our contractors”.

On 6th June a further reply to this letter was sent by SPM in which it was stated:

“...this unfortunate situation could only have come about because final plans drawn up by the Trust (not made public) apparently included installation of a drain that would flood three public rights of way (obvious to anyone familiar to the area); two cattle grids across a public bridleway – both these works in breach of the Highways Act; and deep ditching into the rab and excavation of numerous boulders. Once work began on Carn Galva there must have been a complete lack of any competent supervision by the Trust to ensure that the work was acceptable, or even legal, so that work might be halted before further damage was done. It is largely this incompetence that, we consider, must be laid at the door of the local NT Property Manager.”

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WORK BEGINS TO RECTIFY NATIONAL TRUST BODGE-UP ON CARN GALVA

Early on Friday morning 19th June an excavator removed two drain pipes from beneath gateways on southern boundary of Carn Galva; the numerous boulders previously excavated along this boundary have now been replaced in the deep ditch and the whole covered with soil and flattened.

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8th July 2009

CARN GALVA - CONFIDENTIAL FILE

A response has at long last been received from Jon Pender (JP) regarding a planning enforcement report on the ditching at Carn Galva, the findings of which were stated to be ready for publication last February (*The Cornishman* 5/2/2009). This report was never forthcoming and last month SPM was informed that the file had been 'closed'.

The response from JP concludes that the work done by the National Trust was permitted development and did not breach planning control. Requests by SPM to inspect the contents of this file were refused on the grounds of confidentiality. Strange. If the contents of this file are so innocuous then I would have thought the Trust would be only too happy to put it in the public domain.

As reported below (19th June) the National Trust blamed contractors for the 'bodge-up' on Carn Galva moors. However the contractor has told me that there was a NT person on site during nearly the whole time the initial work was being done, and told him that the work was just what was wanted when asked repeatedly if it was satisfactory. The local NT 'top man' denies that this was so. What is the truth? SPM has sent a letter to this effect to the NT regional office at Lanhydrock. We await a response.

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17th July 2009

OUR QUESTIONS IGNORED

NATIONAL TRUST STILL BLAME THE CONTRACTORS

NT AND THE SECRET PLANNING FILE

In a letter to me from the NT Area Office at Lanhydrock dated 1st June the Trust puts the blame for the unsatisfactory work at Carn Galva on the contractors. In a reply sent on 8th July I pointed out that the contractor told me on 19th June that there had been someone from the Trust (called 'Bob') on site most of the time and that he had given total approval to the work as it progressed. This was brought up at the forum on 7th July when Jon Brookes of the NT stated that this was not the case and the sub-contractor was responsible for the problems that had now been corrected. So who is telling the truth?

Nevertheless, regardless of anyone being present from the Trust or not when this excavation work was initially being done, the fact remains that there must have been a total lack of any satisfactory

supervision of this delicate operation that had been kept from public knowledge, and that this resulted in remedial work having to be done.

On the 13th July a further response was received from Lanhydrock which completely ignored the issue of blame and the contractors. Another previous query regarding the elusive planning enforcement report by Jon Pender and our request to see it merely resulted in the following condescending attitude:

“... I have not seen the planning file you refer to. As the matters seems closed I do not see the merit in pursuing the matter further with Cornwall Council given existing workloads and other priorities.”

If the file is as innocuous as they claim it would have seemed it their interest to make it public. Why are they being so bashful? Have they got something to hide?

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8th August 2009

DON'T TRUST THE TRUST

Carn Galva: Ditch – What Ditch?

On their web site the National Trust poses this question and follows it up with their answer.

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.

[\[http://www.nationaltrust.org.uk/main/w-global/w-localtoyou/w-devoncornwall/w-devoncornwall-news-heathland_restoration/w-devoncornwall-news-heathland_restoration-qanda.htm\]](http://www.nationaltrust.org.uk/main/w-global/w-localtoyou/w-devoncornwall/w-devoncornwall-news-heathland_restoration/w-devoncornwall-news-heathland_restoration-qanda.htm)

SAVE PENWITH MOORS REPLY:

The hedges in question were not built in the mid-19th century, but well before that. They were certainly there in the 1790s and, by analogy with 1696 maps of an adjoining holding, may even be 17th century or earlier still. Where the Trust excavated a long ditch in November 2008, conclusive proof exists that no ditch ever formerly existed there.

In 1987 the Cornwall Archaeological Unit undertook a detailed survey for the National Trust that showed there was a ditch immediately adjacent to this hedge but on the Nine Maidens Common side **NOT** the Carn Galva side as the Trust maintain. This survey noted that the north side of the hedge is

a turf bank, with the stone-faced, stockproof side facing south; in other words it was to keep livestock grazing Nine Maidens Common from encroaching onto Bosigran (Carn Galva) land – not the other way round.

A more detailed survey dated 1983 covering the boundary between the Four Parish Stone and a Zennor/Gulval parish bound stone at SW433/355 also showed the ditch on the **SOUTHERN SIDE** and to be between 0.7-1.1m wide and 0.4-0.6m deep.

Not only has the Trust apparently failed to consult its own commissioned 1987 survey but has condoned the use of two large excavators to dig deep into the rab (subsoil) and unearth hundreds of large boulders that have very obviously not fallen off the top of the hedge in question.

After all their deceitful propaganda and ‘bodge-ups’ on site the National Trust now has the audacity to expect the public to ‘trust’ them with managing these moors.

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15th August 2009

BEWARE CATTLE GRIDS ON B3306

If you are a cyclist, horse rider or drive a pony and trap, then you need to be aware of a serious danger when trying to access the by-pass gates next to the cattle grid on the B3306 at Rosemergy (picture below).



The grid has its by-pass gate on the south side of the road, thereby forcing riders/trap drivers going in the St Ives direction to cross to the right against the flow of traffic on a blind bend. They then have to stop, dismount, open the gate, go through, close the gate, remount, and cross against oncoming traffic once again before reaching the left carriageway and continuing their journey.

The arrangement is absolutely lethal. Someone's going to have to explain themselves, take the grid out and re-site it further east, which from the stock-proofing angle clearly won't work. The present

arrangement most certainly puts lives in danger and effectively denies riders and trap drivers their inalienable right to use the Highway, that is, if the stupid car drivers cease to use the by-pass as a convenient parking spot and block access (see also picture at top of page). Will the National Trust do anything about this? Don't hold your breath.

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29th August 2009

CARN GALVA REMEDIAL WORKS OF REMEDIAL WORKS



The hedge being rebuilt where the drain used to be by the Four Parish Stone (28/8/2009)

I walked up to Four Parish on Monday last (24/8/2009) where the NT is starting to do remedial work on their previous unsatisfactory remedial work. A NT official was there and he said they are filling in the ditch flat and taking off the debris on top of the hedge all along the deep ditch so that the hedge returns to its previous state. I asked him if the hedge would then be stock proof since it is now in a similar state before all the supposed necessary stock proofing was started last autumn - the reply was that they would put in cattle and see what happens! This just about sums up the whole HEATH Project mentality. The fact that the NT ditch has had to be filled flat proves that SPM was correct in pointing out months ago that there was never any ditch there in the first place as the Trust had always insisted.

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5th September 2009

B3306 CATTLE GRID - FORMAL SAFETY REVIEW

After complaints about the dangers of the B3306 cattle grid at Rosemergy, the Cornwall Council Highway Service Regional Engineer has replied that he has decided to instigate a formal safety review during the next few weeks.

CARN GALVA NON-ENFORCEMENT FILE

After many months of being told by Cornwall Council and its predecessor that this file could not be released because of 'confidentiality', two copies were received by the SPM co-ordinator at the end of August. However the two original complainants who sparked off this investigation were not sent copies directly. After looking through the file of many A4 pages, the only 'confidentiality' I could find was that two names of the complainants had been blanked out – the very people who wanted to see the file in the first place! What is going on here? There must be something compromising in this file: we are going through it with a fine tooth comb.

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3rd October 2009

WATCH CROFT CATTLE GRID

Surprise surprise! Following our letters to various agencies this cattle grid has now been removed off site where it has been laying since February. The heaps of stones by the site of this grid and by the southern gateway of the bridleway have also been removed.

CONFUSION OVER FUNDING

An email received on 24th September from the Interreg office in France implied that the cattle grid on Watch Croft was not funded by them (part below):

"The HEATH project funding ended on 31 December 2008. We have since had approval from the UK National Authority that the project can be closed. Regarding the works that were financed within the framework of the project, we received a thorough and satisfactory response on all points. In addition, the Rights of Way team has assessed all project sites and confirmed that there are no outstanding issues and that they strongly support the project.

In addition, we established that neither the remedial works nor the alleged illegal works were financed by INTERREG money. Therefore no action can be taken on our side."

Interreg have now been asked for a response to the question of funding for works that breached the Highways Act, and at what dates the Rights of Way team actually inspected the project sites.

The Heritage Lottery Fund was then contacted to try and clarify this conundrum. After they had contacted Natural England and the National Trust they confirmed that: "the Heritage Lottery Fund have not funded any illegal work. We did fund the works which had to be redone at both Carn Galva and Watch Croft. However, the costs of any subsequent works [remedial works] have or will be covered by Natural England or the National Trust.

Further enquiries by SPM elicited this response:

“1. The grid referred to on Watch Croft was paid for through the HEATH project. HLF paid a flat rate of 39% of all works within the HEATH project. The other 61% was covered by other funders, including Interreg.

2. The information provided to me by Natural England states that the HEATH project (and therefore HLF at 39%) funded the cattle grid which had to be removed at Watch Croft and the drain and ditching work at Carn Galva referred to in your letter of 16 September 2009.”

From these answers it now seems clear that all the works that had to be redone by the National Trust were originally funded by Heritage Lottery Fund at 39% of total cost – the remaining cost being paid by “other funders including Interreg”.

The money needed for remedial works must represent the annual subscription of very many members of the National Trust. There has also very obviously been a complete waste of public funding and someone needs to be held to account, both for incompetent management and planning, and for giving false information to the Interreg office in Lille.

This saga is ongoing.

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MEET THE COWS

The National Trust walk to ‘Meet the Cows’ held on 20th September only managed to get three people to attend – all of them opposed to the NT proposed massive barn construction at Trevean. The NT guide failed to make any mention of the illegal drain by 4 Parish Stone. Apparently NT want to put about 40 Belted Galloway cattle on Carn Galva moors but intend to burn off some of the bracken beforehand to encourage new grass for the cattle to graze on: will it then begin to turn into fields bereft of wildlife? If their record of stock proofing mismanagement is anything to go by they should not be trusted to carry on with this ill considered scheme.

CONTRACTORS NOT TO BLAME AFTER ALL

After National Distrust officials consistently tried to wriggle out of their responsibilities over the disastrous ditching/upcasting work on Carn Galva, carried out under the Natural England HEATH project, by putting blame onto the contractors who actually did the work, the Natural England official at the last Heathlands Forum “said he would be happy to withdraw statement blaming contractors” (Meeting Notes 2/9/2009 matters arising 3). No mention of any apology then?

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7th October 2009

NATIONAL TRUST UNFAIR FARMING PRACTICE

The National Trust has announced the launch of its own food range. This gives rise to suspicions behind their motivation for their moorland management policy. The need for beef to support this initiative demands grazing space and explains both their inappropriate planning application at Trevean and their (and Natural England) intransigence over the four Save Penwith Moors sites. In view of their previous neglect of these sites we have to take the cynical view that the injection of public funds targeted at heathland restoration are in fact being used to support a major UK sales initiative at the expense of the heathlands, local population and future economic welfare of West Penwith. 6000yrs of historic use should not have the 'stamp' of modernity imposed on it without questioning every aspect of those requiring change.

The NT is the most active accumulator of land and property in the UK and, through this, gain unfair planning leverage; access to funding denied to others; dictation of policy to tenants; and starting an uncompetitive food supply chain (uncompetitive on the basis of gaining funding for themselves denied to others). If TESCO was in the position of the National Trust there would be a public outcry.

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15th October 2009

NATIONAL DISTRUST ENCLOSE HEATHLAND

UNSATISFACTORY GATES

ACCIDENTS TO RIDERS

If all this sounds very familiar to horse riders in West Penwith then you will realise that this experience is not unique to us. The National Trust has also enclosed heathland in Surrey with numerous gates; here is an edited selection of emails. [See CONTENTS: WE ARE NOT ALONE and go to Headley Heath]

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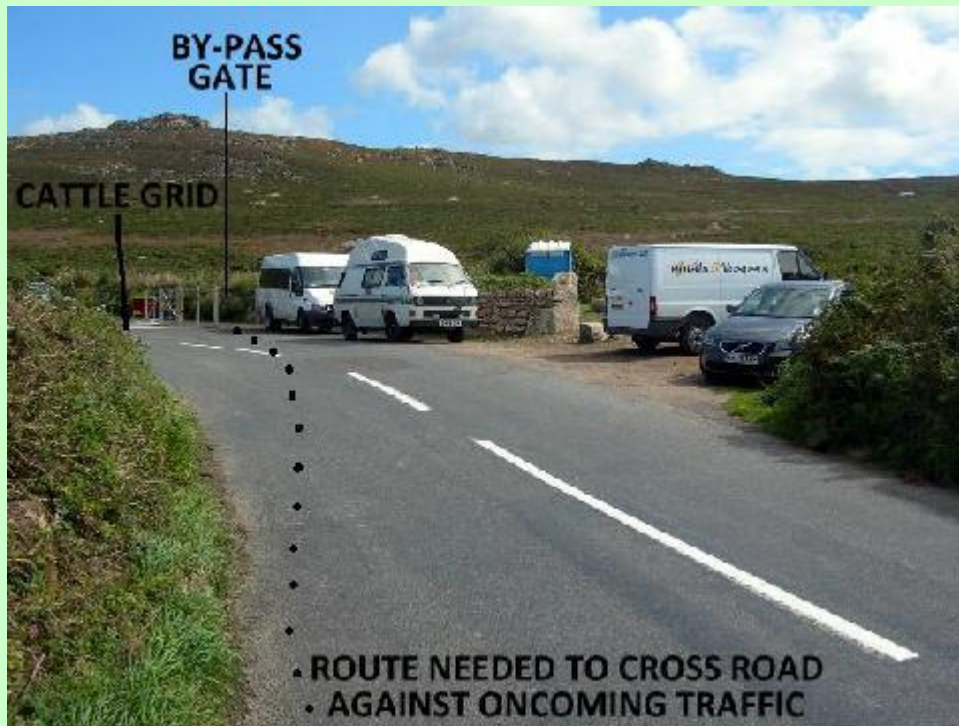
24th October 2009

INDEPENDENT(?) SAFETY REVIEW OF CATTLE GRIDS ON B3306

After concerns raised by Save Penwith Moors, a safety review was carried out on 7th October on the two cattle grids installed by the National Trust on the B3306 coast road as part of the Natural

England HEATH Project and, presumably, approved by the then Cornwall County Council before it changed its name in the spring of 2009 to Cornwall Council.

The weather was described as ‘daylight, heavy rain’; the scope of the review being given as “Road safety issues for all road users, but particularly those affecting horse riders, horse-drawn vehicles, cyclists and pedestrians.”



A large number of minor details were found to be inadequate although, incomprehensively, the visibility at the Rosemergy (western) grid was described as “good” and no recommendation was made:

“Approaching from the St Just direction, visibility for a horse rider or horse-drawn vehicle is good, both ahead and behind. There is consequently, no particular problem in crossing the road to reach the cattle grid bypass, and no reason for conflict with traffic. [No recommendation].”

The safety officer also stated that “Nearly all drivers slowed for the grids; none were observed to speed up for them.” This was certainly not the experience of our supporters who have kept watch on the site: drivers go at all speeds – some slow down, some keep to the same speed, and some speed up.

No consideration appears to have been taken of our warnings that this area is subject to frequent foggy weather conditions that obviously seriously reduce visibility (at night or day) and that, if grazing goes ahead, there can also be cattle wandering on the road anywhere between the two grids

Some two months before the review was undertaken, Save Penwith Moors was told by the Regional Engineer of Cornwall Council's Highway Service that: "This review will be undertaken by a specially trained officer and will provide an independent view from someone who has not been involved with the project.

The review was carried out by Adrian Roberts of the Highway Design Group of Cornwall Council in the company of A James Regional Engineer, M Peters the Area Highway Manager, R Jamieson also of the Highway Design Group, and a local horse rider. Apart from the last person, all the others worked from the Cornwall Council Highway offices at Scorrier.

The former Cornwall County Council was a partner in the Natural England HEATH Project and, although the Council name has now changed and the HEATH Project has finished, this review can hardly be described as an "independent view from someone who has not been involved with the project". Maybe not as an individual but certainly as an employee of a former HEATH Project partner – unless of course he has only very recently been employed by Cornwall Council.

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28th November 2009

OPEN ACCESS LAND –LOCKED GATES



A new gate with heavy duty padlock and chain has been put across an old gateway between Carn Galva and Watch Croft moorland, so preventing anyone from passing from one open access area into the other: the gate is not across a public right of way.

Following concern over this obstruction a reply has been received from Natural England Open Access Centre (OAC) in Bristol. This states that "that there is nothing within the CROW Act that prevents landowners from locking gates – there may be legitimate land management reasons for doing so. However, even if a gate is locked, the public still have a right of access to the land and

would be within their rights to climb over, or through any gate, hedge, fence etc so long as they did not cause damage to it.” If it is felt that gates have been locked unnecessarily (perhaps not for any legitimate management reasons) then the Local Access Authority should be contacted at accessteam@cornwall.gov.uk who can discuss the issue with the landowner and have powers to open up, improve or repair means of access to the land.

The OAC also confirm that it is lawful “to erect new fences and gates within Open Access land. The landowner can manage his land as he/she wishes, except if the land is common land, then certain permissions would have to be obtained from the Secretary of State before erecting structures. If a fence is erected and locked, then the information in the paragraph above applies.”

This ruling from the OAC raises serious potential issues: there are many new gates installed under the HEATH Project that have been put across paths and tracks that are not public rights of way and could, therefore, be lawfully locked to prevent access provided the landowner had a legitimate land management reason - and who decides what is legitimate?