

RFI 7641 Correspondence with Cornwall Council

From: Defra

Sent: 18 July 2014 14:35

To: Cornwall council

Subject: RE: Save Penwith Moors

[name removed] – thanks. The lack of effective dialogue on management options (for land, that is) is one of the main drivers for Natural England's Operational Standard, which I mentioned when we spoke a day or so ago. It places great emphasis on consultation with the local community when NE is considering the best tools for managing particular areas of land. This will mean fencing is less likely if the local community is dead against it. The Operational Standard will be used by NE staff from the autumn onwards. In the meantime their staff are being trained on effective consultation.

I think colleagues in Natural England will try to arrange a meeting with SPM shortly to explain how things are changing. I think something needs to be done to mitigate against the high level of applications in Cornwall because my ministers are getting lots of heat on this and they are landowners/farmers, so my fear is that something drastic could happen to waste land applications, not least because the landowners in Zennor are contemplating trying get the law changed if the 183 hectare application goes against them.

Thanks,

[name removed]

From: Cornwall Council

Sent: 18 July 2014 13:48

To: Defra

Subject: RE: Save Penwith Moors

Hi [name removed],

I don't think it's entirely the fencing taking place, but fencing without the public having a say which upsets them. As common land they understand they will be given opportunity for their views to be known when taking into account whether fencing will be granted permission or not, but at least it's done in the open and not behind closed doors as it were.

I also attach a list of cancelled commons and greens in Cornwall in parish order, so start at the end for the parish of Zennor, where you will see that applications have been made for most cancelled commons in the parish, so they are coming to the end of applications for this particular parish. This is also published on our website as part of our openness and transparency.

Kind regards,

[name and contact details removed]

From: Defra

Sent: 16 July 2014 16:47

To: Cornwall Council
Subject: Save Penwith Moors

[name removed] – is there anyone who could tell SPM that they can't prevent fencing on land even if they get it registered as common land? If NE suggest fencing is the right approach in relation to SSSIs or even non-SSSI commons which are subject to agri-environment agreements then the Secretary of State will almost certainly give his consent to any applications for fencing on the basis that it would better enable that land to achieve whatever biodiversity target or any other target it is subject to.

Thanks,

[name and contact details removed]

From: Cornwall council
Sent: 30 May 2014 09:17
To: Defra
Subject: Cornwall Commons Act Part 1 (Registration) Pilot Review

[names removed]

I was due to have a meeting with Andrew George MP, my current line manager and new line managers from 1st June re Piloting Part 1 of the Commons Act 2006 in Cornwall. Unfortunately Andrew George could not make it, however I prepared some maps and figures concerning the first five years of the pilot, which I thought I would share with you for your information.

Kind regards,

[name and contact details removed]

From: Cornwall Council
Sent: 19 June 2014 15:11
To: Defra
Subject: RE: Commons Act 2006 - Notice 2854 - Application to register waste land of the manor as common land

[name removed]

Yes and No. We were due to meet at the end of May, however Mr George did not turn up – week after European election results.

I understand [CLA name removed] raised some issues at the NCLSG meeting, and from what I understand, there is a lot of mis-information and half-truths doing the circuit, with little point of reference to this office to clarify the position.

With regard to the application to register 184 hectares of land surrounding Carn Galva in the parishes of Zennor and Morvah, which seems to have raised the objections outside the scope of the 2008 Regulations, the registration authority has taken a neutral stance, though objected to a former public convenience (building) and the B road from being included in the application. The Hearing has been postponed to allow a person who claimed part of the land

had been formally enclosed to produce easily understood copies of the documentary evidence. The applicant has agreed to several small pieces being withdrawn, however good arguments have been put to the Inspector both for and against registration as common land, and it would not be right to comment further in respect of this adjourned case.

As far as I can see the real issue is not one of registration of land as common land, but the management of land as common land, with works such as fences to enable grazing needing PINS agreement and fees payable as well as increased paper work, but the Inspector has been very clear not to allow any discussion concerning management, as this is simply not relevant to registration issues.

If there are specific queries, I hope that the facts will be sought and established.

Kind regards,

[name and contact details removed]

From: Defra

To: Cornwall Council

Subject: RE: Commons Act 2006 - Notice 2854 - Application to register waste land of the manor as common land

[name removed] – has the meeting with Andrew George taken place yet? If so, what happened?

Andrew George is meeting our minister in July. I understand that [name removed] from CLA is going to Cornwall to meet farmers to discuss this issue.

From: Cornwall Council

Sent: 28 April 2014 10:38

To: Defra

Subject: RE: Commons Act 2006 - Notice 2854 - Application to register waste land of the manor as common land

Yes, but a bit more complicated than that. There were three families with grazing rights on the coastal land, and due to an absentee owner, they agreed among themselves to divide the coastal land between their families thus having sole grazing rights over certain parts of the coastal land, thus claiming ownership of individual parcels. They are also claiming historical enclosure of the common, whilst recently it was classified as access land suggesting unsuccessful enclosure – come along to the Hearing on 20th August (busman's holiday!)

[Name removed]

From: Defra

Sent: 28 April 2014 10:30

To: Cornwall Council

Subject: RE: Commons Act 2006 - Notice 2854 - Application to register waste land of the manor as common land

Are we talking adverse possession here?

From: Cornwall Council

Sent: 28 April 2014 10:29

To: Defra

Subject: RE: Commons Act 2006 - Notice 2854 - Application to register waste land of the manor as common land

No I think the coastal land and now this in-land area would be about the sum of potential commons application land in their ownership – or more precisely, claimed ownership.

Regards,

[Name removed]

From: Defra

Sent: 28 April 2014 10:24

To: Cornwall Council

Subject: RE: Commons Act 2006 - Notice 2854 - Application to register waste land of the manor as common land

Thanks. Out of interest, re the family in question, is there any more of their land which is potentially registerable under para 4?

From: Cornwall Council

Sent: 28 April 2014 10:17

To: Defra

Subject: RE: Commons Act 2006 - Notice 2854 - Application to register waste land of the manor as common land

[name removed],

No but there has been further correspondence with a view to a meeting. I think the winter storms have somewhat overtaken the commons issue but this notice does concern land in the ownership of the family which has been in further correspondence with the MP – so watch this space.

Kind regards,

[name removed]

From: Defra

Sent: 28 April 2014 10:12

To: Cornwall Council

Subject: RE: Commons Act 2006 - Notice 2854 - Application to register waste land of the manor as common land

[name removed] – this reminds me of the recent complaints about the registration of waste land in Cornwall. Did the meeting between the local MP, concerned parties and yourselves go ahead?

Thanks,

[name removed]

From: Cornwall Council

Sent: 28 April 2014 10:06

To: Cornwall Council distribution list

Subject: Commons Act 2006 - Notice 2854 - Application to register waste land of the manor as common land

Dear Consultee,

Please find attached a Notice and accompanying plan concerning an application seeking to register some 37 hectares of land at Gear, Treen/Porthmeor and Bosporthennis Commons in the parish of Zennor as common land.

I trust the notice is self-explanatory, however if I can be of any further assistance, please do not hesitate to contact me.

Kind regards,

[Name and contact details removed]

From: Defra

Sent: 25 November 2013 09:55

To: Cornwall Council

Cc: Defra

Subject: Zennor

Dear [name removed],

Just to let you know that we have received a number of pieces of correspondence about the above application, one of which is through the MP. We clearly won't comment on the merits or otherwise of the case. To note, however, that the Minister may ask for some background when the letter(s) reach him for signature.

Best regards

[Name and contact details removed]