

RFI 7641 – correspondence between Defra and Natural England

From: [name removed] (NE)

Sent: 9 September 2014 11:57

To: [name removed] (Defra); [name removed] (Defra)

Subject: RE: Revised advice to minister we waste land meeting with Andrew George

Hi [name removed],

I've checked with [name removed] and [name removed], and have made suggested tracked changes in 3 places. Hope this helps

[name removed]

From: [name removed] (Defra)

Sent: 29 August 2014 11:07

To: [name removed] (NE)

Subject: RE: Revised advice to minister we waste land meeting with Andrew George

Hi [name removed] – thanks. I will add your comment and please do come back to me on Monday if you can think of anything else.

Thanks,

[name removed]

From: [name removed] (NE)

Sent: 29 August 2014 10:10

To: [name removed] (Defra); [name removed] (Defra)

Subject: RE: Revised advice to minister we waste land meeting with Andrew George

Hi [name removed] and [name removed],

Thanks for sending through the draft.

Do you think it would be helpful to spell out that Save Penwith Moors want to stop SSSI designation and see commons registration as a means to do this? I.e. they

believe commons registration would stop management and fencing. This is not the case., SSSI designation and commons registration are two distinct processes, and are not dependent on each other.

There is a minor point - that Save West Penwith Moors don't want any management at all – i.e. they don't just not want fencing.

I'm on leave today – can I please come back to you 1st thing on Monday morning with any other comments?

Thanks

[name removed]

From: [name removed] (Defra)

Sent: 28 August 2014 18:25

To: [name removed] (NE); [name removed] (Defra)

Subject: Revised advice to minister we waste land meeting with Andrew George

Hi – could both of you take a look to see if anything is wrong or needs improving. Grateful if you could get back to me Fri afternoon.

From: [name removed] (NE)

Sent: 22 August 2014 14:09

To: [name removed] (Defra)

Subject: RE: Penwith

Glad that helps. Do let us know when you would like another update.

Thanks

[name removed]

From: [name removed] (Defra)

Sent: 22 August 2014 12:40

To: [name removed] (NE)

Cc: [name removed] (NE)

Subject: RE: Penwith

Hi [name removed] – thanks. That's great.

I spoke to [name removed], the CRO at Cornwall, who told me that it seems that some of the cases in question relied on the CROW definition of “open” (one of the three limbs of the meaning of waste land; the other two being “unoccupied” and “uncultivated”), rather than the definition under the law on commons. This happened because the first such case did so, and it set the tone for all the others. Our guidance only talks about occupation. I think we'll need to fill that hole, so I would happily concede to CLA's suggestion.

Thanks,

[name removed]

From: [name removed] (NE)

Sent: 22 August 2014 12:25

To: [name removed] (Defra)

Cc: [name removed] (NE)

Subject: FW: Penwith

Hi [name removed]

As discussed, I asked for an update on the conversations in Cornwall. [name removed] and [name removed] have responded below – please do let me know if you would like further feedback?

thanks

[name removed]

From: [name removed] (NE)

Sent: 22 August 2014 12:18

To: [name removed] (NE)

Cc: [name removed] (NE); [name removed] (NE); [name removed] (NE)

Subject: RE: Penwith

Thanks [name removed]

[name removed] is that enough for the time being?

Regards

[name removed]

From: [name removed] (NE)

Sent: 22 August 2014 12:10

To: [name removed] (NE)

Cc: [name removed] (NE); [name removed] (NE); [name removed] (NE)

Subject: RE: Penwith

Hi [name removed]

I understand that they are quite busy attending hearings
<http://www.cornwall.gov.uk/environment-and-planning/land-and-property/common-land-and-town-and-village-greens/> .

I received intelligence at the end of last week that the CLA represented at a hearing last week and that they did a very good job on behalf of the farmers. I understand also that they will be asking Lord de Mauley to ask DEFRA to look again at their guidance, from earlier discussions I think this is meant in respect of what DEFRA guidance says about what constitutes 'open, uncultivated and occupied'.

[name removed]

From: [name removed] (NE)

Sent: 22 August 2014 11:30

To: [name removed] (NE); [name removed] (NE)

Cc: [name removed] (NE)

Subject: Penwith

Hi Gents,

Have there been any recent discussions with your farmers about the registration of common land in Penwith?

We update Defra periodically and it would be helpful to have the latest intelligence!

Regards

[name removed]

From: [name removed] (NE)

Sent: 22 July 2014 13:12

To: [name removed] (Defra)

Cc: [name removed] (NE); [name removed] (Defra)

Subject: RE: Waste land applications in Cornwall

Hi [name removed]

Thanks for your update and information.

Just to confirm that [name removed] understands that there are no further applications for re-registration of waste land expected in Cornwall.

In terms of minimising the impact of re-introducing grazing on open ground, the fenceless grazing system that has been trialled at Epping Forest has been successful as a better solution than physical fences from both a landscape and user perspective whilst responding to the needs of land managers undertaking grazing for nature conservation purposes. The 'invisible' fencing system could potentially be introduced onto some commons in Cornwall, (if landowners and public consultation indicated this would be welcomed), with funding support under NELMS for both the consultation and capital cost. Further information of the Boviguard system successfully trialled at Epping Forest and Burnham Beeches is at the link: <http://www.cityoflondon.gov.uk/things-to-do/green-spaces/burnham-beeches-and-stoke-common/about-us/Pages/Grazing-lowdown.aspx>.

[name removed] and I have applied for funding to carry out a Research project to evaluate 'invisible fencing' for grazing systems being pioneered at Epping and Burnham Beeches then share as good practice. Invisible fencing gives us an important opportunity to develop better solutions across NE's responsibilities. It is expected that we will need to use an external contract to undertake this work. We will stress the urgency of the work to Evidence leads.

In terms of advantages to farmers from land being registered as Common Land: NELMS agreements on common land will be 10 years in length rather than the standard 5 years. Although S38 applications are an additional requirements, NELMS also includes funding for public consultation on commons management. As [name removed] has pointed out – this level of funding support would enable a consultant to be contracted to carry out the public consultation. If traditional fencing is used, NELMS can fund gates and other access furniture needed.

I am checking with colleagues on the existing HLS agreements and how long these last; also on the plans for habitat monitoring

[name removed]

From: [name removed] (Defra)

Sent: 22 July 2014 12:05

To: [name removed] (NE); [name removed] (NE)

Cc: [name removed] (Defra)

Subject: Waste land applications in Cornwall

Hi [name removed]/[name removed] – following the discussions yesterday about how we manage this situation, I took away several actions:

How many different individuals have written to ministers about waste land applications in Cornwall? 11 according to our correspondence people.

How is the 183 hectare site managed (NB this is the bugbear application which supposedly, if accepted by PINS, will result in an attempt to change the law to prevent waste land applications)? [name removed] isn't around presently so I have been unable to speak to him. However, the land is only capable of meeting the waste land test (= open, unenclosed and uncultivated) if it is not being managed in any major way.

Here's what Save Penwith Moors have to say about themselves:

<http://www.savepenwithmoors.com/>. It explains their vision for the future of the land, including the key objective which is "Natural England need to recognise that grazing

is not mandatory for HLS payments and come to a consensus as to where there should be grazing and where there should be other forms of maintenance.” The applications made in SPM’s name have been submitted by [name removed]and [name removed]. I don’t know if there are others.

The 183 hectare application relates to land at Carn Galva – see attached notice from Cornwall.