

Frequently Asked Questions around the HEATH Project and heathland management in West Penwith

Natural England has received a number of enquiries covering a wide range of our activities in West Penwith. This document is a compilation of our responses to key questions and should answer most general queries. This will be updated to take into account any new questions we receive.

Why are the West Penwith Moors so special?

The West Penwith Moors contain internationally important heathland habitats of high environmental merit. Although not designated as Sites of Special Scientific Interest (SSSI), many of the areas warrant inclusion in this category and it is vitally important that they are managed to ensure that they retain their integrity. However, parts of the moors have become covered by dense gorse scrub, bracken and rank grass which allows very little of the open ground or short vegetation that is essential for heathland plants and animals.

What about the argument that the area has never been heathland and is in fact ancient moorland?

'Heathland' and 'Moorland' are cultural terms, relating primarily to where the land is and how it has historically been used. Both are found in West Cornwall and both are typically large areas dominated by heathers, western gorse, bilberry and other plants growing in mosaic with acid grassland, scrub and bracken communities. Through a lack of management in recent years, our heaths and moors are losing their typical plant communities.

What funding is available to farmers and landowners?

The Environmentally Sensitive Areas (ESA) scheme was introduced to protect the heathland on the moors and while it succeeded in maintaining these areas, it carried out fewer enhancements than were originally planned. With this in mind, the Penwith Moors were targeted for capital funding under the HEATH (Heathland, Environment, Agriculture, Tourism, Heritage) project. HEATH project funding was seen as a way to extend the grazing management of the ESA scheme to improve this heathland habitat further.

The HEATH Project ended at the end of December 2008. Funding for this project came from the European Interreg Programme and the Heritage Lottery Fund. Funding for heathland management is now available through a suite of agri-environment schemes administered by Natural England. The former Countryside Stewardship (CS) and the Environmentally Sensitive Area (ESA) schemes are closed to new applications but still offer support to existing agreement holders. These have been replaced by Environmental Stewardship agreements and funding is available at Entry (ELS) and Higher Levels (HLS).

What are the elements of good heathland management?

Heathland wildlife, whether birds, animals or invertebrates respond best to a management regime that encourages a diversity of heathland species, ages and heights. The management tools required to establish and retain open heathland are cutting, burning, and grazing with cattle. None of these techniques alone will deliver the habitat improvements we are looking for.

Cutting will temporarily reduce the cover of rank gorse, bracken, bramble and grass, but as the rootstocks remain in place they grow back the following year and there is little if any opportunity for heathers and other plants to re-establish. The opportunity to use machinery for large scale cutting is very limited as the area has such a widespread scattering of low archaeology, natural erratic boulders and the humps and hollows left by the mining industry.

Burning can create areas of temporary bare ground but the release of nutrient encourages everything – gorse, grass, bracken, bramble, heathers and other plants - to grow back thickly. The gorse, grass, bramble and bracken are more vigorous than the heathers so they soon dominate the sward once more.

Grazing animals preferentially eat the grasses, young gorse and young bramble, and generally avoid heathers, providing an opportunity for the heathers to re-establish. They also trample some of the bracken fronds as they grow back but the biggest impact on the bracken is that the grazing animals prevent the cover of gorse and grass redeveloping over the bracken stands. Bracken does not do well when exposed to cold weather, and suffers significantly when the vegetation layer is removed. However, grazing animals will not venture far into the stands of dense gorse or bracken to graze, so we rely on cutting and burning to open up the sward, and for cattle to keep it open and influence which species come to dominate the sward in the long term.

So the combination of cutting, burning and grazing produces a more diverse sward, with more heathers, open heath and bare ground and, that in turn supports a lot more of the typical heathland plants and animals. Left alone the moors will continue to scrub over, reducing both biodiversity and historic interest features while denying future generations the experience of accessing and enjoying them.

How will grazing, cutting and burning affect the already present biodiversity? What about existing flora and fauna that is unique, sensitive and irreplaceable?

It is the 'unique, sensitive and irreplaceable' species that have been suffering from the expansion of scrub on the moors. We seek to bring about a favourable change in the ecosystem so that these heathland species, many of which are nationally and internationally important and under threat, will have a greater chance to survive than they already have. As an example it is possible that some of the common 'generalist' bird species that have responded well to the expansion of scrub on the moor will be displaced, but it is unlikely that we will see any significant losses. We will be monitoring the ecology to watch for changes. We also have access to environmental records that have identified where particular rare or sensitive species are located and these useful sources of information are used to base our management decisions so that each of the heathland blocks are treated on a case for case basis.

Will livestock damage the moor?

If managed appropriately, livestock will benefit the moor. As long as the grazing animals are used in the right numbers, at the right times of the year, and in combination with cutting and controlled burning, grazing and trampling they will help the moor to develop a much more open vegetation. This will allow a diverse heathland ecosystem to benefit a wide range of wildlife, for example providing more niche nesting habitat for Nightjar, Stonechat and Dartford warbler and coastal feeding sites for Cough. Open heathland also makes access on the moor easier, and provides opportunities to appreciate the archaeology of the area much which can become lost under the dense vegetation. Farmers are being advised on what we consider to be appropriate grazing, on a case for case basis, and sites are monitored to ensure that they are managed appropriately.

Was grazing really part of the old management system?

There is a quantity of evidence to show that grazing has been common on the moors for hundreds, probably thousands, of years, with the unimproved 'rough' land forming an important element of the farmstead. Farmers also cut fuel and other useful materials and burnt the old vegetation to improve the grazing. This combination of cutting, burning and grazing created and then maintained open heath land. We are not in favour of bringing back grazing just because it is a traditional land use. Modern management of the moor has different aims – we are trying to optimise the conservation, historic and recreational values of the landscape rather than just increasing farming productivity.

Would mechanical maintenance be an alternative to grazing?

With an estimated heathland area of around 3000 ha on the Penwith Moors, it makes it almost impossible to consider manual maintenance, especially with the favourable growing conditions present in this maritime climate. Some mechanical maintenance has been done previously especially for fire breaks, but much of the area is not suitable for machinery due to the uneven surface that often includes pits and granite boulders. We are also mindful of the damage that can be done by tracking machinery over this historic landscape that has one of the highest concentrations of archaeological remains in Europe.

Can a common be used for grazing when it has not been grazed for some time?

In West Penwith, like many other pastoral areas, the commons originate from 'Manorial Wastes'. These have traditionally been used by commoners where they have established registered legal rights over the years to be able to graze and or carry out other operations. The numbers of cattle are specified for each grazier that has a registered interest. If the rights have not been exercised on a regular basis they do not become extinguished. These types of common are very different from Municipal Commons that would be found in towns and cities and were set up primarily for public recreation.

Whose idea was it to release cattle onto the moors, the farmers or Natural England?

Farmers with common grazing rights can exercise these rights at any time. Farmers can also voluntarily apply to enter agri- environment agreements. If the habitat will benefit from grazing then the management details are agreed between the farmer and Natural England. The farmer decides when to put them out to graze and also when to bring them in, subject to his agreement with Natural England.

Who decides on the breed of cattle used for grazing the heathland areas?

The farmer decides on the choice of breed to use to carry out the grazing requirements of the agreement. Some farmers chose to take advantage of the supplement payments to their agri-environment agreement and use National Breeds at Risk (NBAR) cattle. These cattle are often better at grazing moorland areas as they were bred to make use of poorer fodder.

Isn't it dangerous for cattle to be grazing former mining areas, isn't it contaminated land ?

The choice of sites to graze is down to the farmer, and it is his responsibility to ensure that all animal welfare aspects are considered.

Should cattle find all their food from grazing the moors?

One of the main objectives of putting cattle onto moorland areas is to benefit the heathland through their grazing which opens up the habitat and provides a diversity of species, ages and heights. Our funding agreements do not state that all food needs to be sourced from the moorland grazing areas. The important thing is that cattle are making a beneficial difference to the habitat by grazing. The level at which they graze is adjusted by the farmer to achieve the habitat requirements.

What about the impact of fences that are required with a grazing regime?

Stock proofing has been carried out around and across the West Penwith moors for centuries. Some boundaries date from the Bronze and Iron Ages. These sit alongside more recent Cornish hedges and fences.

Almost all of the fencing erected through management agreements has been to reinforce existing stock boundaries, usually Cornish hedges which are no longer stock proof. When they first go in they are very evident as they are new in the landscape. The posts are pale and the vegetation has been cleared from the fence-line to assist the work, but in time the visual impact reduces as the posts weather to a darker shade and the fence-line vegetation grows back. There are many miles of older stock fences already across this landscape which by and large are not seen as intrusive.

There are areas where we have had to fence across open land, but we have worked to minimise the need for this. On the Lizard the fences are more visually intrusive as we were required to use more roadside fencing. These fences were purposefully set back 5-10m from the road, and will become less obvious as the vegetation grows back.

We have tried to minimise the impact on access created by the new fences. We have erected gates (or occasionally stiles) on all tracks and pathways, and where we have reinforced a boundary running across the moor we have put in crossing points at about every 300 metres. Most of our gates are fitted with 'trombone' latches to enable horse riders to open gates from the saddle.

Could all fencing erected under the HEATH project be replaced by Cornish Hedging?

Several Lengths of Cornish hedging were built by the HEATH Project adding to several miles that were constructed under the ESA Scheme. This has enhanced the landscape, but it is many more times expensive than modern fencing. The aim has been to install fencing that does not create an impact in the landscape by following the ground contours and existing boundaries where possible. The costs would be too prohibitive to take down all new fences and replace with Cornish hedging. However there may be opportunities to build more Cornish hedges in the future if HLS agreements are taken up by farmers leaving the ESA Scheme.

What will be done to reduce hazards in regard to electric fencing?

Stock keepers using electric fences are required to provide adequate signage around the live fences to ensure that people are aware. There are extensive health and safety guidelines and advice on signage of the fences to minimise the likelihood of contact. For example the British Horse Society states: "Electric fencing alongside roads, public rights of way or other routes open to ridden or driven horses should carry warning signs where it starts and ends alongside the route and at suitable intervals along its length, normally 50 to 100 metres apart."

Dog owners are responsible for the safety and behaviour of their animals, and must decide for themselves how to safeguard their pets on sites where electric fencing is being used.

How can barbed wire be installed on an ESA agreement when it is not allowed under the ESA scheme?

Farmers that have an ESA agreement must comply with a set of rules or prescriptions, one of which states that no new fencing should be installed. However, these rules can be varied by issuing a derogation to allow fencing if there are overriding environmental benefits that can be achieved and it is sited sensitively in the landscape.

Who will pay if someone is hurt by contact with fencing?

Now that the HEATH Project has finished the responsibility to maintain the fences, hedges and stiles that were put up by the HEATH Project lies with the farmer on whose land this infrastructure is found. Under the Occupiers Liability Act 1984 it is the occupier of land who would normally be responsible for the state of their fences. The Countryside and Rights of Way (CRoW) Act 2000 put limits on the responsibilities of owner/occupiers under the Occupier's Liability Act where people are exercising their rights under CRoW.

Has the Highways Act been breached by the installation of gates or fences?

In the vast majority of cases, where infrastructure was installed there has not been a problem. However on one area, one cattle grid was wrongly installed across a bridle way. This has subsequently been removed and will be sited on another site that the Heath project had targeted.

What about my 'Right to Roam'?

The 'Right to Roam' is covered by the Countryside and Rights of Way (CRoW) Act 2000. You have the right to roam over land designated as Open Access, although this right also comes with responsibilities such as not damaging the area you are walking in and keeping your dog(s) under control. You also have the right to cross fences and hedges if the land on both sides is designated open access under CRoW, as long as you do no damage, alternatively, there should be a crossing point within 150m of any point on the fence-lines across open landscape. The only animal you may have with you while exercising your rights under the Act is your dog. All other animals would constitute a breach of the law.

What about access for pony and trap drivers?

Provisions have been made for pony and trap drivers in the form of bypass gates next to cattle grids on highways that have been specifically built to be wide enough to accommodate a pony and trap. This provision has not been made where pony and traps have no right of access (e.g. footpaths and bridleways).

As a responsible dog owner will I still be able to have my dog(s) off the lead?

Under the CRoW Act, dogs must be kept on a lead no longer than 2 metres whilst on CRoW designated land from March to July to prevent disturbance to ground breeding birds, and at any time when livestock is on that land. So, dogs can be walked on CRoW land off the lead from August to February as long as there is no stock on the land. Dog walkers can walk on public rights of way without their dogs being on a lead as long as the dog is under close control. More information is available in the Countryside Code; http://www.countrysideaccess.gov.uk/things_to_know/countryside_code

Why are dogs to be kept on a lead to prevent disturbance of birds when cattle are allowed to roam freely?

Dogs are much faster moving and have a much greater risk of disturbing wildlife and in particular birds.

Are cows a danger to people and dogs who are out walking on the moor?

If they are unexpectedly disturbed, or when maternal instincts are aroused, even normally placid cattle can become aggressive. Cattle can also be very inquisitive, especially young stock. Dogs can be of particular interest to cattle.

Farmers with grazing animals are required to operate within the legislative framework and abide by good practice advice and guidance. Two documents are particularly relevant - *HSE Agriculture Information Sheet 17EW 'Cattle and public access in England and Wales'* and *CA210 'managing public access; a guide for land managers'*. Before grazing animals are re-introduced to an area a risk assessment is required. Farmers work to reduce risks by ensuring that the cattle they use for grazing are of a normally quiet temperament. Roughland grazing typically uses low numbers of animals so the likelihood of getting close to animals is limited.

Will cattle be taken of the common during busy /school holidays?

Some farmers may decide to do this if they think that there may be a possible conflict due to higher numbers of people visiting a site, but it will depend on the circumstances of each area.

In light of the death of walkers by cattle, will Natural England now revise its public advice to walkers on this subject?

Sadly accidents have occurred when cattle have become agitated due to the presence of walkers with dogs, especially where there are cows with calves. It is important not to walk between a cow and its calf. Dogs do not need to be on a lead if they are properly controlled, but they must not chase livestock which distresses livestock and may result in injuries. In the event of an animal becoming interested in your dog be prepared to allow the dog to run off, as the animals will be more interested in the dog than the walker. For further advice and information see 'You and your dog in the countryside' leaflet which can be downloaded from the Countryside Access website; www.countrysideaccess.gov.uk.

Who will pay if someone is hurt by cattle interaction?

Under the Animals Act 1971, the keeper of an animal is held responsible for the actions of their stock, but there are exemptions – for example, if an animal can be shown to be behaving exceptionally out of character, or if the injuries sustained were due to harassment of the animal either by the injured person or a third party, then the keeper may not be considered liable.

Will cattle damage the archaeology of the area?

Cattle do not pose a particular risk to archaeological remains and the greatest examples of damage to archaeology are due to human activity. The moors have been grazed for centuries and the historic remains have stood for thousands of years within this grazed landscape. Indeed an open grazed landscape ensures that historic remains are much easier to find and appreciate as field patterns and less prominent archaeology can be hidden by dense vegetation. Sites will be monitored to ensure that grazing animals do not damage the archaeology and stock keepers will be advised if there are concerns.

Who is liable if archaeological remains are damaged?

Archaeological remains have the highest level of protection if they are listed as Scheduled Ancient Monuments. However, most of the historic remains on the moors are not scheduled. Those areas under agri-environment schemes such as ESA, Countryside Stewardship or Environmental Stewardship will be protected as part of the rules of the scheme. Similarly farmers also have obligations to protect archaeological remains under the Cross Compliance of the Single Payment Scheme. Our archaeological advisers at English Heritage and Cornwall Council have expressed no concerns about potential damage to historic remains by cattle grazing at low levels and at the correct time of year. Sites will continue to be monitored and management adjusted appropriately where necessary.

What will be done about arson related fire incidents?

Uncontrolled or deliberate burns can be a serious problem on the heaths and moors. The proposed cutting, controlled burning and grazing regime reduces the availability of fuel, making uncontrolled burns less likely and easier to control. Land managers are obliged to comply with the Heather and Grass Burning Codes. Deliberate arson is very difficult to prevent. Any evidence of an individual or individuals causing arson should be reported to the proper authorities.

Has the herbicide Asulam been used to control bracken in West Penwith?

Some bracken has been sprayed using Asulam on a spot spraying basis. Aerial spraying has not been used due to its non-selective approach where it will kill other members of the same family such as the rare Royal Fern. Most bracken treatment has been done by bruising of the bracken stems either mechanically or by trampling by cattle. Land managers can use Asulam if they choose, as long as they work within the relevant legislation, and the level of bracken cover is such that chemical control is necessary.

Why was it necessary to have a report on the West Penwith Moors compiled by an independent environmental consultant, John Waldon?

The management of the Penwith Moors has stimulated a good deal of debate. Natural England wanted an independent view and initiated a project by environmental consultant, John Waldon, to carry out a 'Penwith Vision' exercise. The aim was to quantify the environmental resources there, take the views from as many stakeholders as possible and then form an opinion as to what we all want to see in Penwith in 20 years time. John Waldon's discussions concluded that people felt very passionately about the area and how it was managed. It was also interesting that the vast majority of people questioned were not against grazing of the Penwith Moors, per se.