

NATURAL ENGLAND:
LACK OF COMMUNICATION
DISREGARD OF LOCAL DEMOCRACY
ALLEGED BREACH OF EUROPEAN LAW

PARLIAMENTARY OMBUDSMAN



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PARLIAMENTARY OMBUDSMAN

A dossier compiled by Save Penwith Moors has been submitted to the Parliamentary Ombudsman through our local Member of Parliament alleging that Natural England's failure to inform and consult with the local community in West Penwith at an early stage in the planning of the HEATH Project and Higher Level Stewardship schemes, and subsequently, amounts to a breach of the Aarhus Convention and other European Directives that are binding law in the UK.¹

AND

- That this failure is contrary to Natural England's claims of consultation made in their application for funding HEATH² and their own Communications Plan that was not completed until April 2007.³
- That our challenge to acts and omissions that reneged on Natural England's Communication Plan and allegedly breached international environmental law must also be a challenge to the legality of works carried out under the HEATH Project that should therefore be removed.
- That the Higher Level Stewardship agreement covering Carnyorth Common represents a test case in West Penwith that has shown up many discrepancies in planning and execution that, we allege, demonstrate Natural England has not acted 'properly' or 'fairly' and have given 'poor service'.

¹ http://www.capacity.org.uk/resourcecentre/article_aarhus.html

² In their application to Interreg IIIB North West Europe for ERDF [European Regional Development Fund] Natural England claimed that one of the challenges of a project such as HEATH is to ensure stakeholder involvement at all stages and levels; that the model must develop a flexible and robust communication strategy so that local communities support the project aims; and that the most effective methods of community involvement will be incorporated within the Model. *Ref: Interreg IIIB North-West Europe- Application Form 6.4 Community Information* [from English Nature] ©Natural England

³ Activity Report from EN/NE to Interreg IIIB NWE 1st November 2006 – 30th April 2007 page 14
©Natural England

A HISTORY OF WHAT HAS HAPPENED

2003

January: English Nature (now Natural England) was awarded a Heritage Lottery Fund grant of £979,500 for the Project: *Ow Taswul Ros An Avor* - Restoring the Sea of Heather.

2004

September: English Nature became the lead partner in the North West European HEATH Project [E101] (Heathland-Environment-Agriculture-Tourism-Heritage)⁴ with extra funding from ERDF (European Regional Development Fund) managed through Interreg IIIB North West Europe.

2005, 2006, 2007

As early as September 2004 Natural England and National Trust officials began numerous site meetings in West Penwith to discuss HEATH (Chapel Carn Brea, Carn Galva, Trevean Cliff, Nine Maidens Common, Carnyorth Common, Trencrom Hill, Watch Croft), and some stock proofing works were carried out at relatively minor locations after July 2005 (Chapel Carn Brea, Trencrom Hill, Trevean Cliff).⁵

2007 August: a Higher Level Stewardship [HLS] agreement was drawn up for Carnyorth and Boswens Commons for a 10 year period.⁶

From Natural England's own admission⁷, and from their own map of the agreement,⁸ it is apparent that one of the three owners of Carnyorth Common has not been

⁴ English Nature (now Natural England) grant application form to Interreg IIIB North-West Europe (undated but probably during 2003) and an Activity Report sent by NE to Interreg at the end of 2005

⁵ From HEATH Project Time Sheets

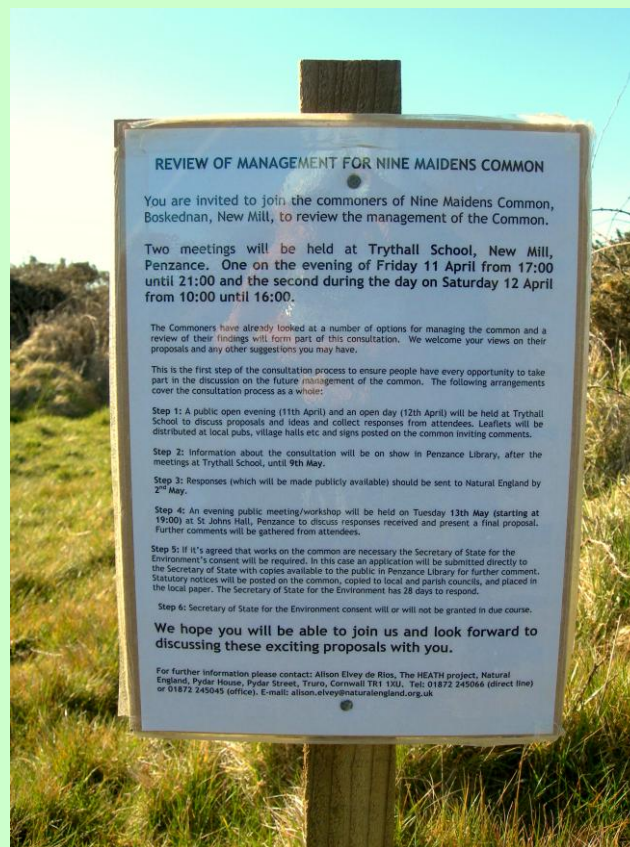
⁶ Higher Level Stewardship agreement [#AG00260864] was drawn up between Mr C Trembath of Sunset Farm, Carnyorth, and Natural England, Bristol. The agreement was to run from 1st August 2007 until 31st July 2017 and covered 118.72 hectares of both Carnyorth and Boswens Commons with an annual payment of £28,981.98.

⁷ Heathlands Forum 12 May 2010 Minutes Item 5.5 "CW [Craig Weatherhill] raised the issue of land ownership of the area north of Trewellard and that in addition to the two listed owners there may also be a third owner (Lords of Trewellard) and questioned whether they [the owners] were aware of the project and their liability. PB [Peter Bowden, Natural England] said that he tried to investigate this 15 years ago..."

identified yet cattle introduced as part of this agreement will be able to wander at will across this unidentified land where, apparently, two gates were installed as part of the HEATH project.

In entering a 10 year contract with a farmer prior to any public knowledge Natural England totally invalidated the public participation pillar of Aarhus, and all this time there was still no consultation or public knowledge of what was going on throughout West Penwith.

2008



April: A Natural England notice was put up close to the Four Parish Stone on Nine Maidens Common announcing public meetings on moorland maintenance for this common – an obligatory procedure since the common was registered common land. No details were given.

This was the first hint to the public of what was being proposed.

⁸ See Natural England web site ‘Nature on the Map’.

May 13th: The final Nine Maidens Common meeting was held on 13th May 2008 in Penzance.

No mention was made at this meeting of any other intended HEATH/HLS works even though plans were already well advanced and, on Carnyorth/Boswens, an HLS agreement was already in force.

July: Save Penwith Moors (SPM) action group was established. Shortly afterwards internet searches gradually uncovered the full extent of intended HEATH works in West Penwith – mostly on inland and coastal open access land. Although Natural England was, at that time, cooperative in giving out information to SPM when asked for specifics, there was still an unwillingness to voluntarily tell the community what was planned and it was left to SPM to attempt to fill this omission.

During the rest of the year numerous warnings were given to Natural England, The National Trust, Heritage Lottery Fund, the Interreg office in Lille and many other local and national organisations and individuals of the growing resentment of what was about to happen. Yet there was still no attempt at any HEATH Project engagement with the residents of West Penwith whose concerns were ignored.

July: SPM contacted a St Just town councillor asking him to have the HEATH issue put on the agenda.

August: SPM emailed two Penwith District Council (PDC) councillors to ask if the HEATH Project could be put on the agenda of the SE&E (Social Economic & Environment) Committee meeting.

summer/autumn: a number of public events were held by SPM to publicise what was about to happen.⁹

⁹ A protest walk on Nine Maidens Common, display of photographs in St Just, street and house-to-house leafleting, and collection of, eventually, over 1200 individually signed protest leaflets from locals and visitors (these were sent initially to the Rt Hon Hilary Benn MP but no acknowledgement or response was forthcoming, and it is not known if they were passed on to Natural England or not). Letters and emails stating our objections and solutions were sent to Natural England, their Project partners, and their main funding providers – the Heritage Lottery Fund and Interreg IIIB NWE – as well as the local press and radio.

September 15th: A letter from SPM to Dr Helen Phillips, Chief Executive Natural England, expressing widespread local opposition to HEATH failed to generate any public consultation or acknowledgement of the problems.

It was left to Save Penwith Moors action group to take the lead in 'advertising' Natural England plans and trying to inform the public as best we could.

September 29th: St Just Town Council discussed the HEATH Project and passed the following resolution: “Whilst acknowledging the need for some form of management of Kenidjack Common [*i.e. Carnyorth Moor – IC*], 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).

This resolution by elected councillors representing many thousands of residents was totally ignored by Natural England and fencing began about one month later.

October 21-22nd: Final HEATH project conference at Tregenna Castle, St Ives, took place followed by site visits to Carnyorth, Carn Galva and sites on the Lizard. Major stock proofing works began soon afterwards in West Penwith on Carnyorth Common, Carn Galva, Watch Croft and the two crofts of Lanyon Farm.

SPM had previously requested Interreg IIB if they could attend this meeting as observers – there was no reply.

November 27th: The first public forum to consider the HEATH project was held in Penzance under the auspices of Penwith District Council (not Natural England). A proposal that: “The Forum recommends a halt to any further erection of fences pending further negotiation between the parties” was passed 53 to 10 (most of the latter having a financial interest in HEATH).

The Natural England HEATH Project carried on fencing.

December 10th: Meeting of PDC SE&E when the Rural Economy Officer agreed that there had been a failing on the part of Natural England in effectively communicating the project which had led to the present situation.¹⁰ The Committee passed the following resolution:

¹⁰ Minutes of the Meeting of the Social, Economic and Environment Committee held in the Guildhall, St John's Hall, Penzance on Wednesday 10 December 2008

“The Committee recommends a halt to any further erection of fences pending a further report to the Committee from the Council's Senior Enforcement Officer, in consultation with the Ancient Monuments Warden, following inspection of the site at Carn Galva.”

Once again Natural England took no notice of this and carried on regardless.

2009

January: Stock proofing completed on Carnyorth Common. Carn Galva, Watch Croft and the two crofts of Lanyon Farm were only partially stock proofed.

February: the first closed meeting of the Heathlands Forum took place: 15 people attended from Natural England, The National Trust, National Farmers Union, Cornwall County Council, Penwith District Council, St Just Town Council, Zennor and Sancreed Parish Councils, Penwith Access and Rights of Way, and Save Penwith Moors.

March 31st: HEATH Project work finished and Project later signed off as ‘completed’, even though it is now (May 2010) apparent that numerous works – mostly gates, some fencing and reuse of a cattle grid have still not been finished.

March 31st: In their final report to the Heritage Lottery Fund, Natural England partially acknowledged their failure to engage with the public: “there had been no communication officer for much of the project; that more community engagement was required prior to the commencement of site works”; and that “a stakeholder forum should have been set up at the beginning of the project”.¹¹ The final Report dated 31st March 2009 sent by Natural England to Interreg¹² lists a few items of ‘Community information’ but there was **never** any meaningful interaction with the local community in West Penwith (I have lived about half a mile from the HEATH Project site of Men-an-Tol Croft for 30 years and was never contacted or informed about what was intended – and neither were other local residents).

May: Cattle first seen on Carnyorth Common.

HLS payments had already been made for almost two years when even the stock proofing was not completed until January 2009.

¹¹ Natural England Heritage Grants Final Payment Request and Completion Report May 2008 to December 2008 page 12 ©Natural England

¹² Interreg IIIB Approved Projects, Assessment of Activity Report and Payment Claim E101-10 (final) page 5/8 #6.4 ©Natural England

May 12th: At the local Heathlands Forum in May 2009, Peter Bowden of Natural England said that the project had been bad at community engagement and there should have been a pilot project. There should have been better community involvement 2 years earlier.¹³

June 29th: At a meeting of St Just Town Council councillors expressed concern that the views of the Town Council and various other organisations had hitherto been largely ignored by Natural England. They also expressed concern at the lack of consultation on the installation of the cattle grids on the St Just to St Ives Road which it suggested had blighted the rural landscape.¹⁴

September: A report by John Waldon was commissioned by Natural England, almost a year after fencing had begun and cattle were already on the moors.¹⁵ He identified that there was “poor communication between those responsible for moorland management and those who use and visit the moors. This included confusion over whether consultations were intended to seek the views of the local community or just a means of informing others on what was to be done.”¹⁶

¹³ Heathlands Forum Minutes 12th May 2009 Item 3.3

¹⁴ <http://www.stjust.org/minutes/2009-june-29-mins.pdf>

¹⁵ *A Vision For The Moors and Related Land in West Penwith, Cornwall*. Report to Natural England, by John Waldon September 2009

¹⁶ The report noted many viewpoints held by Save Penwith Moors but in essence had been ignored by the HEATH Project and are still only given lip service by Natural England in favour of heavy-handed management systems to, theoretically, benefit flora and fauna biodiversity. Waldon’s report highlighted:

- that the West Penwith moors have a timeless quality that is of particular importance.
- is valued and celebrated for its wildness and history.
- that the moors form, together with the coast, some of the finest walking in the country.
- that the landscape is essential to the tourist industry with huge untapped potential.

THE COMMUNICATION PLAN

THAT NEVER COMMUNICATED

It is clear from reading the Activity Reports¹⁷ sent on a regular basis from Natural England to both the Heritage Lottery Fund [HLF] and Interreg IIIB North-West Europe – the two main fund providers of the HEATH Project – that the lead partner [NE] faced some serious problems and defects while implementing the Project in West Cornwall. In particular much of the project was rushed through, due partly to the time taken to prepare legal permissions and community consultation for site works¹⁸; and the £/euro exchange rate being heavily weighted against the pound so work had to be done around a tighter budget.¹⁹

But perhaps the most significant defect was the lack of effective communication, both within the HEATH partnership agencies and – most importantly – with the local community.

In their application for funding to Interreg, NE claimed that one of the challenges of a project such as HEATH is to ensure stakeholder involvement at all stages and levels; that the model must develop a flexible and robust communication strategy so that local communities support the project aims; and that the most effective methods of community involvement will be incorporated within the Model.”²⁰

By April 2007 a Communication Plan for the UK had been completed²¹, yet it was not until the final 12 months of HEATH that Alison Elvey de Rios was appointed in January 2008 as

¹⁷ Activity Reports had to be submitted on a regular basis (every 6 months) by English Nature/Natural England to both Interreg IIIB NWE (France) and Heritage Lottery Fund (Exeter). Since EN/NE was the European lead partner for HEATH these reports usually contain information about the continental partners as well as UK.

¹⁸ Natural England Heritage Grants Final Payment Request and Completion Report May 2008 to December 2008 page 13 ©Natural England

¹⁹ Activity Report from EN/NE To Interreg IIIB NWE 1st November 2007 – 30th April 2008 ©Natural England

²⁰ Interreg IIIB North-West Europe- Application Form 6.4 Community Information [from English Nature] ©Natural England

²¹ Activity Report from EN/NE to Interreg IIIB NWE 1st November 2006 – 30th April 2007 page 14 ©Natural England

Communications Manager – a post that had been vacant for two years.²² Her work would be largely responsible for disseminating project outputs and assisting with local consultations.”²³

Some objectives of the Communication Plan included:

- To inform audiences about the project and what it aims to achieve.
- To regularly communicate the successful delivery of outputs within the project plan to the relevant audiences in a most meaningful format.
- To gain acceptance for the project in areas where there is conflict or resistance to change.

Under the sub-heading of *Audience/s* the plan lists, amongst other groups, “the local community in West Cornwall”; “neighbours of project sites” and “recreational users of project sites”.²⁴

It is now painfully obvious that the aims of this plan amounted to a total failure: users and neighbours of project sites, as well as the local community, were never informed about the project in any meaningful way. This was partially acknowledged by Natural England in their final report to the Heritage Lottery Fund at the end of 2008 when they admitted there had been no communication officer for much of the project; that more community engagement was required prior to the commencement of site works”; and that a stakeholder forum should have been set up at the beginning of the project”.²⁵

This lack of engagement with the local community resulted in NE expressing “surprise” at the strength of objection that came from some members of the West Penwith community (ignoring the fact that many hundreds of visitors to the area had also expressed opposition) but that they believed the principle issues raised had been considered and addressed by the project partners so that: “What we are left with are people who don’t acknowledge the changes in the landscape, don’t accept our assessments of the problem, don’t accept our

²² Heritage Lottery Fund Progress Report covering period 1st November 2007 – 30th April 2008 page 10 ©Natural England

²³ Activity Report from EN/NE to Interreg IIB NWE 1st May 2007 – 31st October 2007 page 3 ©Natural England

²⁴ The HEATH Project Communication Plan 2nd Draft ©Natural England

²⁵ Natural England Heritage Grants Final Payment Request and Completion Report May 2008 to December 2008 page 12 ©Natural England

solution, or reject any solution that has any implication on how they currently use the site. In other words, people reacting against change.”²⁶

Despite this patronising and provocative statement it seems that Save Penwith Moors campaign of opposition was somewhat bizarrely acknowledged by NE to have helped: “generate a communal understanding, as it has opened up discussions within the partnership on the public perception of heathland management and the place of heathlands in modern culture” .²⁷

NE admit: “The economic and social values of heathland are still not fully understood, and should be researched further”²⁸ and that: “There are a number of financial opportunities to generate income from heathland management which have yet to be realised, but even so it is unlikely that it will ever be self financing again; some degree of public funding is essential.”²⁹ They also realise that “As recreation is one of the main uses of heathland now this does not seem unreasonable but it will require careful engagement with the public if it is to be achieved openly and for the long term.”³⁰

²⁶ Heritage Grants Final Grant Payment Request and Completion Report –dated 17/03/2009 covering the period May – December 2008. Received from T Brewer, Senior Grants Officer, HLF Exeter. Report by Steve Clarke, pages13/14

²⁷ Activity Report from EN/NE to Interreg IIIB NWE 1st May 2008 2007 – 30th November 2008 page 2. Report by Ross Champion (page 54) ©Natural England

²⁸ Final Activity Report from EN/NE to Interreg IIIB NWE 1st November 2008 – 31st December 2008 page 53 ©Natural England

²⁹ Final Activity Report from EN/NE to Interreg IIIB NWE 1st November 2008 – 31st December 2008 page 52 ©Natural England

³⁰ Final Activity Report from EN/NE to Interreg IIIB NWE 1st November 2008 – 31st December 2008 page 52 ©Natural England

NOTES ON NATURAL ENGLAND NON-COMMUNICATION WITH THE WEST PENWITH COMMUNITY

SPM notes in red

If you work for Natural England and are reading this perhaps you would like to prove that you are “open and transparent” by answering these questions.

2005 May 1st to October 31st 2005 *Heritage Lottery Fund Progress Report 2 covering period*

1/5/2005 – 31/10/2005 English Nature “Restoring the Sea of Heather” ©Natural England

Page 2 UK Summary “A considerable amount of time has been spent educating the public about the project and ensuring that any issues/opposition to the plans are discussed. This has involved producing newsletters and holding open house evening sessions.”

Page 3 Site works had already started in West Penwith at Bosporthenis, Chapel Carn Brea, Trencrom Hill, Caer Bran, Chun Downs and Trevean Cliff.

At this period the public in West Penwith were never ‘educated’ or had issues discussed, nor were they informed of work in progress.

Page 4 Press releases “We have received very positive coverage in Cornwall Today, West Briton, Horticultural Weekly and SW Regeneration Newsletter.

Was The Cornishman weekly newspaper covering West Penwith contacted? If so, when?

Activity Report Natural England to Interreg (Claim 3) submitted 31/12/2005 covering activity 1/5/2005 – 31/10/2005

©Natural England

Page 7 UK Meetings held with tourism, agricultural and environmental networks. Of particular importance is the work which CoaST [Cornwall Sustainable Tourism] and FWAG [Farming and Wildlife Advisory Group] will be undertaking. Communication has been ongoing with a wide range of stakeholders on a local and national basis. These include College of Falmouth, Highland Cattle Society, Taste of the West, More Valley Beef Initiative, FWAG, Restormal District Council, RSPB, Guild of Cornish Hedges.

This early report makes no mention of engaging with local residents.

Page 8 (Action 1.4) Communication Plan currently in development. The first step is to finalise the web site and then to identify the appropriate streams of communication with partners. This will be carried out in Jan 06 and a formal plan will be produced soon afterwards.

Page 9 UK “The project commencement meeting held in June 2005 Two days were spent looking at sites within Cornwall and partners were able to mix with local people, farmers and other stakeholders. The feedback from the day was very positive.”

Did this include sites in West Penwith, if so, where were they?

No one “mixed” with me! The nearest non-farming business to Men-an-Tol Croft (one of the areas to be grazed). Locals were completely unaware of what was being proposed.

Page 12 UK “A shortlist of stakeholders have been identified to undertake baseline and operational monitoring at a selection of the 59 sites within the project area in Cornwall....”

Page 14 (Action Number 3.2) UK “The team has met with the Historical and Environmental Services of Cornwall County Council and have agreed the delivery of the Best Practice Guide for archaeological survey of heath land heritage to inform management decisions. This document will be produced by June 06.”

Page 19 (Action Number 4.3) UK Community Involvement. Meetings have been held with Historic Environment Services, Success Zone and other education stakeholders. The education programme is being developed for Year 2 of the project

Page 23 (Action Number 5.3) UK “The UK team have met with FWAG in Cornwall who will be delivering the farm plans in Year 2 of the project It is anticipated that the farm plans will be supplemented with archaeological assessment being developed by HEA.”

Page 26 (Action Number 5.6) UK “The HEATH web site will be contracted out to a local web design agency in Dec 05 It is hoped that it will be live by Jan 06.”

Page 30 (Action Number 6.3) UK “We are in the process of developing an education program to incorporate the 20 school visits within this action. It is hoped that this work, along with the

development of a school pack will commence in Jan 06 with school visits planned for the remainder of 2006.”

Which schools were eventually visited with these school packs by the end of the project 31/12/2008? Why still no mention of public consultation?

Page 31 (Action Number 6.4) UK “Two community newsletters have been developed and distributed to West Penwith and The Lizard. These were well received and informed local people about the project and the likely developments planned for their area. The UK team have met with the Eden project to discuss the production of a mobile exhibition that will be used in the summer of 2006.”

Where were these distributed? We never saw any in West Penwith nor were we told about them. Even elected councillors and our MP were unaware of the HEATH plans.

Page 37 VII Monitoring of Output Indicators - expected results and impacts. Measure 4.1 (A) Assessment of outputs, General Indicators – quantifiable. [figures show Target Value for Whole Measure]

h) no. of press releases (national, regional, local) – 55

In which papers were these press releases published and when? Did they mention which locations were parts of HEATH?

j) no. of events aimed at education, public participation, community engagement – 30

When and where did these happen in West Penwith – if at all?

2005 November 1st to April 30th 2006 *HLF Progress Report 3 covering period 1/11/2005 – 30/04/2006 English Nature “Restoring the Sea of Heather” ©Natural England*

Page 1 General “Across all three project areas, significant progress is now being made”

Page 5 Grant expiry date 31 July 2008

Page 8 Community manager left Jan 06

2006 May 1st to October 31st 2006 *HLF Progress Report 4 covering period 1/05/2006 – 31/10/2006*

Natural England “Restoring the Sea of Heather” ©Natural England

Page 2 Staffing “The project team still has one vacancy the role of Communications and Community Manager is with HR Natural England. It has been identified as high priority that this position is filled – project delivery is impacted on by the absence of this position”

Page 4 “The team has produced a Communication plan that captures timely and accurate communication requirements for the duration of the project....”

2006 November 1st to April 30th 2007 *Activity Report NE to Interreg (6) covering activity 1/11/2006*

– 30/04/2007 ©Natural England

Page 3 (UK General) “The Communications and Community Manager stills needs recruiting and this delay is having a noticeable impact on disseminating project outputs and local consultations. It is hoped that this role will be advertised in July 07.” “This period has seen significant development of a range of education and volunteer/access work groups. The delivery of school visits and a curriculum based unit of work has commenced and will be delivered by the end of 2007. In addition there will be a HEATH Festival in September and October which will have 40 events scheduled for public/stakeholder participation....”

We never had any information about a Heathfest in West Penwith. Was there one? Were moorland users contacted - horse riders, livery stables and walking groups in particular? (e.g. Penwith/Kerrier Ramblers Association, West Cornwall Footpaths Preservation Society)

Page 14 (Action Number 1.4) UK “The communication plan for the UK has been completed The mobile project exhibition has been used and will be added to in order to further promote the messages the project is trying to deliver...” “The web site is live The feedback has been very positive This will form a large role of the communication manager when in post.”

Why was it left this late in the HEATH project to produce a Communication Plan? Where was the mobile exhibition used and when, and with what publicity?

Page 19 (Action Number 2.5) UK “This work [Review of Heathland Tourism] has been completed by CoaST and is ready for comment. We are also planning to trial a visitor payback scheme during proposed HEATH festival next year.”

Were any visitor payback trials done in West Penwith, if not, why not?

Page 31 (Action Number 4.3) UK “The education programme has been contracted out to Cornwall Environmental Consultants. This work will include delivery of a number of access and works session over the next 12 months, to be completed by the end of 2007.” “The HEATHFest is planned for September/October 2007. There are 40 confirmed events being delivered by a wide range of stakeholders. A high level of local interest has been generated with local businesses supporting it” “As part of this contract school visits are also being planned for the following 12 months. Delivered by CEC this will allow young people to learn about Heathlands and the value they have and their historical context.”

Indoctrination of the young and impressionable, but what about the adult population?

Page 42 (Action Number 5.6) UK “The development of self guided trails has been contracted out to the Cornwall Environmental consultants who have extensive experience in this area. These will be delivered in 2007.”

Page 48 (Action Number 6.4) UK “Further panels are in production for the Heath mobile exhibition. This will be used again in July at the Stithians show and has been booked for use on several occasions in 2007.”

2007 May 1st to October 31st 2007 *Activity Report NE to Interreg (Report Number 7) covering activity*

1/5/2007 – 31/10/2007 ©Natural England

Page 3 (UK General) “The Communications and Community Manager has been recruited and will commence work late December of early January 08. They will be largely responsible for disseminating project outputs and assisting with local consultations....”

That is to say there was only a Communications Manager for the final critical 12 months of HEATH when most work was carried out in West Penwith.

Page 13 (Action Number 1.3) UK “The HEATH Fest, held in Sept/Oct 07 required local networks in Cornwall to integrate in order to deliver the 60 day festival. Various stakeholders, partners and interest groups have assisted in the delivery of over 40 sessions of environmental, economic, tourism and cultural interest.”

Page 15 (Action Number 1.4) UK “A new communication manager should be joining the project in Dec 07..... their main role will be to publicise the project as per the communication plan. This will largely involve finalising the roadshow/exhibitions, preparing leaflets, newsletters and press articles and managing the project web site. In addition they will be largely responsible for consultations for the infrastructure works on commons and private sites where necessary.”

The Communication Plan failed to live up to its ideals as far as West Penwith was concerned.

Page 29 (Action Number 4.3) UK “The HEATH Fest was delivered in September/October 2007. The Heath Fest had 47 events planned over September and October 2007. Some events were cancelled due to poor weather or lack of bookings, however, most events were successfully held. The launch event on the first Sunday returned an attendance of approximately 420 adults and 30 children, the organisers thought that Heath Fest brought four times more people than usual. In addition to the events 15 Cornwall Restaurant provided a special heath lunch menu. Across all events and the heath lunch we involved approximately 3850 people in Heath Fest...” “Eighteen school sessions were booked with schools in West Cornwall.....”

Which locations were the HEATH Fest held at?

Page 45 (Action Number 6.4) UK “Further panels are in production for the Heath mobile exhibition. These were used again in July at the Stithians show and again on the Isle of Scilly in September.”

Why not in West Penwith?

2007 November 1st to April 30th 2008 *HLF Progress Report 7 covering period 1/11/2007 – 30/04/2008 Natural England “Restoring the Sea of Heather” ©Natural England*

Page 1 “In general, progress has been made across key actions, including: site works, consultations, access, education and a substantial amount of community participation and communication of project outputs, leaflets and press releases.”

In West Penwith consultations had not taken place; no improvements to access had been made; no community communication had taken place.

Activity Report NE to Interreg (Report Number 8) covering activity 1/11/2007 – 30/04/2008 ©Natural England

Page 9 (Action Number 1.4) UK Several elements of the Communication Plan have been delivered in this reporting phase. The web site is regularly updated; final display panels are being finalised and due to be delivered in June 08; February Newsletter “received good and positive feedback”; Press releases: “three local Cornwall press releases have been issued and published in local farming and weekly newspapers...”;

Which weekly newspapers?

2008 May 1st to November 30th 2008 *Activity Report NE to Interreg (Report Number 9) covering activity 1/5/2008 – 30/11/2008 ©Natural England*

Page 2 Executive Summary “Even the protest group active in Penwith currently has helped to generate a communal understanding as it has opened up discussions within the partnership on the public perception of heathland management and the place of heathlands in modern culture.”

Save Penwith Moors action group apparently did the job of the NE Communications Plan!

Page 3 Summary of activities UK “Various education and community involvement works are reaching an end – self guided trail leaflets are in their final drafts, the schools pack is almost complete.”

What were these “community involvement works”? Who was contacted about them?

Page 30 (Action Number 4.7) Communication. UK Describes the “unfortunate reaction against the project came as something of a surprise we do not believe them to represent the majority of opinion in Penwith, or even a large minority – too many locals are talking to us privately in support.....” Mentions establishment by Penwith District Council of Heathland forum “it is hoped that by airing views in a frank and open forum, the current difficulties will be overcome.”

Yet in an email³¹ some three years earlier English Nature expressed the view that they expected some opposition to the installation of three cattle grids near Mulfra Hill. So how come they were later “surprised” at public reaction against the project.

There is no mention that St Just Town Council, representing many thousands of local residents, had voted overwhelmingly against the fencing etc of Carnyorth Common in September 2008, and the forum was only established by Penwith District Council after the issue was brought up by SPM to councillors and asked to be put on the agenda – Natural England had nothing to do with this initiative.

Page 36 (Action Number 5.4) notes that Nine Maidens commoners are keen to graze the site “but have decided not to apply to the Secretary of State for stock proofing infrastructure at this point, because they had an objection for a cattle grid from a neighbour and other solutions require the use of more fencing than they wanted to have on the common.”

No mention of the protest walk organised by Save Penwith Moors across Nine Maidens Common and Men-an-Tol Croft in September 2008 and attended by about 100 people.

Page 43 (Action Number 6.3) Education UK “School Sessions: The remaining school visits were delivered in the summer of 08. This has resulted in the delivery of 20 school visits in total allowing over 400 children to attend.”

Which schools in West Penwith? Why was it only schools that were visited? Why no public meetings for the community?

Page 44 (Action Number 6.4) Community Information UK. “Display panels: We now have a set of five display panels that have been used at various events during this period. The final

³¹ Email 29/12/2005 15.49 © Natural England to Cornwall Council

display panel presenting some of the project successes will be completed in Dec 08 and will form part of the exhibition to be on display over the next 12 months. Newsletters: Two further newsletters were produced during this period – both received good and positive feedback” “Walking with livestock leaflet has been produced and distributed.”

Where was this display exhibited during 2009? Was it advertised? And where were the newsletters distributed?

Page 46 (Action Number 6.7) Project Completion Meetings. “On Oct 21st and 22nd the project held its final conference at Tregenna Castle, St Ives, Cornwall. The event was very well attended with over 70 delegates representing partners, local farmers, businesses and interest groups”

SPM asked the Interreg office in Lille if we could attend this meeting as observers but no reply was ever received. Obviously we were not considered to be an “interest group”. Who attended this meeting and what groups did they represent?

2008 May to December 2008 *HLF Progress Report FINAL covering period May 2008 – December 2008*

Natural England “Restoring the Sea of Heather” ©Natural England [NOTE: this copy of final report was an unfinished draft- the completed report was sent to me by HLF and contains considerably more information.]

Page 12 What went well (3) Health and Safety was good;(14) Ideas of community engagement developed;(15) Good community engagement/relationship building.

Yet NE now admits that community engagement could have been done better – so how did it go well?.

Page 13 What we could do better “More community engagement required prior to the commencement of site works”. “Early stakeholder engagement was required and a stakeholder forum should have been set up at the beginning of the project and held twice yearly or quarterly meetings to compliment the quarterly partner steering group meetings.”

Tacit admission of poor communication with the community. There is no mention that Penwith District Council, representing the whole population of West Penwith, passed a resolution on 10th December 2008 that all fencing should be halted pending further reports and inspection of Carn Galva.

HLF Progress Report FINAL covering period May 2008 – December 2008 Natural England “Restoring the Sea of Heather” ©Natural England [NOTE: this copy of final report sent to me by Heritage Lottery Fund and would appear to be the complete document – unlike the above]

Page 3 Awareness and recreation: mentions HEATH introductory leaflet; school work unit and teacher pack for use in local schools; 20 school visits in West Cornwall; HeathFest 2007; two community consultation days at Cornwall Wildlife Trust sites; 10 work volunteer sessions; 9 archaeological outreach sessions; 2 archaeological booklets; 3 self-guided trail leaflets; HEATH mobile exhibition; project web site; good practice workshops; several articles in local publications; 4 project newsletters; talks to various local groups; commoners consultations; commoners meetings at Busvargus, Mulfra and 9 Maidens; attendance at national and international conferences.

Mentions reaction against the project and establishment of a “discussion forum” to debate future activities in Penwith.

Note the complete lack of any public open meetings and engaging with local residents.

Pages 13/14 lengthy mention of opposition to project

2008 November 1st to December 31st 2008 *Final Activity Report NE to Interreg (Report Number Final) date of submission March 2009 Reference Date 1/11/2008 – 31 December 2008 ©Natural England*

Page 2 Executive Summary “Partners also agreed that they had all found a level of resistance to change in the local communities where they owned and managed land and were attempting to keep the land open by the re-introduction of grazing or the felling of trees.”

Not just us in West Penwith then. Partners included agencies on the Continent.

Page 5 (Action Number 1.3) Natural England: “Penwith Forum established Nov 08 as a discussion group for future heathland management in Penwith.”

See remarks above.

Page 25 (Action Number 4.7) UK – Natural England “Publication of a Frequently Asked Questions web document.”

To access the web site it was necessary to know about it beforehand. Also many people do not have internet access.

Page 36 (Action Number 6.3) Education. “School/education visits delivered – 60 Brittany, 20 Cornwall.”

Which schools in Cornwall and why so few when it was the major area of the HEATH project and received far more funding than other areas on the European mainland.

Page 37 (Action Number 6.4) Community Information UK “3 self-guided trails, 3 archaeological leaflets, 4 newsletters, 4 commons consultations, Frequently Asked Questions document, Heathfest leaflet, 9 community engagement events related to commons.”

Justification for any deviation from the original Action Plan “Communications with communities were through a range of approaches, not just newsletters, as driven by the needs of the project during delivery.”

Page 51 General Conclusions (11) Were there any areas in which the project did not fully meet its original expectations? If so, why not, and did this hinder the overall project? “...The project did not include any social/cultural engagement modelling; the community engagement works were very ‘traditional’ based on a perceived level of understanding in that community. In the UK, the lack of social modelling has proved to be a significant weakness and a hindrance to the project. Because we had misjudged an element of the Penwith community, we ran into some rather unexpected opposition in the final stages of the project in Cornwall which took up an inordinate amount of time and prevented us from properly drawing all the findings into a synergistic whole.”

This looks like an admission that Aarhus was not complied with – certainly their own Communication Plan was not. The “element of the Penwith community” included PDC SE&E committee and St Just Town Council, both of which are the elected representatives of many thousands of local residents. There were also some 1200 signed protest leaflets from people from across the UK and abroad.

NOTES:

1. Some minor works were being carried out on HEATH sites in West Penwith during 2005 long before any public information was forthcoming.
 2. After the Nine Maidens Common public meeting in St John's Hall, Penzance, in May 2008, when considerable opposition was expressed to the proposed fencing and grazing, it should have been obvious to Natural England that public engagement was a vital necessity – it never happened.
 3. The Project was signed off as 'completed' in the spring of 2009 when many works had not been completed and still – over a year later – have not been finished.
 4. The issue of poor communication is not simply a matter of our opinion but a fact recognised by individuals representing several closely involved organisations.
- **PENWITH DISTRICT COUNCIL** The Rural Economy Officer [REO] of the former Penwith District Council outlined the background to the current position and agreed that there had been a failing on the part of Natural England in effectively communicating the project which had led to the present situation.³² [NOTE: REO was the contact person for HEATH Project Partner, Penwith District Council.]
 - **NATURAL ENGLAND** “He [Peter Bowden, Natural England] added that the project had been bad at community engagement and there should have been a pilot project. There should have been better community involvement 2 years earlier. The short timescale had resulted in a rush to spend money at the end and there had been a knock on effect with ESA Schemes.”³³
 - **NATURAL ENGLAND** The Natural England Executive Director for Regional Delivery (London office) admitted that “we could have improved our communication with the public in this case”.³⁴

³² Minutes of the Meeting of the Social, Economic and Environment Committee held in the Guildhall, St John's Hall, Penzance on Wednesday 10 December 2008.

³³ Item 3.3 Heathlands Forum Meeting 9th February 2009, 2.00pm Committee Room 1, Penwith District Council

³⁴ Letter to myself from Jim Smyllie dated 23rd March 2010.

- **HERITAGE LOTTERY FUND** The Chief Executive of the Heritage Lottery Fund wrote in 2010 that “we have given increasing emphasis to the importance of consultation in recent years, and so today we would expect to see a greater level of public consultation and participation within projects that we did in 2002 when this project was awarded a grant. This is also an area we will look at closely in any future applications from natural England”.³⁵

It is clear that English Nature, and its successor Natural England, submitted reports to the two main fund providers that fell far short of what was actually happening ‘on the ground’.

Whether this was intentional deception implying that all was going well or simply an issue of ‘rose-tinted spectacles’ or inefficiency must be left for the reader to judge.

Ian McNeil Cooke
Save Penwith Moors
July 2010

³⁵ Letter to myself from Carole Souter dated 6 May 2010.