

juggernaut (n) - a force regarded as mercilessly destructive and unstoppable; a massive inexorable force, campaign, movement, or object that crushes whatever is in its path; anything requiring blind devotion or cruel sacrifice

The **10th National Heathland Conference** took place in York in September 2008 (1). While I haven't been to any of the preceding nine conferences, or any of those since, it would be a safe bet from looking at the program that rarely is the rightness of the restoration of heathland ever an issue, nor would much time be spent puzzling why the public often disagree with heathland restoration, even though there is plenty of evidence in the public domain to suggest that this disagreement is widespread.

Objections often refer to the lack of sustainability; the lack of consultation, or the *fait accompli* of consultation on a predetermined management plan; and more often than not, the **heavy handed management** itself. The usual response from conservation professionals is to dismiss this as a lack of understanding, or to besmirch objectors by inferring that they are new incomers or just affluent, or both. It seems to me that a fundamental issue is at stake here. Its not just about the fact that conservation professionals get to have their choice of what nature is conserved, it is that many other people have a different perception and set of values about landscapes – and yet they are routinely traduced.

Over the last few years, I have documented individual cases of objections to heathland restoration as they came to light, sometimes being contacted with information by local action groups seeking support, and a few welcoming that I had squarely covered their concerns. The more you look, the more examples there are (and the more that have been sent to me) and it would not be an easy task to document them all in such detail, even if I had the stomach for it. Just sometimes you wish journalists would recognise themselves the extent of the disagreement, and begin to ask the hard questions as to why it is happening. In that absence, I offer here a compilation that gives a measure of the contention, and shows the repeated pattern that reveals just what those hard questions are. As new examples come to light, they also will be added, and perhaps in more detail here than those that have been covered in articles elsewhere.

A route map of protest

One of the earliest objections I can find relates to the proposal in 1996 by Surrey County Council to permanently fence the perimeter of the North side of **Chobham Common** for the purpose of "conservation grazing" on the open heathland. A Commons Interest Committee was formed locally to protest the proposal, forcing it to a public inquiry in February 1998 (2). The decision by the Planning Inspector to refuse permission was accepted by the Secretary of State, but not surprisingly English Nature was (3): **"extremely disappointed with this decision, which has allowed the management of this internationally important wildlife site to take second place to misplaced fears about accessibility and appearance"**

In 2002, Surrey County Council handed over management of the common to Surrey Wildlife Trust. It was not long before their approach to management galvanized local opinion against them when objection was taken to the destruction of swathes of woodland in a plan to drive two corridors through Monks Walk Wood, by clear felling through to join up the heath on either side. Representatives from Chobham Parish Council, the Chobham Society, the Chobham Common Preservation Committee and Chobham Common Riders' Association wrote to the Trust saying they would have to rethink their continuing with the consultation on the plan (4):

“The failures by SWT call into question whether it is possible to have any rational constructive dialogue with your organisation and we shall be discussing this problem with our respective organisations – particularly whether we should withdraw from the so-called consultative process – in the next few weeks.”

Come forward six years to 2008 and Surrey Wildlife Trust was consulting again on their management plan, but because of the contention of previous years, they brought in a consultant to manage the **“Chobham Stakeholder Engagement”** (5). It is no surprise that the consultation document presented grazing in a favourable light amongst a range of management options (6). The Countryside Access Forum of Surrey County Council expected to see the draft management plan in April 2009, after which it went out for public consultation (7) before another application for fencing was made to the Planning Inspectorate in 2011 by Surrey Wildlife Trust (8). Thus just over ten years on from the first Public Inquiry on fencing, another row broke out over fencing on Chobham Common, precipitating a second Public Inquiry that took place in April 2012 (8).

By the time of that Inquiry, Surrey Wildlife Trust had already applied for and received a stonking great Higher Level Stewardship (HLS) agreement for the Common in 2010, of nearly a million pounds over the 10 years of the agreement (AG00272604). The money will fund the use of their own grazing herd, as well as the usual scrub and tree removal (7) but why should that agri-environment funding be given in advance of any decision on the fencing that is required to facilitate the grazing? The strength of objection to the application at the Public Inquiry must have left the objectors crushed when they eventually read the decision of the Inspector, in July 2012, to allow the fencing. I know some were also astonished that the Inspector made such a presumption about the evidence submitted by Natural England, and which goes to the credibility of the inquiry process (8). Martin Elliott, the Inspector, accepted that any improvement as a result of the fencing and grazing would be small and would not bring the site into a favourable condition. He also accepted that there had been no indication of evidence given during the Inquiry that could be used as part of any baseline survey or scientific evidence on which any success could be measured. But then he stepped over the line of impartiality (8):

“Whilst the evidence before me is oral and anecdotal, some considerable weight should be given to evidence provided by qualified and experienced witnesses including that from Natural England. The evidence indicates that whilst the grazing will not improve the whole common it will make some contribution to restoring parts of the common to a favourable condition”

Chobham Common may be one of the early examples, but heathland restoration very quickly became a bandwagon that many Councils and NGO's willingly jumped upon. One of the largest areas away from the Surrey heaths were those in Dorset, where the enthusiasm of one RSPB worker in 1999 got the better of him as he felled trees on the Dorset County Council-owned **Avon Heath Country Park** in five areas that were not covered by a Forestry Commission felling license.

In a rare step, the Forestry Commission took the RSPB worker to court where he received a £1000 fine, but this prosecution may have been spurred on by protests from St Ives and St Leonard's residents who first drew attention to the illegal felling (9) and by a series of written questions tabled by a local MP in 2000 to the agriculture minister. Mr Chope asked on how many occasions in each of the last five years breaches of tree felling licences had been brought to the notice of the Forestry Commission; and what enforcement or remedial action had resulted (10). He then asked specifically about the felling licenses issued for the Avon Heath Country Park and whether they had been breached, before going on to ask what action would be taken of the RSPB. In a subsequent question he delved further into the felling licenses issued to the RSPB, and then tellingly asked for a copy to be deposited in the Commons Library of the preliminary guidance drawn up by the Forestry Commission as to (11):

“how its staff when considering felling licences should respond to potential conflict

arising from the EU requirement to restore heathland habitats in Dorset and the need to retain trees as a habitat for woodland birds and as an amenity landscape feature"

The scale of the Dorset heathland project - **Hardy's Egdon Heath** (7000ha) - has led to it receiving more scrutiny than most, especially in terms of its "sustainability issues". The flaws in the project, especially the wasteful aspects of it, were revealed in an appraisal of sustainability by the Forum for a Future (12). Their report notes that provision had not been made to make use of the tree, gorse and heather clearings, which could have found use in wood fuel systems in community heating schemes, rather than be burnt on site.

The language of their criticisms is measured, such as when they advocate a reduction in the use of energy hungry heavy machinery, but even they must have been dazed by the use of helicopters to spray herbicide on the bracken, when with more human scale techniques, it could have been cleared and composted from some areas. They also noted that the herbicide spray was killing off ecologically important fern species.

Perhaps their most damning criticism is that the Dorset heaths project appears to have lacked a shared, locally agreed long term vision and overall plan for multiple land use and resource protection, in spite of the fact that, as with many other heathland restoration projects, it received Heritage Lottery funding and EU Life funding. They allude to the fact that the project had more to do with the aspirations of conservation professionals than it did to the local population, and indicate the tensions that have existed (12): **"It is proving difficult to achieve consensus with local residents and landowners in urban and some urban fringe areas about the best ways of managing the heathland, e.g. some people don't want trees removed or fences put up, they don't want to see any changes"**

Heathland restoration has perhaps been the strongest indicator of why the target driven approach in the UKBAP has, to the general public, been such an arbitrary and contentious issue. I don't need to rehearse the arguments about whether heath is a natural landscape, or whether it's intrinsic value is overstated by single interest groups, but the fact remains that the level of destruction in **"turning back the clock"**, and the often subsequent imposition of fencing and grazing regimes, does not find favour outside of conservation circles. Nor is there any sense of ownership with local people when they are not consulted, even when it concerns land in public ownership, and when the consultation never starts with a clean sheet.

It is easy to document the contention throughout England – local and sometimes national newspapers love to report on the plight of people, faced with an unbending bureaucracy. Thus local campaigner Elynor Gilbert, who listened to the whole three-day public inquiry into an application to fence **Odiham Common** in February 2003, is reported in the Fleet News and Mail as saying that she could not believe Hart Council went ahead with the original fencing scheme in 1998 (13):

"The council has wilfully spent enormous sums over the last four and a half years on a crazy plan to 'manage' part of the common. Grants from Hampshire County Council and the Countryside Agency have helped the council destroy a valuable and beautiful woodland. Visitors have abandoned it and the area has been turned into a disaster"

She went on: **"People who have lived in the area for more than 50 years told the inquiry that they have never known the common to look as bad as it does now. Thankfully the common will be returned to the people as a natural and eventually inviting open space under a new management plan. Those of us who fought for ten years for the right to enjoy the common as it should be – freely, openly and without hindrance – feel vindicated"**

In early 2004, homeowners in Blackhills, next to **Esher Commons**, sought legal advice on what action they could take if a 15-year program for the cutting down trees on the commons was not reined in (14). Dr Julie Llewelyn, a Blackhills resident, organised a petition against the plans going through Elmbridge Borough Council, which proposed clear felling trees on 75ha of the Commons to turn it into open land for heathland restoration.

Janet Turner, council portfolio holder for leisure, explained that the council had already wrung a concession from English Nature, allowing the felling to take place over an extended period, when English Nature had originally required that the felling take place over just five years. Cllr Turner added that further negotiations could see the number of trees to be felled reduced, but that the council ran the risk of English Nature reverting to the original plan.

Michael Matthews, the Co-ordinator of the Esher Commons Interest Committee, wrote a series of letters to local papers between 2004-06, cataloguing the anger felt by local residents towards the clear felling that had already taken place, of more than 10,000 trees over some 33 hectares between 1997 and 2004 (15) which the local MP, Ian Taylor, had described as **"environmental vandalism"**(yy) and which had been carried out by Elmbridge Borough Council (EBC) and its contractors without prior public consultation (15). Michael asserted that residents and users of Esher Commons had **"been alienated by the way so-called nature conservation has been practiced to date by Elmbridge BC"** (16)

Michael explained that the 885 acres (368ha) of Esher Commons had been bought during the period 1920-24 as **"public pleasure grounds"** for the benefit of the local community, and that the grazing rights were extinguished at that time (15). He pointed out that both large scale Ordnance Survey maps and aerial photographs showed that the whole area had been predominantly tree-covered over the last 100 years or so, contrary to the attempt to portray it mainly as heathland. Thus what was now called Oxshott Heath used to be called Oxshott Common and Woods (16). He also detailed the cosy relationship between English Nature and EBC officers, pointing out that the Countryside Consultative Group in which the heathland restoration proposals were discussed had no users of Esher Commons or residents, but that there were several nature conservation professionals serving on it as well as the chairman of Oxshott Heath Conservators, the advocate of the restoration plan (17):

"As our Defend Our Esher Commons report will point out, EBC's countryside team has been guilty of deception and economy with the truth on a number of occasions since 1999. If it had been frank and candid with residents in regard to its objectives and proposed actions – particularly in reference to tree felling – we would not now be in this position of confrontation, but one in which negotiation may have been feasible"

In a devastating indictment of the Surrey Heathland Project, Michael laid bare the lack of support there had been (15):

"Many of us who have been active in reviewing the topic of tree felling and so-called heathland restoration for some years know very well that Cllr Turner has been talking balderdash on this topic for a long time and her opinions are incompatible with the expressed views of many of her own Hinchley Wood constituents, let alone many others... Elmbridge Council has consistently sought to manage public opinion in the interests of English Nature, not to measure it objectively. On the basis of ECIC's survey in 2004 and 2005, more than 1,800 households, amounting to 2,700 people, opposed the three felling proposals, while a mere six were favourably disposed to the plan, a ratio of more than 450:1 against it. During September 2005, in response to the Public Notice about heathland restoration, the ratio was rather lower, 36:1 against it. The Forestry Commission Conservation for South East England reported that the number of objections at 696 were 'of an order of magnitude greater' than anything they had experienced previously"

Restoration of lowland heath receives the most attention, but the contention at **Blacka Moor** shows that the restoration of moorland heath also continues apace and causes just as much disagreement. Sheffield City Council received a petition in 2005 containing 761 signatures collected by the **Friends of Blacka Moor**. The petition called on the Council to keep Blacka Moor free from cattle and barbed wire by asking the Council not to seek

to alter the original 1933 Graves Covenant with the Charity Commission so that the historical rights to open access for walks and pleasure grounds could be maintained (18).

A member of the Friends of Blacka Moor said that previous plans to manage the area drawn up some years ago had not been pursued, that Sheffield Wildlife Trust had still not presented a scheme for managing the land, and had issued a misleading statement referring to objectors as a **"small and unrepresentative minority"** (18). He asked the City Council to respect the wishes of the users of Blacka Moor.

Sadly, the opportunity to offload Blacka Moor to Sheffield Wildlife Trust outweighed any local consideration, and it was not long before trees were being felled, barbed wire fences were erected, and cattle grazing imposed on the moor for the first time in 70 years. The dismay of local people was explained at length in a letter to the Sheffield Telegraph by NA Goodwin in July, 2007. He detailed the futility of the consultation process where alternatives that were favoured by local people were ignored, as it had always been the intention of the wildlife trust to impose fencing and grazing, especially since Sheffield Wildlife Trust had secured agri-environment funding to re-impose grazing even before the consultation process (19):

"What is usually brushed aside in discussions with conservationists is that Blacka Moor is a charitable trust whereby the land was bought for the people of Sheffield by the Graves Trust for "public walks and pleasure grounds" and entrusted to the city council to manage it for that purpose"

Even those who now lived elsewhere were moved to write of their concerns. Thus Christopher Moreland now living in Devon was shocked at the changes at Blacka Moor when he returned in August 2007 (20):

"Alderman JG Graves left that land to the citizens of Sheffield in 1933 by legal covenant, to be managed by the city council and kept in its natural state for everyone to enjoy. And what do we find? That the council have actually had the covenant re-written and the land fenced off for grazing"

This cutting across of the original purpose of the public ownership of the moor was also the concern of Helen Morton and Joy Lockwood, who wrote in disgust to the Sheffield Telegraph in September 2007. Their father, Stephen Morton, had been a founder member of the Sheffield Ramblers' Association, and his work is commemorated on the moor by some birch plantings and a plaque (21):

"What an affront to his memory to learn from the two letters in the Sheffield Telegraph of August 24 that the council are now allowing restriction of public access to the moorland and footpaths donated to the citizens of Sheffield by J G Graves and entrusted to the local council in perpetuity"

The sisters suffered another blow shortly afterwards when the trees planted in memory of their father were felled.

A Daily Telegraph article from last May reported that local visitors to **Ashdown Forest** were reduced to tears by the sight of trees being toppled and the ground being churned up by bulldozers. The controversial measures to restore and maintain heathland, including felling mature trees and fencing off areas so sheep can be grazed, had angered the legion of forest supporters who had banded together as the **Ashdown Forest Action Group**, organised public meetings, and were demanding a public inquiry or judicial review to change the way the forest was being managed. Gillian Nassau of the Forest Action Group said (22):

"At Wren's Warren heavy machinery has crushed the land and created huge ruts. Any

underground animal habitats must have been destroyed. Trees which included mature oaks were felled and vegetation stripped leaving a scene of desolation"

Covering the same story a few weeks earlier, the Independent had reported the view of Rose Moore, who lives in Hartfield on the edge of Ashford Forest. She insisted that those who oppose the felling programme were not "tree huggers" (23):

"It is a form of scientific fanaticism. They don't accept that many people feel an emotional attachment to this place. They say that there is a subjective idea of what is beautiful but I don't find stumps and something looking very like the Somme beautiful at all"

Eva Waring protested to the Surrey Advertiser about plans for a second year of felling on **Oxshott Common** in the cause of heathland restoration (24):

"I just think it is totally insane when the whole world is planting trees. Now they want to get cracking on Oxshott Heath and people are terribly against it. It is one thing to thin out a forest, it's a totally different thing to go in for a huge fell"

Dorothea Jones is a member of **Esher Commons Interests Committee**, which also opposes the tree felling on Oxshott Common. She said in the same article: **"A previously pleasant environment for walkers, riders, runners and families has become a hostile and alien landscape. Yet EBC, and its cohorts the Forestry Commission and Natural England, applauded what has been done and seemed determined to inflict more of the same on Oxshott and Fairmile this autumn and other parts of the commons in future years. Isn't it about time they listened to the protests of the users in the Commons?"**

The management for heath at **Swineholes Wood** in Staffordshire by Staffordshire Wildlife Trust incensed Linda Malyon, an Ipstones parish councillor and a member of Staffordshire Moorlands District Council (25):

"They are going too far with the work. It's never too late to stop what's going on. When you look at what they have done, they have gone too far. The woodland is hundreds of years old and needs to be protected. There's been no consultation"

An action group was formed, the **Swineholes Wood Conservation Group**, and has been locked in a bitter war of words with the Wildlife Trust, which continued to remove tree saplings and chop down trees. Tensions rose when angry protesters held up banners near the entrance of the wood and confronted workers who had come to cut down trees. Within days, two representatives of the wildlife trust and an officer from Natural England took parish councillors on a site visit, after which members of the public packed into Ipstones Village Hall to have their say. Alan Byatt, who lives at Ipstones Edge, said that, despite the public meeting, the wildlife trust was not listening to people's views (26): **"All they've got to do is say 'we'll stop cutting down trees' and we'll put the banners away. They won't give us that promise at the moment and it's really disappointing"**

In a cynical move, when the Trust became aware that the action group had enlisted the help of Charlotte Atkins, the Staffordshire Moorlands MP, they pre-empted her contact with Natural England by eliciting support from its Regional Office, and then Helen Gee, the Wildlife Trust's reserves Manager, paraded that support in a News Release (22): **"The Regional Director of Natural England, Ciaran Gannon, has given his full backing to Staffordshire Wildlife Trust's management of Swineholes Wood, on Ipstones Edge. The endorsement comes after Charlotte Atkins MP last week pledged to write to Natural England to question the actions of the Trust"**

Mr Gannon played the SSSI card, which ultimately underlies the tree felling, and which presents a seemingly impassable barrier for local people to circumvent, even though it is patently obvious that the SSSI notification is inaccurate and thus erroneous: **"the Trust is legally bound to manage the site in this way to meet strict conservation**

guidelines aimed at protecting the heathland, which is classified as a Site of Special Scientific Interest"

The action group subsequently invited Charlotte Atkins to tour the site in a bid to spur on their campaign. Ms Atkins said (28):

"I wanted to come along and see for myself what was happening in the wood and these residents feel quite passionately that the tree felling has gone on for too long now - and I think they have a point"

A war of words has continued in the local press, but it is Sylvia Plant of the action group whose letter best expresses the warm local regard in which Swineholes Wood is held, and why there is so much concern at the heavy handed management (29): **"Swineholes Wood had a unique combination; the county's finest moorland and upland woodland growing in relative harmony. The most gentle management was required to maintain the balance indefinitely. I believe the Trust's management under Miss Gee has been invasive and the balance has been destroyed"**

Friends of **Loxley and Wadsley Commons** near Sheffield were in despair at the management of the commons for restoration of heath by the parks and countryside service of Sheffield City Council. They wrote to the Sheffield Telegraph in February 2008 (30):

"The Council's alleged plan to restore the lowland heath to its original splendour seems to be back firing. In almost 15 years, and after butchery of hundreds of birch, oak, pine, beech to name but a few of our wonderful trees - previously without a licence from the Forestry Commission - there is no sign of any new heather. And now the Council have been granted a licence to fell a further 2800 trees the Commons will be decimated"

My reading told me that conservation grazing was something that was often a threat in the background at Loxley and Wadsley Commons, originating it seemed from those wedded to the management plans of Sheffield City Council and who asserted that it would be the only option if the tree clearance wasn't to take place. Well, they got their way on the tree clearance, aided by a thumping great pot of money under the English Woodland Grant Scheme, but that would never be enough for these ideologues of the conservation world. Sure enough, an article in the Sheffield Telegraph in mid-August, 2012, announced that Highland cattle could be introduced for conservation grazing at Loxley and Wadsley Common **"if the results of a survey currently being conducted are favourable"** (31)

John Thompson disagreed with the actions of the Countryside Management Service in Hertfordshire when he wrote to the Daily Telegraph that they had (32) **"embarked on a strategy of felling hundreds of healthy trees that previously thrived at beauty spots such as Bricket Wood Common and Colney Heath Common. Recently 60 healthy oak trees were felled on Nomansland, Wheathampstead, in order to promote the growth of grasses and heather. Local people are invited to participate in 'consultations' on the matter, but the powers that be seem not to care about what they feel"**

At least at **Nomansland Common**, public opinion has eventually prevailed on the issue of fencing and grazing, although it doesn't bring back the trees (33):

"A controversial proposal to graze cattle on a local common has been rejected. Plans to maintain part of Nomansland Common in Wheathampstead by allowing grazing have been the subject of much debate since last year. But the idea was quashed by the common's Joint Management Committee at its meeting last night"

A series of articles in the Cornishman on various commons and moors in **West Penwith**, Cornwall, over the summer has catalogued the growing opposition to their being fenced off and grazed. The scheme is being proposed under Natural England's HEATH (Heathland, Environment, Agriculture, Tourism and Heritage) Project based on their usual orthodoxy that it would restore the moorland heath. Local protestors formed an action group **Save Penwith Moors**. The group collected 400 signatures (now 1,100) to a petition that has been sent to the Secretary of State (34). Ian Cooke, an author who lives near the Nine

Maidens Common, said this of the proposal to fence the commons (35): **"If the scheme goes ahead that wonderful magical feeling of freedom while walking the moors will be lost, probably for ever"**

An article in the Guardian on the opposition to fencing at last acknowledged that at the heart of this protest is a clash of values between professional conservationists and people who use the commons and moors regularly (36). Natural England and its local grouping with the National Trust, Penwith Council, Cornwall County Council and local commoners cite neglect for a spread of gorse and bracken. They are **"poised and eager to employ their 'best practice' manuals on 'enhancing' the moorland habitat"**. But the large numbers of people opposed are unconvinced that it is either necessary or desirable to tamper with the moor in this way, and who argue that the value of this landscape lies in its raw and wild simplicity.

Things moved on. St Just Town Council resolved at the end of September that the proposals put forward by the HEATH Project of erecting fences, stiles and gates would have an adverse effect on access and tourism. The council informed the Secretary of State, Natural England and St Ives MP Andrew George of their decision (37). Some good news came when Natural England abandoned their plans to graze and fence the Nine Maidens common - the commoners would not back an application for fencing on the common. Ian, coordinator of the Save Penwith Moors action group, said he hoped the campaign had gone some way towards achieving this result (38) **"It's brilliant news but it remains to be seen what happens with the other areas"**

Ian didn't have to wait long before his fears were proved right. Cattle grazing and fencing plans for three moorland areas were confirmed by the National Trust and Natural England, with the HEATH Project subsidising landowners to the tune of £650,000 to fence and manage moorland at Lanyon Farm near Madron, Carnyorth Moor at St Just, and Carn Galva near Zennor (39). Reaction was swift, with a letter from Dr John Butterworth (40):

"It was with both gloom and anger that I read your headline announcing the go-ahead for fencing and cattle grazing at Lanyon Farm, Carn Galva and Carnyorth Common. I recalled a statement in September's Cornishman by Ross Champion, the local HEATH project manager, that "If there's a common consensus and people don't want it we're not going to go ahead and just do it." Despite requests for clarification Mr Champion has been coy about what a common consensus might be"

It should be noted that one of these landowners is the National Trust itself, and work began in November on their land with JCBs gouging out channels at Carn Galva, and kilometres of barbed wire going up there and at Lanyon Quoit. Thus land with open access is being blighted, paid for by a perverse use of Heritage Lottery Funds and European Regional Development Funds. For many in the area, it is hard to see if they will ever get their moors back or will they be fenced for ever more?

This was the key issue at a packed forum meeting of 80 people at the end of November. The forum was organized as a heathland working group by Penwith District Council after their Social, Economic and Environment Committee had failed to come to a decision over the fencing. As one campaigner noted (41):

"It is crucial that the council take a view on this but all they have done is decide not to decide"

The forum heard arguments from both the action group and Natural England, and the debate that followed included farmers, fencers, commoners, ramblers, walkers and horse-riders. A vote at the end of the meeting carried a motion (53 to 10) (42): **"to halt all work until there had been a formal discussion and go ahead given to proceed after further consultation"**

This motion has no authority to bind anyone, but then there is nothing to bind the National Trust to this course of action either. Their land is not covered by any statutory designation

for heathland, and it is only a voluntary contribution on their behalf to the Local Biodiversity Action Plan for Cornwall (43). Another vote against the fencing work continuing took place when the Social, Economic and Environment Committee of Penwith Council finally resolved in December to take a position, based on the outcome of the Forum meeting. Concerns were raised in the meeting at the legality of the National Trust works at Carn Galva where Planning had not been involved, but that a Planning Enforcement Officer would be tasked to look into it. 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. The following resolution was then passed

(44):
"that 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"

Turn into the new year, and the prophesy of the action group became real when the National Trust had to admit that their groundworks have been damaging and illegal. A drain, inserted to deal with ground water at a low point on the Carn Galva moorland flooded three public rights of way and a track leading to the Nine Maidens Circle. Jon Brookes, National Trust estates manager for West Penwith, said somewhat disingenuously (45):

"We hold our hands up and say the work was too heavy and we're doing all we can to mitigate the damage that's been caused"

It was not long before Mr Brookes had to admit another mistake when the National Trust were forced to remove a new cattle grid that had covered the width of a bridleway near Garden Mine on Watch Croft, preventing horse riders from their right to ride the track. I am not sure how Mr Brookes thinks people will believe him when he says that it was the result of a "mix up". Ian Cooke of the action group thinks this just adds to the air of incompetence of the National Trust, and is demanding answers as to why public money is being wasted like this (46):

"Not content with the fiasco of the drain flooding public rights of way near the Four Parish Stone it has now been compelled to take out a newly installed cattle grid on a public bridleway. "Is anyone to be held to account? Will the Trust be any better at managing the moors once cattle are grazing? "On present record it is highly unlikely. It is time the unpopular Natural England Heath Project to enclose and graze iconic West Penwith moorland is abandoned, and the area restored to its previous state with removal of miles of recently erected barbed wire fences and numerous gates"

The National Trust are knee deep in the dogma that is driving heathland restoration, as evidenced by the protest at their action at another location. **Bickerton Hill** is a popular walking place, mostly owned by the National Trust, and which is on the route of the Sandstone Trail that links along a red sandstone ridge in Cheshire. The hill is predominantly wooded on either side of the ridge, and then there are scattered trees in openings. In late October, 2008, angry villagers took to Bickerton Hill to confront tree fellers who were clearing an area of woodland. The **Friends of Bickerton Hill** had concerns at the number of birch that were being cleared as part of a program of heathland restoration. A meeting was held on the hill with the Friends and the National Trust to discuss a compromise. Afterwards, Tony Ord of the Friends said (47):
"The National Trust agreed to reverse their decision to remove all the trees from the area of one of the most secluded woodland walks. I praise the decision of Christopher Widger of the National Trust which was made after hearing the views of the local people"

This agreement was refuted by the National Trust, who claimed that the felling was only temporarily halted while the meeting had taken place. Thus it is not surprising that the return without warning of the contractors weeks later drew the dismay of the Friends (48):

"In what can only be described as a surprise dawn raid, about a dozen contractors, with

eight chain saws, were instructed by the trust's management to get the trees down as fast as they could, which left a chaotic tangle of trees lying in all directions"

The National Trust said that the tree felling was supported by Natural England, the Forestry Commission and Cheshire County Council. Then Christopher Widger, Cheshire Countryside Property Manager for the National Trust, played the SSSI card (48): **"Bickerton Hill is a site of special scientific interest under the Wildlife and Countryside Act 1981, and as such the National Trust is obliged to follow statutory guidelines laid down by the government through its agent, Natural England, to manage this extremely rare heathland habitat"**

This is another example (along with Swineholes Wood and Blacka Moor) of an irresponsible and poorly demarcated blanket designation for heathland that puts woodland at risk. Both units of Bickerton Hill SSSI are notified only for lowland dwarf shrub heath. For this SSSI to be considered in favourable condition, there has to be less than 15% cover of trees and scrub, but this is NOT a statutory figure, just a guideline in Common Standards Monitoring for SSSI! However, the Deciduous Woodland BAP priority mapping shows that about 75% of the area of this SSSI as woodland, and this predominance of woodland cover is borne out by ariel photographs. You can thus imagine the outcry if the National Trust did follow the guidelines and felled most of the rest of the trees.

It's all just such a nonsense, with the National Trust and Natural England seemingly defending the indefensible as they pick and choose what suits them. Thus it is no surprise that a whacking HLS of £327,637 was put in place in December 2013 (AG00423031) that will fund the proposed fencing and mixed grazing of a substantial area of the top of the hill where unconditional felling licences were also issued for deforestation in 2013/2014 - but with NO Environmental Impact Assessment on this SSSI - a major clearance of trees **"On the advice of Natural England"** scheduled to be carried out between September and November 2014 (49-51). The war being waged on the wild nature of Bickerton Hill now also includes the use of chemicals, presumably again at the insistence of Natural England. Tony Ord sees this use of herbicide as evidence of the overall failure - **"the history of Bickerton Hill is one of mismanagement"** (51). He is disgusted at the use of herbicides, resorted to after 10 years of cattle grazing had not prevented birch reseedling (51):

"This is a SSSI – people going on SSSIs with gallons of herbicide should be locked up! It's not only the killing of the heather but all creatures that rely and live under it are also probably having a rough time of it, if not being killed"

As Tony Ord says, you only have to follow the money to see what is behind this heathland restoration - the successive Countryside Stewardship Agreements and now the HLS, as well as numerous woodland management grants (51).

Wetley Moor is a registered common of 118 hectares near Stoke on Trent, in public ownership since 1927 and jointly managed by Stoke City Council and Staffordshire Moorlands Council through the Wetley Moor Joint Committee (WMJC) (55). A proportion of the moor is enclosed as individual field plots and some residential and business units. The remaining open moor of about 70ha was designated a SSSI in 1955 for lowland heath. There is one commoner registered for grazing.

A feasibility study in 1996 first made recommendations for grazing the heathland of the SSSI, and since then a familiar pattern has emerged, including the use of Countryside Stewardship for heathland management. A grazing regime that encompassed all of the the heath of the SSSI was consulted on in 2000 and opposition to the proposal resulted in the formation of the **Wetley Moor Action Group** (WMAG).

The WMJC subsequently modified their proposals and made an application in 2002 under the Law of Property Act 1925 for the enfencing for conservation grazing of a much reduced trial area of just ten hectares. Objections were received from WMAG, the Open Spaces

Society, the one registered commoner, and many others when a public inquiry was held in 2003. In spite of the inspector recommending that permission for the fencing be given, the Secretary of State refused (56). At issue was the state of repair of the fences around the enclosed parts of the common, and which put the trial at risk through the potential loss of the grazing livestock. Since these fences were in private care, the councils had no control over them. The Open Spaces Society made additional points, one of which was about the illegal enclosures of the common (54):

"We argued at the inquiry that the fencing would blight the landscape and restrict the public's freedom to wander here, a freedom which will soon become a right under the Countryside and Rights of Way Act 2000. Furthermore, we deplored the fact that the common is already festooned with unlawful fencing. Outrageously, the landowners, Staffordshire Moorlands District Council and Stoke-on-Trent City Council, appear to be condoning this unlawful fencing. As public bodies, they should know better"

The councils had inherited this situation when the common became publicly owned, but they should have been aware that the issue of illegal enclosures had been raised in Parliament in 1924, three years before they took ownership (55). The enclosed plots are privately occupied under the terms of various tenancy and licence agreements with the WMJC. It is a perverse situation that the WMJC receives an annual income from these illegal agreements of around £11,500.

Shortly after the decision, the Secretary of State met with the WMAG and with Charlotte Atkins, the local MP (see Swineholes Wood above) and in later correspondence with the WMJC (56), he urged the councils to build bridges between the Joint Committee and the local community and by considering how to **"to establish a management regime on the site that would command the confidence of all parties"**

When the WMJC couldn't find any organisation to offload responsibility for the moor (including Natural England) they eventually pursued agreement on grazing proposals with a new voluntary forum, which significantly the Open Space Society declined to join. This culminated in December 2008 with a proposal for a five year management trial at Wetley Moor that will examine the effectiveness of burning, mowing and grazing management methods on the heathland, using temporary fencing to enclose two comparable seven hectare areas, the fencing needing application to Government for permission (57). The proposal was out for consultation until 5 January 2009.

Natural England are unlikely to be happy with this outcome since in a revealing letter to the WMJC back in February 2007 when it first approached them about a possible period of trail grazing, Tony Percival, Regional Director, Natural England West Midlands, noted his concern that (58):

"the timescale for such a trial may mean that, subject to the trial demonstrating the need for grazing, a large part of the SSSI will not be grazed at the necessary level until after the 2010 deadline"

This deadline is of course on Natural England (and not the councils) in meeting the Government's Public Service Agreement target of getting 95% of SSSIs into favourable or recovering condition by 2010. In a naked and extraordinary piece of attempted bullying, the letter reminded the WMJC of the stick that Natural England can wield in these circumstances by virtue of legislation on SSSIs, and the DEFRA code for SSSIs.

Hartlebury Common is a "metropolitan" open access space near Stourport, publicly owned by Worcestershire County Council since 1968. This registered commons is a SSSI notified for heathland and woodland, as well as a Local Nature Reserve that attracts 200,000 visitors a year. There are no commoners registered for grazing and it is recognised that the common has not been grazed in over 100 years.

External consultants were brought in by the County Council in 2008 to develop a fencing and grazing plan. Following a scoping report in August, the consultants held a public meeting in the September at which 90 people turned up. Detailed proposals to introduce grazing to Hartlebury Common through a Higher Level Stewardship (HLS) agreement were then delivered in a report in October (59). The whole perimeter of the common would be enclosed by fencing, and it would also be divided by fencing both sides of a road that runs through the common. By law, common land cannot be enclosed or divided and thus an application for permission to carry out these restricted works would be needed.

It is interesting to note that the consultants considered any criticism of the proposals to be a minority view, but they went further in their comment on the dissent (60): **"As is often the case when it comes to managing sites of high value to the local community, grievances held by some individuals about the management of the Common need to be borne in mind. While the details of these issues are outside the scope of this report since they do not directly relate to proposals to fence the common, it should be noted that they often have a strong influence over the debate that takes place over its management"**

We should perhaps judge whether this was an attempt to deflect discontent with their proposals by considering a verbal report on the public meeting that was given to Hartlebury Parish Council by County Councillor Maurice Broomfield (60): **"He reported that the public meeting to discuss grazing on Hartlebury Common had been very well attended but had been mismanaged with people leaving dissatisfied that they had not been able to air their views. He has requested that the consultants run another meeting. It is accepted that the area needs to be managed to prevent the withdrawal of SSSI status but questions arise as to whether grazing is the solution"**

The County Council applied to the Secretary of State for Environment, Food and Rural Affairs for consent under section 38 of the Commons Act 2006 to carry out restricted works on Hartlebury Common (61) and then gave legal notice that any objections should be made to the Planning Inspectorate by 9 January 2009 (62). The Open Space Society is not happy. By statute they are notified of all applications for works on common land submitted to the Secretary of State for Environment, and they have certainly objected to this one. Their local representative, Edgar Powell, doesn't think the council can lawfully erect fencing there in any case (63):

"We cannot understand why Worcestershire County Council proposes to fence the common when it must know that, under the Hartlebury Enclosure Act of 1815 (the associated award being sealed in 1821), it is illegal 'to divide or enclose' the common, and that it needs an Act of Parliament to revoke this clause"

Other than its illegality, the detail of their objection is that the proposed fencing is not consistently on the boundary of the common and therefore will unnecessarily create 12 isolated parcels of common, and the fencing proposed along both sides of the A4025 will break the common into compartments. The overall effect will thus be to restrict access, and will detract both visually and in spirit the open nature that makes a common a special place.

I would add that the proposed fencing line encloses two areas of woodland that, unusually for a heathland SSSI, are separately notified (Unit 2 in the SSSI). The consultants report makes no mention of this woodland, nor whether they have considered the impact that being included in the grazing area will have on its ground flora and on its potential for regeneration. An update on the situation at Hartlebury Common, including the outcome of a Public Inquiry over the fencing proposal can be seen in [Rare and precious – words devalued by the conservation industry](#).

Like hearing the first cuckoo, **Norton Heath Common** in Essex provides an early report in 2009 of protest over the felling of trees in the cause of heathland restoration. Villagers living next to the publicly owned common of just over four hectares are furious that their local (and only) woodland is being destroyed by Countrycare, Epping Forest District

Council's countryside management service. Rosemary Ellis, 58, has lived near the common all her life, and she speaks for the village when she says (64)

"I can't believe they have come and cut down all the oak trees. They are absolutely tearing it to pieces. You can see right through the woodland. They have annihilated it. They have just gone in there and started cutting everything down and some of those oak trees must be 80 years old. I remember them being there since I was a youngster"

Rosemary has the support of Council County Councillor, Gerard McEwan who believes it must have appeared to local people as **"more like a chainsaw massacre and they are extremely angry that public money should be used in this way"**

And it is Maggie McEwen, the District Councillor who lives in and represents the village that gets to the heart of the problem (64):

"Countrycare feel it should be returned to heathland but most local people aren't happy. They say it has evolved over time into a wood and should stay like that. I'm inclined to agree"

The usual weak response of Countrycare is that the work has received the support of Natural England and the Forestry Commission, but obviously not that of the local villagers as the LBAP for Essex from 1999 foretold (65):

"Public outcry at tree removal on historical heathland sites often prevents or curtails ambitious heathland management or restoration projects from happening"

The LBAP lists the usual targets for heathland management and restoration, as well as an array of heathland sites in Essex. Norton Heath Common is not on that list, nor is it given as a target area for restoration. Perhaps the reason is that there is no remnant heather on the common (66) and it is likely that there hasn't been for many decades as the age of the oak of 50-70 years and its coverage across the common suggests (67). As is noted in the LBAP for Hertfordshire, heathland restoration becomes less feasible in this situation (68). So why is this happening?

Countrycare employed a butterfly specialist from nearby Writtle College to advise on a tree felling plan on the Common under the auspices of it being a heathland restoration (69, 70). Thus after a felling licence was obtained that will allow up to 30% of the woodland to be felled (Fell/Thin (Unconditional) 017/190/06 -07) clearance began in February 2007 of **"15-20 birch and oak"** (69) and **"Approximately 50 trees were felled in the winter of 2007/08"** (70). This imprecision in accounting, which probably continued with the recent felling this year, makes it hard to see how there will be compliance with the 30% limit set by the felling license.

In addition to the felling, soil scraping was carried out and observation plots set up with the apparent aim of monitoring heath recovery. With only two seasons to comment on, the conservation professionals are already parading their *success* to the rest of the conservation community (71) but this has more to do with the number of butterflies that have been counted as there has been no return of heather, and while it is not admitted in that report, it is noted elsewhere that it may be necessary to reintroduce heather by sowing seed from elsewhere (66).

I can only conclude that Norton Heath Common has become the plaything of conservation professionals who want to use it as a test bed for their own pet experiments, especially in bringing into this woodland common insects of open landscapes that are their own particular interest. It is thus their choice to trade off mature oaks in return for insect species. However, this publicly owned wood is a valuable island in a large area of woodless landscape. High Ongar Parish Council have thus asked Countrycare to stop the fellings until there have been further talks with local villagers (64). It would help in this if the website link to the Management Plan 08-11 for the common on the council website

actually went somewhere, so that local people could see what is intended to be done in their name (67). (This inoperative link was removed from the webpage, and replaced with a link to photographs of the common taken in February 2009. Thus Countrycare are still not prepared to let people see the Management Plan.)

Within days of the report in the local paper, the furore that the tree felling had caused led to heated discussions on site between residents, parish councillors and Countrycare. The local residents weren't prepared to compromise and they wanted their woodland left alone. Rosemary Ellis again spoke for many when she said (72):

"There's not a lot of trust down here for Countrycare. They keep saying they are going to make it into a heathland but it was perfectly alright as it was. Everyone here has always known it as a woodland and we want it left alone"

Confirming my suspicions of why the felling was really being undertaken, Paul Hewitt of Countrycare manager is reported to have said (72):

"I think if people go up there in 18 months time the place will look better. It will be a nice sunny glade with more butterflies, insects and birds"

However, Countrycare recognise they cannot continue with the felling in the face of such opposition, and in a rare instance of contrition, Mr Hewitt acknowledged the failings of his service (72):

"It was never our intention to upset people and I don't mind putting my hands up and saying I regret residents weren't properly consulted"

Sutton Heath hit the headlines in May 2011 when local people labelled conservationists as **"ecological vandals"** after hundreds of trees were felled at a highly popular, publicly owned wooded space near Woodbridge in Suffolk. Local resident Nick Day said (73):

"I think it's absolutely disgraceful - the prime woodland that provides all the habitat for the wild bird population is going"

Nick Day contacted me and asked whether anyone had successfully disputed a similar assault on woodland. I went through the available information with him, establishing the familiar pattern of a SSSI designation for lowland heathland in spite of the location having a woodland cover of over 60%. I explained to Nick about Common Standards Monitoring guidance for SSSI, how **trees and shrubs were a negative indicator for lowland heathland** and that to achieve favourable condition, there had to be less than 15% tree and shrub cover – thus putting at risk at least three-quarters of the current woodland on Sutton Heath. We must be grateful though, for this clarification from Adam Gretton of Natural England, who explained at a meeting with objectors that the 15% tree cover relates to open heathland on Sutton Heath, and not to the tree belts or woodland (74). This is of course a nonsense when the woodland of the Unit has no spatial identification in the SSSI designation, and because of the intention of the heathland restoration by Suffolk Coastal District Council that sees the trees there as disposable.

We must also applaud the clarity with which John Davies, the Countryside & Open Space Manager for Suffolk Coastal District Council, understands agri-environment schemes like HLS. When asked by objectors why the publicly owned amenity space of Sutton Heath is classified as farmland, he replied (74):

"Sutton Heath is managed as heathland, not farmland. The Stewardship scheme is available for many types of land not just farmland even though the registration scheme was set up for farmers"

So Mr Davies, what is the difference between managing as farmland or managing as heathland? If you are in any doubt about the association between HLS and the constant imposition of a farming pressure, then the proposals for the continuance of agri-environment schemes after the current period ends in 2013 has this explicit link on use of the funding (75):

“restoring, preserving and enhancing ecosystems dependent on agriculture”

It was only through a Freedom of Information Request by the objectors that the details of the HLS funding for heathland restoration that Suffolk Coastal District Council secured from Natural England were obtained, the agreement being signed in 2009 without consultation with local people (76). Yet again, this shows that the lure of HLS **takes away the ability of local people to decide for themselves, and puts it in the hands of Natural England.** The HLS agreement reveals the 10-year road map for the destruction and loss of freedoms that is being perpetrated on Sutton Heath, the felling and coppicing of trees, the spraying of bracken, the imposition of fencing and the reinstatement of grazing after a gap of many years.

Sutton Heath has been caught up in the wider drive to restore heathland in the Suffolk Sandlings Heaths (77). The Sutton Heath Users Group, set up by the objectors, has a clear aim to keep Sutton Heath as an accessible amenity area for local people and visitors by finding a fairer balance between conservation objectives and the amenity rights of a substantial and increasing number of local people and visitors (78). A visitor survey of the Sandlings Heaths area concluded that Sutton Heath in particular receives high visitor use compared to other sites (79). Thus the Sutton Heath Users Group makes the point that Sutton Heath is just 2% of the South Sandlings, but accounts for 40% of total visitors to this area. Forgoing heathland restoration on Sutton Heath would have little impact on the overall Sandlings Heath, but going ahead with it would have a massive impact on the freedoms of local people.

Padworth Common is the classic heathland horror story. Padworth is a heath-dominated registered common, owned by West Berkshire Council, which designated it a local nature reserve in 2005 (80). It's a popular and well used spot for walking and riding. However, the Council succumbed in 2008 to the lure of filling their boots with agri-environmental stewardship funding, the HLS covering a number of commons in Berkshire. As a heathland site, the signing up to a grazing option from the menu of HLS funding was inevitable, and so it is no surprise that the HLS agreement foresaw the enfencing of the Common (81): **“It is preferable to introduce grazing on Padworth Common as soon as possible. Secretary of State approval will be required to fence the common and capital grants can be made available for fencing, gates etc.”**

The first application by the Council to enfence the common in April 2010 was eventually withdrawn after significant opposition led the Planning Inspectorate to conclude that a Public inquiry would be needed to consider the application (82). The Council, even after revising some of its proposals, obviously lacked confidence that it would have been able to address the particular points about access from the objectors (74), nor show that it had sufficiently consulted with local people. On the latter, there is a telling section in one of the letters of objection sent to the Planning Inspectorate, from Adeliza Cooper (83): **“I cannot object strongly enough!! I am sure when the land was donated to the 'local' community - not 'West Berkshire Council' by the local vicar all those years ago he did not envisage it being enclosed, segregated, and made accessible only to a few.... Why should we be dictated to by so called environmentalists who insist they and not local people know best”**

The Council embarked on a “period of informal consultation” which turned out to be just one “user group and residents meeting” before submitting a second application in September 2011 (84). The second application has also attracted a large number of objections - about 120, and including the Open Spaces Society (85) - so that the Planning Inspectorate again intended to hold a Public Inquiry (86).

There is an assertion in the application to fence the common, written by Sara McWilliams, a Countryside Ranger with West Berkshire Council, which should be challenged for its bending of the natural reality (87):

“it has been demonstrated beyond doubt by many grazing programmes worldwide that grazing is only ever beneficial to an ecosystem”

This is unsupported nonsense, as can easily be demonstrated by anyone who makes the slightest effort to discover the truth. In the particular case of lowland heathlands, a recent systematic review of the evidence of the relative impacts of grazing compared to alternative management interventions came to the conclusion that grazing can drive out heath and turn into grassland, and that some heathland managers might be reluctant to admit that (88). Moreover, it was the belief of heathland managers, elicited using a questionnaire, that negative impacts of grazing on some habitat attributes are widespread. Thus declines in the vertical structure of ericaceous shrubs, gorse cover and abundance of grass tussocks, are likely to be deleterious to reptiles. Similarly, the reported declines in the abundance of tree species, cover of ericaceous shrubs and abundance of grass tussocks are likely to have negative impacts on invertebrate communities, whereas the declines in gorse cover and vertical structure are likely to have negative impacts on some bird species, such as Dartford warbler and linnet. As the authors noted, while there was a relatively large literature on the topic, it did not yield much that was conclusive in the way of supporting the virtue of grazing: **“Monitoring the impacts of interventions before and after implementation and further experimentation are necessary in order to develop a robust evidence base regarding the relative impacts of these interventions”**

The Public Inquiry on enfencing Padworth Common was scheduled to last for two days, starting on 24 May 2012 (89). However, within minutes of the Inquiry opening, it turned into a farce when local objectors pointed out to the Inspector that the length of proposed fencing had been altered from the original, both in the application that was on display in a local public library and which the Council was circulating on the day for the Inquiry. In fact, the Planning Inspectorate’s own official notification of the Inquiry had the wrong length of fencing at 4,032m (90) compared to the 3158.4m of the original application submitted in September 2011 (87).

It was reported that Alan Beckett, the Inspector, had only noticed the amended details himself that morning (90, 91). I am told that the Inspector gave the Council the opportunity to withdraw with their barrister and consider their position, only for them to return and assert that the longer fencing length had arisen from a greater accuracy of measurement, and that they would continue on the basis of that measurement. Lana Wood, the barrister speaking on behalf of the Council, said: **“What appears to be a conspiracy theory is just a cock-up”**

Realising that the increased fence length had not been part of the consultation on the proposed fencing application, and thus could be cause for appeal if the Inquiry went ahead, the Inspector adjourned the Inquiry until 15 January 2013, when it was scheduled to resume for a four day hearing. As it turned out, WBC withdrew their application for fencing around the time that the Inquiry was scheduled to resume (92). A council statement said:

“There may be an intention to submit an application at a later date, but at the present time no decision has been made. There is ongoing consultation with the council’s legal department to this end”

Padworth Common resident, David Fincham, was pleased that the application had been dropped by WBC, particularly he said: **“After the very poor preparation by them made at last year’s public inquiry”** (93). I would agree. The change in length of fencing that caused the Inspector to adjourn, bears some scrutiny. The 4,032m length had appeared before – it was in the Notice for the application that was published on the

common, and the Notice was copied into the original application (87). The wording in the Notice was clumsy, but since elsewhere in the proposal it indicated that there was already existing fences on some parts of the common, then 4,032m could represent the overall length of fencing once the two grazing compartments had been formed. It would include the 3,158.4m of new fencing and, by difference, about 874m of existing fencing to the south and east of the proposed southern compartment. I have measured the latter two boundaries, and come up with a length of 1,020m. I have also measured the overall boundary lengths of the two proposed compartments and come up with a total fencing length of only 3,411m and not 4,032m. Since about 1,020m of this is already fenced, then the length of new fencing that was needed to institute the two grazing compartments was ONLY 2,391m – not the 3158.4m of the original application, nor the 4,032m that the Council asserted at the abortive Public Inquiry.

West Berkshire Council has a few questions to answer about its apparently shoddy performance in this process. How did 4,032m find its way into the version of the application on public display in the Library and dated 1 April 2012? More importantly, why was this length given as the proposed works in the Notice of the Public Inquiry issued by the Planning Inspectorate, and which is dated 11 April 2012 (89). Why didn't the Planning Inspectorate Notice have the 3158.4m of the original application from 22 September 2011? Doesn't it suggest that the Planning Inspectorate was sent another copy of the application, that dated 1 April 2012, and from which they took information for their Notice of the Public Inquiry? Why would they need another copy of the application? Why did the Council send them an altered copy of the application? It seems more like an incompetent conspiracy to me, rather than inadvertency. Watch out for areas of annual, temporary fencing on Padworth (exempt from application to the Planning Inspectorate) as WBC bumble on.

The objectors to fencing at **Thursley Common** and adjoining commons in Surrey have the territorial expansionist ambitions of Surrey Wildlife Trust and their Grazing Project to deal with. As Sandra Smith, an objector from nearby Elstead, says (93): **“Yet another English Open Space is threatened by the seemingly unstoppable forces of Natural England, Wildlife Trusts and the MoD. Surrey is yet again being targeted by this well organized and publicly unaccountable combination”**

The threat of loss of open access to commons due to fencing and *conservation grazing* is something that just never goes away now, once the conservation industry sees their opportunities. Thus like Odiham (94) and Chobham (see above) where there were renewed plans and an application to fence, the threat at Thursley Common became tangled up with the aspirations that Surrey Wildlife Trust had for a common they own nearby to Thursley, and which had rumbled on for years.

Surrey Naturalist's Trust (now Surrey Wildlife Trust) purchased Bagmoor Common in 1970, this common being part of a larger area of commons that includes Elstead, Ockley, and Royal Commons as well as Thursley Common (95). Thursley Common was used as a military training ground up until 1965, after which it was entered into a management agreement with Surrey Naturalist Trust. Then in 1977, most of Thursley Common was acquired by the Nature Conservancy Council, which became English Nature and is now Natural England. Surrey Wildlife Trust continued to manage Thursley under an agreement with English Nature until 1985. Parts of Thursley Common are still used under license for military training, while most of it is now a National Nature Reserve (96). Elstead, Ockley and Royal Commons are owned by Ministry of Defence/Defence Estates, and are used for infantry training (95).

Proposals were first made for conservation grazing on Bagmoor and Royal Commons in 2000, and an initial public consultation by the Surrey Heathland Project (see earlier) and Surrey Wildlife Trust took place that year, followed by further consultations and a public meeting in January 2003 (95). Then it all went quiet until the Wildlife Trust brought out another consultation between June and August 2010 (97). However, in this consultation, Thursley, Elstead, and Ockley Commons were included in with Royal and Bagmoor

Commons. The consultation was launched on the back of a background paper, and this is the kind of bullying lock-in that is thrown in people's faces in a so-called consultation about heathland (98):

"Under the Countryside and Rights of Way (CRoW) Act the Commons must be managed to restore and maintain favourable condition. Without appropriate management, their wildlife interest will deteriorate. This would be contrary to the objectives of the Trust, MOD/Defence Estates and Natural England as site managers, and would also be in contravention of national and European law, so to do nothing is not an option"

There was also an appraisal of actions from consultants Footprint Ecology (95) who undertook aspects of the consultation. Considering how often this consultancy crops up in relation to heathland management appraisals and consultations (they were also involved at Chobham Common (6)) it must be considered that they are a *safe pair of hands* in delivering what the conservation industry needs. Sure enough, their recommendations on management in the report on the consultation came out firmly in favour of enclosing the whole of the commons area in fencing, and sticking cattle into it (99).

On the back of that, Surrey Wildlife Trust launched a second phase of consultation in July 2011 in which the proposal was to install permanent perimeter fencing around all the commons area, a proposal that will likely require an application to the Planning Inspectorate (100). It is that perimeter fencing and the threats to open access for horse riders, dog walkers, residents, cyclists, walkers and all who currently enjoy the public open space of these commons, which led objectors to set up **TERRACE: Thursley & Elstead Residents & Riders Against Commons Enclosure** (101).

I was interested to find out what happened between 2003 and 2010 that encouraged Surrey Wildlife Trust to have another go, and to seek a much wider area under which their influence could be spread. It turned out to be the usual driver of heathland madness, an HLS agreement that the Wildlife Trust probably secured in 2009, but not only on the common they owned, Bagmoor, but also on two of the commons owned by the MOD/Defence Estates, Elstead and Royal Commons. Because the identity of many HLS recipients is withheld, we only get to know this because Bagmoor Common is Unit 38 of Thursley, Hankley and Frensham SSSI, and this is what the Condition Assessment for the Unit in March 2009 says (102):

"The unit has entered a HLS agreement with special project funding for a public consultation on fencing and grazing. Agreement has been reached with Isabel Alonso that as this is on progress to be delivered the site can be said to be in recovering condition. However if permission to fence is not received within 3 years of the start of the agreement then the unit must revert to declining condition"

This also reveals that along with the money from the HLS agreement for heathland management, Surrey Wildlife Trust got additional funding – Special Projects funding (103) – for the consultation on fencing and grazing that covered all the commons. It had to be this way since HLS is solely in the gift of Natural England, but they can't fund themselves from it, nor the MOD/Defence Estates. Notice the inherent bullying threat in the Condition Assessment about timescale. Assume that the application to fence will come in 2012 to fit with the 3-year deadline.

The inclusion of all the commons into a large, enclosed area, also means that if and when perimeter fencing is enforced around all the commons area, then Surrey Wildlife Trust can get an HLS agreement on Thursley and Ockley Commons as well, the two commons currently without an HLS agreement in place. This will signal another massive expansion of their Grazing Project, the Wildlife Trust having got into conservation grazing across the county in a big way already, with their herd of belted Galloway cattle expanding from just three animals in 2007 to 243 in June 2011 (104) mostly on the back of HLS agreements,

and with an anticipated increase to 330 cattle by 2013 (105). The expanded area is of course consistent with the Living Landscapes approach of the Wildlife Trusts, of large areas under an environmental stewardship management that is predicated on our wild nature being required to exist alongside the cultural use of our landscapes. Thus Surrey Wildlife Trust is no exception in seeing Living Landscapes as central to the objective of the Trust's Grazing Project **"a pioneering site management initiative which has concentrated on building both capacity and flexibility into our county-wide conservation grazing programme"** (106).

I suspect that the Trust may also see the enlarged grazing area as a voluntary Nature Improvement Area, an *opportunity for restoring and connecting nature on a significant scale*, consistent with the Government's Natural Environment White Paper (107). It is all so squirmingly characteristic of the conservation industry's dogma. As TERRACE says (101):

"This campaign is not anti-conservation. It is about trying to get a balance between public access and conservation. SWT Ltd.'s plan is excessively weighted to an unproven conservation methodology, to the serious detriment of public access and public enjoyment of the contiguous commons as Public Open Space"

A group of residents from around **Littleworth Common**, near Burnham Beeches in Buckinghamshire, held a meeting in April, 2008, to reconstitute the Littleworth Common Preservation Society that had existed for a few years in the 1960s (108,109). They came together to oppose the mass felling of mature trees on the Common, by South Bucks District Council, which wants to turn the common into heathland. Local residents feared it would just turn the area into a barren wasteland, as was graphically shown on their campaign website by contrasting photographs taken in 2001 and then in 2008 after widespread felling (110). The reformed group quickly collected 750 signatures on a petition, and set out to try to persuade the council to stop cutting down the trees while they got an ecological survey carried out (109). Rob Hancox, landlord of The Jolly Woodman pub on the edge of common, was forthright in his criticism (108): **"We feel very strongly about it. It was not what we were led to believe.... it looks like there has been napalm in the area"**

Ian Hill, a resident and campaign officer for the group, said **"All of the evidence points to wanton and indiscriminate felling.....there is no support for the current plan from either the common's residents or its users"** (109)

The common is privately owned, but has been managed by successive local authorities since 1952 through a scheme of management under the Commons Act (1899) (111). Grazing ceased on the common at around the same time (109). Kate Murray, SBDC, said the council had entered into a CSS agreement in October 2000 with English Nature (108): **"This agreement sees the controlled felling and bracken rolling as part of a ten year plan to return the area to heathland including some restoration work in a large pond. Future work on the site will continue to support the enhancement of the heathland vegetation to improve the habitat further.**

She added that since the restoration work had begun in 2001, the Starfruit (*Damasonium alisma*) had re-appeared in 2004, after an absence of 33 years. The South Bucks Heaths and Parklands Biodiversity Opportunity Area Statement says that temporary ponds on heathlands are important for Starfruit, an aquatic annual plant of muddy ponds where the trampling and puddling of cattle and geese occurs at the water's edge (112). Plantlife helped clear vegetation from around the "BAP quality pond" on Littleworth Common, but this one *success* of the restoration certainly didn't justify the drastic clearance of the many trees elsewhere on the common, and which only resulted in mass growth of bracken, and not much of the heather or grass that was claimed for the restoration (111). Moreover, as is often the case, a management focus on only one species, which happens with many projects with Plantlife involvement, ends up putting other species at risk. Thus Rob Hancox insisted that a rare species of crested newt had not been seen since its habitat

was destroyed 106). *Pugit* recounted other losses in a comment below one of the articles in the local press (113):

"I have lived in Littleworth Common, a hamlet, for 17 years. Like other residents I moved here for the beauty of the place and its close proximity to Burnham Beeches. Littleworth Common has been desecrated. It was a beautiful little woodland with its tangle of footpaths, its profusion of fungi in the autumn, its abundance of wildlife and birds singing from early till late, protected as it was from the traffic hammering by, oblivious to anything modern going on and the common wrapped in its protection of woodland.....Now both day and night residents see and hear any traffic passing by and lights from vehicles and neighbours' homes. Frogs, toads and newts were once in abundance but now the pond has been cleared to such an extent that ducks, geese and herons come down and feast on these reptiles and amphibians"

So what we have at Littlemore is a grazed common when it was first notified as a SSSI in 1951, but which developed through natural succession into birch-oak woodland once the grazing ceased (114). For a supposedly recently self-seeded woodland of downy birch and pedunculate oak, it has a remarkable variety of other trees, such as beech, Scots pine in the south-western part of the common, and scattered hornbeam, aspen, rowan, wild cherry, crab apple and grey willow, and a shrub layer dominated by alder buckthorn, plus hawthorn and blackthorn. It is not surprising therefore that the one Unit of the SSSI is notified as Broadleaved, mixed and yew woodland – lowland (115) and the common is shown as deciduous woodland on Natural England's mapping of BAP habitats. It is uncertain whether the diversity in tree and shrubs species has been retained through the mass felling that had taken place.

A few months later, in June 2008, SBDC announced it would scale back the work on the common (116). A group of councillors had visited the site. Councillor Bill Lidgate was **"a bit taken aback on what we have actually done on the common"**. Cllr Lidgate, cabinet member for the environment, added:

"I think people are struggling to understand just what we are doing. I think we have gone a bit too far and a bit too fast"

Cllr Jennifer Woolveridge said: **"One of the many problems has been lack of consultation with the public. I have been approached by the Littleworth Common residents about what our way forward is"**

As is so often the case, Natural England put pressure on a local authority about heathland restoration, but were pretty block-headed about the repercussions that result from that pressure, and which they don't have to deal with.

SBDC went on to develop a follow-on management plan for when the CSS agreement came to an end, and which would be the basis for an application for HLS. A draft management plan was thus drawn up (117) and put out to Public consultation in May 2011 for 15 weeks with an accompanying questionnaire (118). According to SBDC, key stakeholders were consulted, and which included The City of London (Burnham Beeches) Bucks County Council Countryside officer; Berks, Bucks & Oxon Wildlife Trust and Natural England (119). Letters were also sent out to approximately 180 local residents, and a public drop in event was held on 18th May 2011 (119). If this is the case, then it is surprising that SBDC received only 20 responses when the consultation closed on 25th July 2011, but with the further offer to local residents to make comments by the 2nd September 2011. I wonder why someone made a Freedom of Information request about Littleworth Common to Natural England in June 2011, asking for all correspondence relating to the common (120) and thus while the consultation was ongoing?

In the Summary of consultation responses, there was clearly a substantial majority against grazing the commons, and there was no clear majority for any of the other management proposals (119). However, in spite of this, the Council quickly moved to

approve the draft management plan in full council on 25th October 2011 (121) releasing a final version of the management plan without any discernible change of course in its management prescriptions (111). While Natural England apparently approved this management plan on 13 April 2012 (121) a year on and there is as yet no HLS agreement on Littleworth Common. It is likely that grazing is the sticking point. Because of the roads around the common, grazing is unlikely without fencing, which will require an application to the Planning Inspectorate (121).

Ignoring their own guidance

Natural England have been aware of the contention around heathland restoration for a number of years as they sponsored guidance on agreeing management on common land (where heath is often found) and also a report on commons management in the SE. The former, the guidance **A Common Purpose: A guide to agreeing management on common land** has been around since 2005, and it seeks to reduce the potential for contention. One of its Golden Rules says (122):

"Progress is least likely when one interest in a common attempts to sideline the others, or forces change upon them"

It is unfortunate that in spite of this guidance being available, there is still a heavy hand involved in most heathland restoration, but worse still there is an essential dishonesty in any consultation processes – even though this and the heavy hand is covered in the latter report. Thus **South East Commons and their Conservation Management** looked at amongst other things the controversy over tree clearance on commons (123): **"Clearance can very quickly and dramatically change the character of a landscape which people cherish. The fact that the wooded landscape has only developed in say the last 20 years is almost irrelevant to most people as they won't necessarily remember what it was like beforehand"**

The report highlighted that one of the main problems that local people have with the conservation management of SSSI commons was that stakeholders were rarely engaged in the development of management proposals. Consequently, they can rightly feel that proposals are being imposed upon them and that their views are not valued, let alone considered (123):

"Many stakeholders commented that one of the main problems relating to nature conservation management of SE SSSI commons is that stakeholders are often not engaged in the development of management proposals from an early stage. Consequently, they feel that proposals are being imposed upon them and that their views are not valued, let alone considered. This was most acutely felt when the information was presented as a fait accompli (i.e. the proposed management was presented as the only option without regard for other users). It was suggested that such a fait accompli was often justified on the basis that national policies and legislation relating to SSSIs override local views relating to management"

So ignored is the guidance in **Common Purpose** that Natural England sought fit five years later to commission the Open Spaces Society to produce another guide, **Finding common ground**, this one on how to recognise and take account of local-community interests in common land (124). In its section on **Tree Felling**, the guide makes use of the example of Swineholes Wood to illustrate the situation where felling occurs without the support of local people, taking its information from the article that I wrote after reading about objections in the local press ((125 - and see above). The guide says this (124):

"Swineholes wood was designated as an SSSI because it had remnants of acidic dwarf shrub heath. Local people regarded the area as a wood. Without consulting them, the Staffordshire Wildlife Trust, which manages the site, felled trees. This caused tension with local people. The trust apparently consulted Natural England and the Forestry Commission but not local people. Local people may feel changes are being imposed on

them and that their views are not valued, and this creates ill will. It is important to involve local people at an early stage of the preparation of any management plan"

Yet more guidance was produced when Natural England commissioned **A Commons Toolkit** from the Foundation for Common Land, a recently formed commons grazing organisation (126). In the Guidance Note on applying for consent to carry out works on common land comes this:

"Proposals to fence or build on common land are likely to be controversial due to a widespread desire to retain an accessible, unchanged and open landscape. Practitioners should not underestimate the need for proper planning and options appraisal prior to applying for consent under the Commons Act 2006 s.38. If this is the only option, widespread public consultation and stakeholder engagement is essential"

It then gives this very helpful tip:

"Rather than holding a public meeting consider a drop-in day. More people are likely to express their views and there will be less risk of one or two individuals dominating proceedings"

Of course it can also be said that this is the way to isolate people from hearing what others think, and it is a well-trodden tactic in the fake consultations that seem to characterise heathland restorations. The tenor of this reactionary attitude to public opinion was aptly captured in **Nibblers**, the self-help discussion group run by the Grazing Animals Project. Dr. Tricia Rice, Conservation Officer for the Dark Peak Natural Area asked how she could counter the strong concerns of a pressure group over public safety near cattle on a moor near Sheffield where English Nature was planning to reintroduce cattle grazing. One answer she got was from David Hodd, Countryside Manager for the National Trust in Dorset (127):

"I think the important technique is to divide and conquer the opposition - do not let their campaign get too much momentum, and use every member of the community who can diminish the opposition to the scheme"

Returning to the Toolkit, it has this in Guidance Note 9 on the reintroduction of grazing on a common (126):

"While some common land has been heavily grazed, other common land has been abandoned and, to improve management, the reintroduction of stock is sometimes sought.....Finding someone willing to graze stock on the common may be a challenge due to the low economic return from the grazing; in many cases it will cost money to graze the common. Local initiatives, e.g. through Wildlife Trusts, may offer payments for grazing management and/or introduction of different kinds of stock. The Environmental Stewardship scheme offers payments for mixed grazing, cattle grazing and native breeds at risk"

Thus to the pressures applied by SSSI designation, and the targets in the UKBAP (the *national policy*) and the various LBAPs driven by the UKBAP, can be added the lure of agri-environment stewardship agreements as a means to maintain the conservation status of SSSIs, or to achieve those BAP targets, such as the original Countryside Stewardship Scheme that is now replaced by the Higher Level Stewardship scheme. It is **NEVER** a clean sheet when communities are consulted on nature conservation management, if they are consulted at all. It would be a naive person anyway who thought that consultation by the conservation industry would make any difference to the way heathlands would be managed. Everything that will happen on the heathland will be dictated by the strands of the HLS agreement that the conservation industry inevitably signs up to, because it is now their main business model. As the Toolkit says (126): **"On lowland commons agri-environment schemes are commonly used to reintroduce active management where grazing has ceased.....These schemes are often initiated by**

Natural England and non-governmental organisations, including The National Trust and Wildlife Trusts"

It is a painful irony that increasing use of **Freedom of Information** requests is revealing why ordinary people are losing the freedoms of being able to experience nature in the absence of farming. I would also note that in almost all cases – Ashdown Forest, Blacka Moor, Chobham Common, Esher Commons, Hartlebury Common, Loxley and Wadsley Common, Nomansland Common, Odiham Common, Padworth Common, Thursley Common, Wetley Moor, Norton Heath Common, Sutton Heath etc. – the issue of public ownership and thus the public will is at stake. Local people should be included in discussions about the management of publicly owned land. Many of these landscapes were covenanted to the free use by the public that owns them. Now, they are caught up in the juggernaut that is nature conservation that cuts across that open access and denies a right for the public to have any meaningful say in their management, because it will be at the direction of Natural England as sole providers of the HLS money.

There is a map on Natural England's **Tomorrow's Heathland Heritage** website of the distribution of lowland heath in the UK (128). In England, it can be used as a route map of protest over the loss of freedoms due to the autocratic and high handed nature of the conservation industry. The shaping of a conservation ideology and practice by that conservation industry without ever seeking a mandate is a present danger that has to be recognised for what it is (129):

"Studies increasingly argue that certain actors and ideas in conservation have become so dominant as to be hegemonic. Hegemony is the ability to dominate thinking and practice so that particular ideas or strategies become considered as the only feasible, possible, or conceivable options.....For example, conservation is widely portrayed as indisputably good and unproblematic, a vision actively maintained by NGOs to ensure continued support and which is almost never publicly challenged"

Mark Fisher 5 October 2008 - updated 12 December 2008, 8 January 2009, 22 January 2009, 1 March 2009, 9 June 2011, 26 January 2012, 15 March 2012, 25 April 2012, 21 May 2012, 24 June 2012, 29 September 2012, 17 March 2013, 14 October 2014

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