

LUDGVAN PARISH COUNCIL

This is to notify you that the Monthly Meeting of Ludgvan Parish Council will be held on Wednesday 9th November, 2016 in the Oasis Childcare Centre, Lower Quarter, Ludgvan commencing at 7pm.

S. P. Hudson

S P Hudson
Parish Clerk
04/11/2016

MONTHLY PARISH COUNCIL AGENDA: Public Participation Period (if required)

1. **Apologies for absence**
2. **Minutes of the Monthly Parish Council Meeting on Wednesday 12th October 2016**
3. **Declarations of interest in Items on the Agenda**
4. **Dispensations**
5. **Councillor Reports**
 - (a) Cornwall Councillor Roy Mann
 - (b) Chairman
 - (c) Other
6. **Cornwall Council – Planning Applications - For decision**
 - (a) [PA16/08784](#) - Rear Of 36 - 38 Polmor Road Crowlas Penzance - 3 new detached dwellings with integral garage - Mrs Sally Cattran-Graham
 - (b) [PA16/08619](#) - Land At Borea Nancledra Penzance Cornwall - Widening of access/entrance - Mr Joseph Beger
 - (c) [PA16/09346](#) - Land N Of Chy An Mor Roundabout Jelbert Way Eastern Green Penzance - A replacement heliport comprising a terminal building, hangar, helicopter landing pad, emergency vehicle garage, 274 staff and customer parking spaces, access from Jelbert Way, internal access roads and servicing, operational equipment and apparatus, fuel storage facility, landscaping, foul and surface water drainage, boundary fencing, lighting, acoustic mitigation, associated works and infrastructure. - Mr Robert Dorrien-Smith Penzance Heliport Ltd
 - (d) [PA16/09690](#) - Tregarthen Barn Tregarthen Farm Tregarthen Long Rock TR20 8YH - Proposed extension, alterations including a balcony and juliet balconies and associated works (Previously approved PA15/04591) - Mr C Richards
 - (e) [PA16/09525](#) - Boskennal Mill Access To Boskennal Mill And Cucurrian Farm Cucurrian Ludgvan - Change of use and redevelopment of dis-used farm building to dwelling. - Mr Robert Whitfield
 - (f) [PA16/08997](#) - Wm Morrison Supermarkets Plc Filling Station Access To Morrisons Petrol Station Long Rock TR18 3RF - Proposed side extension to existing PFS Kiosk to provide additional retail space, jet wash relocated, 1no. parking bays relocated and 1no. parking bays removed. - Mr Carl Conlon Wm Morrison Supermarkets PLC
 - (g) [PA16/09288](#) - Splattenridden Lelant Downs Hayle Cornwall - Extension to an existing agricultural shed - Mr Paul And John Richards
 - (h) [PA16/09891](#) - Bospras Eglos Road Ludgvan TR20 8HG - Single Storey Extension - Mr I & Mrs L Hicks

7. Clerk's Report

- (a) Neighbourhood Development Plan
- (b) Horticultural Society - class judging
- (c) Bay to Bay Cycle Route
- (d) Whitecross Phone Box
- (e) Bench at Whitecross
- (f) Christmas Trees
- (g) Cornwall Local Plan Allocations DPD

8. Finance Report

- (a) Payment Schedule for approval
- (b) Receipts
- (c) Bank Reconciliations
- (d) Budget Monitoring Report

9. Correspondence

- (a) Towednack Parish Council - Proposed Housing Development & Neighbourhood Plan
- (b) Kernow Matters To You - Electoral boundary proposals
- (c) CALC - council tax referenda principles - suggested letter to MP
- (d) Natural England - Coastal access, Penzance to St. Mawes

10. Cornwall Council – Planning Decisions etc. Advised to Council - For information

- (a) PA15/10512 - Construction of three dwellings and associated works - Land south of Trewidden Cottages, Crowlas, Penzance - **Appeal Allowed. No Costs claimed.**
- (b) PA16/07616 - Land At Gitchell Lane Gitchell Lane Cockwells Cornwall - Conversion, Extension & Associated Works of Existing Historical Dwelling to Form Sustainable Family Dwelling & Associated Works - Conversion, Extension & Associated Works of Existing Historical Dwelling to Form Sustainable Family Dwelling & Associated Works - Mr L Miucci - **Refused**
- (c) PA16/07557 - Trelowen Rospeath Lane Crowlas TR20 8DU - Construction of two storey side extension and associated works - Mr M Edwards - **Approved**
- (d) PA16/06853 - Rosevidney Livery Stables Rosevidney Farm Road Between Gitchell Lane And Arch Lane Crowlas TR20 9BX - Partial demolition and reconstruction of ancillary buildings to form holiday accommodation relating to the Livery and riding school. - Ms V Perry - **Approved**
- (e) PA16/06854 (Listed Building Consent) - Rosevidney Livery Stables Rosevidney Farm Road Between Gitchell Lane And Arch Lane Crowlas TR20 9BX - Partial demolition and reconstruction of ancillary buildings to form holiday accommodation relating to the Livery and riding school. - Ms V Perry - **Approved**
- (f) PA16/08110 - 15 Polmor Road Crowlas Penzance Cornwall - Extension above existing garage and new front porch - Mrs Claire Allen - **Approved**
- (g)

11. Exclusion of the Press & Public:

If necessary, to consider passing the following resolution:

“RESOLVED – that under Section 1 (2) of the Public Bodies (Admission to Meetings) Act 1960, it is proposed that, because of the confidential nature of the business to be transacted, the public and press be excluded from the meeting for the business specified in the following item.

- (a) Church Hill Allotments
- (b) Potential Code of Conduct Breach

NEIGHBOURHOOD DEVELOPMENT PLAN STEERING GROUP - REPORT OF THE PARISH CLERK

1. Background

- 1.1 Following the decision to undertake the Neighbourhood Development Plan (NDP) in January 2015 (Minute LPC 320(a)) a Steering Group consisting of Councillors and members of the public was established and Terms of Reference approved in March of that year (Minute 340(a)(i)).
- 1.2 Membership of the Steering Group has fluctuated over time as new members have joined and others left generally citing a lack of time. Recently there have been three resignations and at least two other members are considering whether to continue or not as a result of issues that have arisen between Steering Group members. This leaves the Group at a level where a quorum may not always be achievable and where there may be insufficient numbers to progress the NDP in an effective manner.
- 1.3 The position is such that it is, in my view, necessary to review the Council's governance arrangements for the delivery of the plan that do not jeopardise, as far as is achievable, the continued involvement of those who have spent considerable time and effort to get the NDP to its current position.
- 1.4 Members will recall that my update at the last Parish Council meeting indicated that as the NDP was approaching the point where the direction of potential policies would start to emerge its formal decision making role would start to increase.

2. Review of Governance Arrangements

- 2.1 There are now significantly more examples of good governance available that are worthy of consideration in an effort to ensure that the respective responsibilities of the Council and the Steering Group (or other body) are clear and to make clear and transparent the requirements to adhere to the Code of Conduct and the resolution of any breaches of the Code or other conflicts that may arise.
- 2.2 In addition the Steering Group was not originally set up as a Sub Committee of the Council and as such was not necessarily bound by the requirements to publish agendas and hold meetings in public. That said the arrangements by which Councils discharge their functions should be transparent and regardless of the mechanism used to manage the NDP function going forward the rules that would apply to meetings of the Council and its Sub Committees should be applied in future.
- 2.3 The Steering Group has twice decided to start a website , once on the Council's website and once as a separate entity which for various reasons, mainly a lack of time on my part, never got populated. To further the transparency of the process, to ensure there is no misconception or misrepresentation of the process and decisions made and to widen the audience for the NDP the Council should either:
 - i. include a NDP page on its website and thereon publish all agendas, minutes and relevant documentation (consultation results etc.). There would be an associated cost which could be met from existing NDP budgets or
 - ii. take advantage of the 'external' website that has been created and subject to a suitable protocol for authorising content publish the information there. There are no cost implications with this option.
- 2.4 The last meeting of the Steering Group was adjourned, following the resignation of the Chair, and it was agreed by those who remained to meet as usual in December to try and resolve a way to move forward. To that end I suggest an informal meeting of both Councillors and Steering Group members is held to discuss future governance arrangements, try and resolve differences that have arisen within the Steering Group and to see if the situation can be salvaged.

3. Ongoing Support

- 3.1 Until now I have provided support to the Steering Group in terms of being its Clerk as part of my role as Parish Clerk and project management and advisory support outside of my contracted hours.
- 3.2 It became clear in the run up to the recent consultation events that the time commitment is in excess of that originally agreed and that this will inevitably increase as the more complex aspects of the NDP are addressed.
- 3.3 Other than from the local Community Network Manager support from Cornwall Council has been sporadic, subject to change and at times contradictory. This is not entirely their fault as they are under resourced and the 'landscape' within which NDP's are being developed is constantly changing as various NDP's are inspected and checked for legal compliance in their latter stages.
- 3.4 Once complete the NDP will need to demonstrate robust community engagement, meet a legal compliance check and pass an inspection by the Planning Inspectorate. I am neither a lawyer nor a planner and do not feel suitably qualified to provide any further guidance and advice other than as Clerk to whatever body takes this forward.
- 3.5 There will inevitably be a (considerable) cost associated with getting appropriate advice and support some of which may be grant fundable but the resource requirements will need to be urgently addressed.

It is therefore **RECOMMENDED that:**

- (i) an informal meeting of Councillors and Steering Group is held on 6th December to discuss future governance arrangements and address the problems that have arisen;**
- (ii) regardless of the future governance arrangements the decision making body/bodies for the NDP meet in public and that such meetings are duly advertised in accordance with normal Council practice;**
- (iii) NDP documentation is published on the Council's or other website as soon as is practicable;**
- (iv) resource requirements in terms of ongoing support and advice are considered as soon as is practicable.**

Connecting coastal communities: Bay to Bay Cycleway and Flood Protection - Phase 1



Working with local representatives across West Cornwall, a vision for the future regeneration of the towns is emerging. Turning unique challenges into opportunities, Phase 1 investment in flood defence works and world class coastal cycleway infrastructure will kick start the regeneration strategy and add value to other investments through improved access, revitalisation of town centres and resilience of vital infrastructure.



Phase 1 Scheme benefits

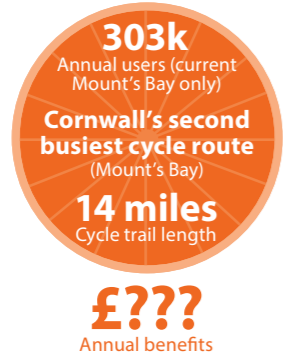
- Increased resilience of vital infrastructure
- 127 jobs supported (12.7 jobs per £1m of investment)
- Supports Penzance's £44m wider tourism economy and 1,400 associated jobs
- Supports place making initiatives and wider Neighbourhood Plan regeneration proposals
- Promotes local business through route mapping
- Serves a population of 22,000 and over 2,000 new homes
- Supports strategy modal switch targets enabling 20% of new jobs (1650) to be accessed by walking/cycling
- Contributes to Cornwall's active travel strategy target to get 50,000 more people in Cornwall & IOS more active

The economic potential

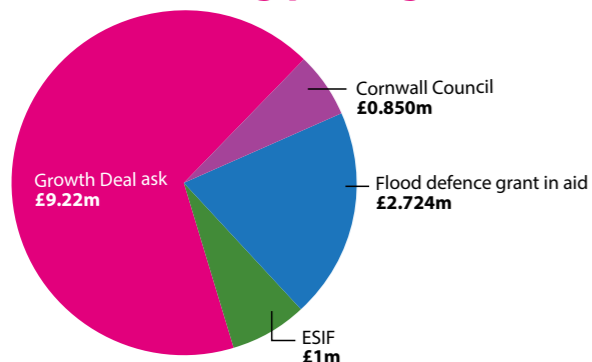
Camel Trail



Bay to bay cycle way



Phase 1 funding package



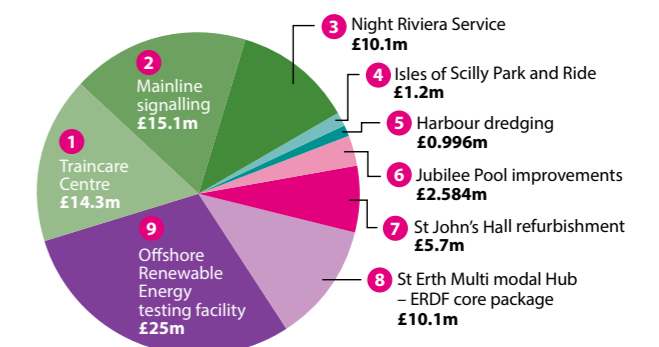
The Ask

Project value: £13.794m
Funders: CC£0.850m
Flood Defence Grant in Aid: £2.724m
ESIF: £1m
Growth Deal 3: £9.22

The Offer

- 4.4kms of flood defence improvements protecting waterfront regeneration sites, existing homes and businesses, strategic road and rail network and cycleway
- 10km of new and enhanced cycleway provision along one of the most popular sections of the South West Coast Path national trail
- Public bike hire scheme comprising 10 hire stations and 50 bikes
- 7700sqm comprehensive surface upgrade to promenade
- Improved pedestrian and cycle access to the town centre
- Cycle parking and signage along the route
- Route mapping app promoting local business

Adding value to other investments



40025 08/16

Marazion cycleway options assessment

Ref	Option	benefits/opportunities	Dis-benefits /constraints	Implications
1	Continuation of shared use path via boardwalk across existing dune on southern side	<ul style="list-style-type: none"> • Appealing route following existing desire lines on seaward side • Could help formalise/manage movements over the dune • Direct links to proposed destination 	<ul style="list-style-type: none"> • Considered to have negative environmental impact on SSSI, not supported by Ecologist • May not achieve adoptable standard • Significant maintenance costs as it is not a fixed structure • Does not link to the NCN3 on Green Lane 	<ul style="list-style-type: none"> • Would require improvement to existing footbridge • Continuation of route
2	Continuation of shared use path via bridge structure across existing dune on southern side	<ul style="list-style-type: none"> • Appealing route following existing desire lines on seaward side • Could reduce impact on dune • Links to proposed destination 	<ul style="list-style-type: none"> • Dis-proportionate cost • Feasibility/deliverability risk (dunes are mobile) • May not be acceptable visually • Does not link to the NCN3 on Green Lane 	<ul style="list-style-type: none"> • Would require improvement to existing footbridge
3	On-carriageway advisory cycleway	<ul style="list-style-type: none"> • Does not impact on SSSI or SPA • Could link to NCN3 Green Lane 	<ul style="list-style-type: none"> • Limited road width • Currently 40mph limit not conducive to cycling • Uncomfortable route unlikely to attract new/family cyclists 	<ul style="list-style-type: none"> • Requires reduction in speed to 30mph and traffic calming • Provision required to exit highway
4	New shared use path on northern side taking space from carriageway and verge	<ul style="list-style-type: none"> • Does not impact on SSSI or SPA • Appealing route along nature reserve • Could facilitate a calmed environment with slower speeds and improved gateway to the town • Links to NCN3 route 	<ul style="list-style-type: none"> • Highway capacity would need to be reduced. Min width of 6m required. Currently 6-7.5m • Without reducing to single lane shuttle only 1.8m wide shared use path can be achieved – does not meet min standard for shared use • Cyclists will need to cross back to seaward side/proposed destination 	<ul style="list-style-type: none"> • Reduce highway width • Possible traffic shuttle system over approx. 160m • Requires reduction in speed to 30mph
5	New shared use path on northern side between proposed dune and highway taking space from reserve and existing verge	<ul style="list-style-type: none"> • Appealing and comfortable route along nature reserve • Links to NCN3 route • Opportunities to align with EA proposals, delivering coherent scheme managing impact and maximising benefits 	<ul style="list-style-type: none"> • Requires SPA land take • Would need crossing points to link with existing path and back to proposed seaward destination • Cyclists will need to cross back to seaward side/proposed destination 	<ul style="list-style-type: none"> • Mitigation required – habitat replacement

Agenda Item 8(a)

Payments for approval

Reference	Payee Name	Cheque No	Transaction Detail	Amount Paid	Total
#58	Cornwall Council	3014	Planning Conference Fees		30.00
#59	Simon Rhodes	3015	Allotment Tree Trimming		25.00
#60	South West Water	DD06	Church Hill Allot Water		156.79
#61	Royal British Legion	3016	Poppy Wreath		25.00
#62	South West Water	DD07	St Pauls Water Supply		15.67
#63	Steve Hudson		Salary	1,294.95	
			Mileage	63.45	
			Telephone	8.12	
		3017	Office Costs	18.00	1,384.52
#64	HM Reveunue & Customs		PAYE	220.86	
		3018	National Insurance	115.89	336.75
					<u>1,973.73</u>

SIGNED: 9th November 2016
R SARGEANT
CHAIRMAN

Agenda Item 8(b)

RECEIPTS FOR INFORMATION

Receipt Ref	Banking Ref	Date	Amount	Transaction Detail
21	DC14	10/10/2016	0.32	Bank Interest

**Bank Reconciliation Statement as at 31/10/2016
for Cashbook 1 - Treasurers Account**

<u>Bank Statement Account Name (s)</u>	<u>Statement Date</u>	<u>Page No</u>	<u>Balances</u>
Treasurers Account	31/10/2016		37,474.15
			<u>37,474.15</u>
<u>Unpresented Cheques (Minus)</u>		<u>Amount</u>	
12/10/2016 3009 Gilbert Hall Management Ctte		15.00	
12/10/2016 3010 Long Rock Memorial Institute		15.00	
21/10/2016 3014 Cornwall Council		30.00	
			<u>60.00</u>
			37,414.15
<u>Receipts not Banked/Cleared (Plus)</u>			
		0.00	
			<u>0.00</u>
			37,414.15
		Balance per Cash Book is :-	37,414.15
		Difference is :-	0.00

Bank Reconciliation Statement as at 30/10/2016
for Cashbook 2 - Business Account

<u>Bank Statement Account Name (s)</u>	<u>Statement Date</u>	<u>Page No</u>	<u>Balances</u>
Business Account	31/10/2016		7,517.94
			<hr/> 7,517.94
<u>Unpresented Cheques (Minus)</u>		<u>Amount</u>	
		0.00	
			<hr/> 0.00
			7,517.94
<u>Receipts not Banked/Cleared (Plus)</u>			
		0.00	
			<hr/> 0.00
			7,517.94
		Balance per Cash Book is :-	7,517.94
		Difference is :-	0.00

Detailed Receipts & Payments by Budget Heading 03/11/2016

Cost Centre Report

	Actual Year To Date	Current Annual Bud	Variance Annual Total	Committed Expenditure	Funds Available	% Spent	Transfer to/from EMR
<u>100 Administration</u>							
1076 Precept	33,244	33,244	0			100.0%	
1080 Interest Received	2	4	2			55.5%	
1090 Council Tax Support Grant	2,436	2,436	(0)			100.0%	
1110 Other Grants	0	558	558			0.0%	
	<u>35,682</u>	<u>36,242</u>	<u>560</u>			<u>98.5%</u>	<u>0</u>
Administration :- Receipts							
4000 Clerk's Salary	12,130	18,190	6,060		6,060	66.7%	
4010 Employers NI	923	1,379	456		456	66.9%	
4060 Travel	554	750	196		196	73.8%	
4070 Office Expenses	528	1,250	722		722	42.2%	
4080 Advertising	0	600	600		600	0.0%	
4090 Subscriptions	766	950	184		184	80.7%	
4100 Insurance	751	750	(1)		(1)	100.1%	
4110 Audit Fees	350	350	0		0	100.0%	
4150 S137 and Other Grants	225	700	475		475	32.1%	
4160 Youth Club Grant	0	500	500		500	0.0%	
4170 Christmas Trees	0	225	225		225	0.0%	
4180 Deedstore	8	16	9		9	46.9%	
4190 Meeting Room Hire	360	360	0		0	100.0%	
4300 Website Development	0	100	100		100	0.0%	
4310 Website Maintenance	750	770	20		20	97.4%	
4320 Election Expenses	0	1,000	1,000		1,000	0.0%	
4330 Software - Initial Purchase	590	0	(590)		(590)	0.0%	
4340 Software - set up/training	200	0	(200)		(200)	0.0%	
4350 Software - Annual Licence	226	0	(226)		(226)	0.0%	
	<u>18,360</u>	<u>27,890</u>	<u>9,530</u>	<u>0</u>	<u>9,530</u>	<u>65.8%</u>	<u>0</u>
Administration :- Indirect Payments							
	<u>17,322</u>						
Movement to/(from) Gen Reserve							
<u>17,322</u>							
<u>120 Long Rock Allotments</u>							
1210 Allotment Rents	28	350	323			7.9%	
	<u>28</u>	<u>350</u>	<u>323</u>			<u>7.9%</u>	<u>0</u>
Long Rock Allotments :- Receipts							
4120 Maintenance	0	150	150		150	0.0%	
4130 Water	4	120	116		116	3.6%	
4140 Rents Payable	80	80	0		0	100.0%	
4330 Software - Initial Purchase	59	0	(59)		(59)	0.0%	
4340 Software - set up/training	20	0	(20)		(20)	0.0%	
4350 Software - Annual Licence	23	0	(23)		(23)	0.0%	
	<u>186</u>	<u>350</u>	<u>164</u>	<u>0</u>	<u>164</u>	<u>53.1%</u>	<u>0</u>
Long Rock Allotments :- Indirect Payments							
	<u>(158)</u>						
Movement to/(from) Gen Reserve							
<u>(158)</u>							

Detailed Receipts & Payments by Budget Heading 03/11/2016

Cost Centre Report

	Actual Year To Date	Current Annual Bud	Variance Annual Total	Committed Expenditure	Funds Available	% Spent	Transfer to/from EMR
<u>130 Church Hill Allotments</u>							
1210 Allotment Rents	57	1,450	1,393			4.0%	
Church Hill Allotments :- Receipts	<u>57</u>	<u>1,450</u>	<u>1,393</u>			4.0%	<u>0</u>
4120 Maintenance	25	250	225		225	10.0%	
4130 Water	157	500	343		343	31.4%	
4140 Rents Payable	350	700	350		350	50.0%	
4330 Software - Initial Purchase	236	0	(236)		(236)	0.0%	
4340 Software - set up/training	80	0	(80)		(80)	0.0%	
4350 Software - Annual Licence	90	0	(90)		(90)	0.0%	
Church Hill Allotments :- Indirect Payments	<u>938</u>	<u>1,450</u>	<u>512</u>	<u>0</u>	<u>512</u>	64.7%	<u>0</u>
Movement to/(from) Gen Reserve	<u>(881)</u>						
<u>140 Amenities</u>							
1100 Footpath Grant	2,700	3,474	774			77.7%	
1130 Aggregate Fund Income	0	4,500	4,500			0.0%	
Amenities :- Receipts	<u>2,700</u>	<u>7,974</u>	<u>5,274</u>			33.9%	<u>0</u>
4200 Repairs	64	1,500	1,436		1,436	4.3%	
4400 St Pauls Amenity Area	341	682	341		341	50.0%	
4410 Churchtown Garden	105	210	105		105	50.0%	
4420 Aggregate Fund Expenditure	0	4,500	4,500		4,500	0.0%	
4430 Footpath Maintenance	2,470	3,474	1,004		1,004	71.1%	
4450 Long Rock Toilets	0	1,272	1,272		1,272	0.0%	
4460 Grass Cutting	180	250	70		70	72.0%	
4470 Green Initiatives	0	408	408		408	0.0%	
Amenities :- Indirect Payments	<u>3,160</u>	<u>12,296</u>	<u>9,136</u>	<u>0</u>	<u>9,136</u>	25.7%	<u>0</u>
Movement to/(from) Gen Reserve	<u>(460)</u>						
<u>150 St Pauls Cemetery</u>							
1200 Burial Fees	700	2,680	1,980			26.1%	
St Pauls Cemetery :- Receipts	<u>700</u>	<u>2,680</u>	<u>1,980</u>			26.1%	<u>0</u>
4120 Maintenance	255	0	(255)		(255)	0.0%	
4130 Water	37	0	(37)		(37)	0.0%	
4460 Grass Cutting	525	1,120	595		595	46.9%	
4520 Sextons Duties	120	120	0		0	100.0%	
St Pauls Cemetery :- Indirect Payments	<u>937</u>	<u>1,240</u>	<u>303</u>	<u>0</u>	<u>303</u>	75.6%	<u>0</u>
Movement to/(from) Gen Reserve	<u>(237)</u>						

Detailed Receipts & Payments by Budget Heading 03/11/2016

Cost Centre Report

	Actual Year To Date	Current Annual Bud	Variance Annual Total	Committed Expenditure	Funds Available	% Spent	Transfer to/from EMR
<u>160 Crowlas Cemetery</u>							
1200 Burial Fees	250	500	250			50.0%	
	<u>250</u>	<u>500</u>	<u>250</u>			<u>50.0%</u>	<u>0</u>
Crowlas Cemetery :- Receipts	250	500	250			50.0%	0
4460 Grass Cutting	735	1,470	735		735	50.0%	
	<u>735</u>	<u>1,470</u>	<u>735</u>	<u>0</u>	<u>735</u>	<u>50.0%</u>	<u>0</u>
Crowlas Cemetery :- Indirect Payments	735	1,470	735	0	735	50.0%	0
Movement to/(from) Gen Reserve	<u>(485)</u>						
<u>200 Neighbourhood Planning</u>							
1120 Neighbourhood Planning Grant	1,654	8,000	6,346			20.7%	
	<u>1,654</u>	<u>8,000</u>	<u>6,346</u>			<u>20.7%</u>	<u>0</u>
Neighbourhood Planning :- Receipts	1,654	8,000	6,346			20.7%	0
4020 Staff Cost	2,635	4,500	1,865		1,865	58.6%	
4260 Grant Funded	1,654	8,000	6,346		6,346	20.7%	
4270 Other	596	3,986	3,390		3,390	15.0%	
	<u>4,885</u>	<u>16,486</u>	<u>11,601</u>	<u>0</u>	<u>11,601</u>	<u>29.6%</u>	<u>0</u>
Neighbourhood Planning :- Indirect Payments	4,885	16,486	11,601	0	11,601	29.6%	0
Movement to/(from) Gen Reserve	<u>(3,231)</u>						
<u>999 VAT Data</u>							
115 VAT Refunds	600	0	(600)			0.0%	
	<u>600</u>	<u>0</u>	<u>(600)</u>			<u>0.0%</u>	<u>0</u>
VAT Data :- Receipts	600	0	(600)			0.0%	0
515 VAT on Payments	1,052	0	(1,052)		(1,052)	0.0%	
	<u>1,052</u>	<u>0</u>	<u>(1,052)</u>	<u>0</u>	<u>(1,052)</u>	<u>0.0%</u>	<u>0</u>
VAT Data :- Indirect Payments	1,052	0	(1,052)	0	(1,052)	0.0%	0
Movement to/(from) Gen Reserve	<u>(452)</u>						
<hr/>							
Grand Totals:- Receipts	41,671	57,196	15,525			72.9%	
Payments	30,253	61,182	30,929	0	30,929	49.4%	
Net Receipts over Payments	<u>11,418</u>	<u>(3,986)</u>	<u>(15,404)</u>				
Movement to/(from) Gen Reserve	<u>11,418</u>						



Steve Hudson
Clerk to Ludgvan Parish Council
Brynmor
St Ives Road
Carbis Bay
TR26 2SF

7th October 2016

Dear Steve

Re: Planning proposal at Bowglas Close and Neighbourhood Plan

Following the last meeting of Towednack Parish Council, I have been asked to express concern that a housing development, encroaching on agricultural land, should be considered when there are several brownfield sites that would be more appropriate.

Please take this comment to the next Ludgvan PC meeting when, I presume, this matter will be discussed.

Whilst writing to you, I would also like to request that, as you suggested, Ludgvan Parish Council visit Towednack to present its Neighbourhood Plan proposals. Unfortunately, no members of Towednack PC were able to attend the recent Gilbert Hall meeting due to the short notice given.

Perhaps you could suggest some dates and, when a date is confirmed, it could be publicised to enable any Ludgvan residents from Nancledra and its environs to have due notice to attend, if they wish?

Neighbourhood Plans have many implications for residents and the Parish Council feels that it is important that there is as wide a consultation process as possible to ensure that all views are considered.

Thank you, in advance, for your help in this matter, I look forward to hearing from you in due course.

Yours sincerely,

Margaret Taylor,

Clerk to the Council

**THE MOORS, NANCLEDRA, PENZANCE, CORNWALL, TR20 8LH,
TEL: 01736 740931. E-MAIL: towednackparishcouncil@gmail.com**

Devonwall: The proposed cross-border constituency and why it cannot work

Craig Weatherhill

THE current proposal is not the first time that an intent to violate Cornwall's historic border – one of the oldest consistent borders in the world - has occurred. Most recently, in 2012, a Conservative proposal to reorganise UK parliamentary constituencies, including one that would conjoin part of the county of Devon and part of the Duchy of Cornwall, was thwarted only by the Conservatives' Coalition partners in the Liberal Democrat Party. At that time, Prime Minister David Cameron, referring to objectors and the border at the River Tamar, publicly sneered on television: "*It's not exactly the Amazon, for Heaven's sake!*" despite the fact the Amazon has never formed a border of any description. For the sake of venting cheap ridicule, he betrayed his own complete ignorance of the realities of that border's legal, constitutional, territorial, historical or cultural significance.

In 2016, a Conservative Government, free from any coalition constraints, is once again posing a serious threat to Cornwall's 1,100- year old border and, this time, in direct defiance of the requirements of the Council of Europe Framework Convention for the Protection of National Minorities, which did not apply in 2012. The proposal to unite part of Cornwall and part of Devon into a single constituency, and be adequately represented by a single Member of Parliament is ill-considered, impractical, arguably unlawful, and cannot possibly work for the several reasons given below.

At this stage, it must be taken into full consideration that it was G.C. Flather, a Queen's Counsel attached to the Boundaries Commission itself in 1988, who made the correct observation that, although Cornwall was *de facto* administered by England, a *de jure* joinder of Cornwall and England has **never** taken place.

No notice is being taken by the UK Government of the legal and constitutional realities, and fundamental differences, that divide the two halves of this proposed constituency: differences that cannot possibly be reconciled without years –even decades - of legal wrangling at colossal expense.

The border at the left (eastern) bank of the River Tamar is stated to have been determined by treaty between two kings: Athelstan of a newly created England, and Huwal of Cornwall c.930 AD, leaving the bed and waters of the river totally within Cornish jurisdiction and ownership. That this arrangement was taken seriously thereafter at the very highest level is confirmed by Cornish exemption from English legislature from the reigns of Cnut to Henry I (1016 -1135), and subsequently written into the Duchy of Cornwall Charters of 1337-38, in which the same east bank of the Tamar border was not only maintained, but enshrined in law for perpetuity. One only has to examine the wording of the Tamar Bridge Act 1998 to discover that the very same border is legally observed, and intact at law, to this day, and that it can be neither dismissed nor ignored.

It is to be remembered that: “*the whole territorial interest and dominion of the Crown in and over the entirety of Cornwall is vested in the Duke of Cornwall*”; this wording confirmed by the High Court in 1855 and again as recently as 2013. Therefore, the ruler and quasi-sovereign of Cornwall is not Queen Elizabeth II, but Charles, Duke of Cornwall and Prince of Wales. Cornwall is, therefore, the only part of the United Kingdom whose *de jure* Head of State is not the Monarch. So, the proposed cross-border constituency will consist of two halves having separate Heads of State. Each half will also have separate High Sheriffs, one appointed by the Monarch; the other appointed by the Duke of Cornwall.

Peculiar and unique laws, established over centuries and pertaining to the Duchy and to the Stannary are applicable and fully extant in the Cornish half of the proposed constituency, but not in the Devonian half. Those include the rights of *bona vacantia*, right of wreck, ownership of foreshore and waterways, and many more besides. Moreover, the Duke of Cornwall is the ‘owner absolute’ of the soil in Cornwall, but not in Devon (and the remainder of the UK), where the absolute ownership of the soil is vested in the Crown. Cornwall’s constitutional status is, in the best of legal opinions, “*unique*” and “*in a category of its own*”.

The Cornish half of the proposed constituency is territory inhabited by a legally protected National Minority people: the Cornish. The Devonian half is not. The Cornish half is territory housing a legally protected language: *Kernowek* (Cornish). The Devonian half is not.

The electorate figures on which the Government is founding its whole constituency reorganisation proposals are based upon the electoral rolls at the 2015 General Election. Yet the Government itself is fully aware of the 52,500 houses, to be built in the Duchy before 2030, that its own appointed but unelected Planning Inspector in Bristol is imposing on Cornwall in the guise of a “Local” Plan. As the vast majority of these houses will be unaffordable to Cornish residents, this represents a population increase of around 150,000 inward migrants within 14 years that is simply **not** being taken into account by these constituency reorganisation proposals, which are therefore nonsense.

The determination of the UK Government to create this cross-border “Devonwall” constituency is certainly in wilful defiance of legally binding Charters and Framework Conventions, ancient and modern, British and European. In short, it is contended that the proposal may well be unlawful. This Government’s disrespect and openly contemptuous attitude to Cornish opinion have needlessly created considerable anger among the Cornish community.

That a single Member of Parliament should be expected to adequately represent a constituency of two such contrasting halves, let alone fully comprehend those differences and their ramifications, is patently absurd, and it will seriously disadvantage one of those halves. Bitter experience gained over centuries tells us that it is the Cornish half that will suffer the disadvantage. This “Devonwall” constituency proposal is most unlikely to stand up to impartial legal examination, and **should**, indeed **must**, be abandoned forthwith.

The author of this document, on behalf of Kernow Matters, is Craig Weatherhill, a Bard of the Cornish Gorsedh. An archaeologist, historian, writer and scholar of long standing, he also has knowledge of Cornwall's constitutional status.

Parliamentary Voting System and Constituencies Act 2011: Proposed Bideford, Bude and Launceston constituency

TWO DOZEN REASONS WHY WE STAND AGAINST THE UNLAWFUL IMPOSITION OF 'DEVONWALL'

1. Areas with the lowest levels of registration are often those that already have the least voice in politics. Young people, some ethnic minority groups and those in the private rented sector are all less likely to register to vote than others. That makes many of them effectively cut out of the new political map when those areas get less representation than other areas. Everyone deserves representation, not just those on the register.
2. The review is being undertaken on the basis of a register that's nearly a year out of date - excluding over two million people who signed up between December and June. That means some regions are two seats short of what they are owed. It would be much fairer – and would make more sense - to draw boundaries based on eligible population rather than an incomplete electoral register. In Cornwall alone, 52,500 homes are to be built in these coming years meaning a massive increase in population.
3. Addressing the carving up of communities themselves, the rigid 5% threshold – the maximum difference in size between constituencies – means that some communities will be split up, while others will be merged and dragged into others.
4. On top of that, the strict 5% difference limit poses the prospect of huge disruption every five years through sparking a boundary review for every election. Do we really want to spend infinite hours arguing about seat borders in the run up to every Westminster vote?
5. Of course, this is all happening alongside a reduction in the number of MPs – something that has a bizarre rationale when one thinks about it. Because the government argue shrinking the Commons will 'cut the cost of politics'.
6. There a growing unelected House of Lords - and a shrinking elected one. The House of Lords is a super-sized second chamber – second only to China – and shockingly poor value for money. Surely it would be more democratic to address the crisis in the House of Lords than to cut the number of elected MPs? The last Prime Minister appointed 205 Peers over the past six years, at a cost of £13m already. If one wants to reduce the cost of politics, one could do worse than starting there and cutting down our bloated upper house.
7. Cutting the number of elected Parliamentarians does have one effect though – and sadly it's not a good one. If one reduces the number of MPs in Parliament without reducing the number of ministers, one increases the power of the executive and make it more difficult to challenge the government. And that in turn will reduce the ability for Parliament to do its job of holding the Government to account.
8. The Government talks about the need to 'make every vote count' through these changes. Yet the best way to do that is to give one and all a proportional and fair voting system.

9. We see that with the deeply unpopular ‘Devonwall’ seat that spans Cornwall and Devon – distinct areas with very distinctive identities and needs. Fair political boundaries are crucial to ensuring people are properly represented in Parliament: Westminster and its unelected quangos shouldn’t tear apart close-knit areas in a rush to ‘equalise’ numbers.

10. The Cornish language was recognised officially in 2003 under the European Charter for Regional or Minority Languages and was initially supported by the UK government. This minimal funding was withdrawn during 2016 and has caused many to feel extremely bitter towards the Westminster Government. How many more insults and lies are we expected to endure?

11. In April 2014, the Coalition Government finally recognised the people who spoke that language, the Cornish people, through inclusion in the Framework Convention for the Protection of National Minorities. The official governmental press release stated that “the decision to recognise the unique identity of the Cornish, now affords them the same status ... as the UK’s other Celtic people, the Scots, the Welsh and the Irish.”

This landmark recognition came after many years of campaigning and, as a consequence, was greeted with publicly expressed joy across all of Cornwall’s communities as well as by Cornish people the world over.

Sadly, two years on, there is a growing frustration that central government is failing to act on the various articles within the Framework Convention. The Cornish are being again treated as second class citizens.

12. The UK Government passed the Parliamentary Voting System and Constituencies Act, which stated that the number of seats in the UK parliament should be reduced to 600 and – unless specified in the legislation – the electorates for seats should be within 5% of the various averages for England, Northern Ireland, Scotland and Wales.

That Act does not recognise the territorial integrity of Cornwall and its 1,000 year old boundary, and, as the legislation stands, the outcome of Boundary Review (based on the provisions within the Act and the present electorate of Cornwall) would inevitably include the creation of a cross-Tamar ‘Devonwall’ constituency taking in Bude and Launceston in Cornwall and Bideford in Devon.

13. It is since the Act was agreed, that the UK Government agreed the Cornish are covered by the auspices of the Framework Convention and our organisation contends that developing a cross Tamar parliamentary constituency would contravene the following constituent articles of the Framework Convention:

ARTICLE 3 – PARAGRAPH 2: “Persons belonging to National Minorities may exercise the rights and enjoy the freedoms flowing from the principles enshrined in the present Framework Convention individually as well as in community with others.”

ARTICLE 5 – PARAGRAPH 2: “Parties shall refrain from policies or practices aimed at assimilation of persons belonging to National Minorities against their will and shall protect these persons from any action aimed at such assimilation.”

Under these circumstances it would therefore appear that the legislation which guides the Boundary Review is in conflict with the Framework Convention which, as well as protecting the

culture and identity of national minorities, also seeks to protect the political integrity of territories associated with such groups.

14. In the Parliamentary Voting System and Constituencies Act, the territories of other national minorities within the United Kingdom (namely the Scots, the Welsh and Northern Irish) are safeguarded and no seats can be proposed which would cross the land borders between England and Scotland or Wales.

Once again, a campaign is growing in Cornwall in defence of the border which was set over a thousand years ago in 936AD when King Athelstan set the boundary between English and Cornish at the high water mark of the eastern bank of the River Tamar.

15. It is difficult for people living elsewhere to understand the mind-set of the Cornish people and indeed, of many of the people of Cornwall, but as with Scotland and Wales, there is a strong and emotional attachment to the land and Cornwall's time honoured boundary.

16. Dr. Merv Davey, The Grand Bard of the widely respected Cornish Gorseth, our College of Bards recently remarked: "Any recommendation that parts of Cornwall are placed within Devon constituencies would be a disaster for Cornish democracy, heritage, culture and our national identity."

17. Cornwall Council unanimously opposes the imposition of a Cross Border Constituency and its Leader, Cllr. (Ind) John Pollard has even called the 'Devonwall' proposal unlawful. (Cornwall Council Media Release 28/09/2016) Other too believe this Cross Border Constituency breaks the law. The Mayor of Launceston, Cllr. Brian Hogan, has summed up the mood as angry. "The people of Cornwall have fought long and hard to preserve their sense of identity. They are not keen on centuries of history being chucked out because of red tape. There's a lot of anger around here. Cornwall is passionate about its own identity."

18. Cornwall has a unique legal place within the constitution as recognised by such scholars as Dr John Kirkhope, constitutional lawyer of Public Notary. Cornwall is different legally from Devon and indeed, most other places.

19. An open public opinion poll run in Cornwall by commercial broadcaster Pirate FM returned results on 15th September, 2016 which indicated 94% of people in Cornwall are opposed to 'Devonwall'. A similar poll run by the Daily Mirror indicates 89% are opposed to the changes.

20. Cornwall should be given an exemption similar to the ones given to the Orkney Islands and the Isle of Wight, both of which were allowed to deviate from the '5% of average' size rule.

An analysis of the Boundary Commissions statement and calculations has been made by Professor (of Electronic Engineering and Applied Physics) Gareth Parry, who says:

"If considered alone, the electorate of the County of Cornwall (including the electorate of the Isles of Scilly), at nearly 394,000, would result in an allocation of 5.27 constituencies to the county.

While we are sensitive to the strength of feeling about the Cornish border, with its single land border, it is simply not possible to develop a proposal under which five whole constituencies, each with electorates within 5% of the electoral quota, are contained within the county boundary."

(Prof Parry says the following:) Whilst mathematically correct, the analysis below demonstrates that this is far from the clear cut case suggested. In fact the Commission case is based on the tiniest of margins. It would be scandalous if Cornwall was broken up on the basis such small margins.

The 5% rule implies that the electorate in the constituencies should be between 71,031 and 78,507.

The electorate of Cornwall is 392,223 and that of the Isle of Scilly is 1,651. A total of 393,874.

The Commission's figure of 5.27 is based on the assumption that there are 74,739 electors in each constituency. However, we are permitted under the rules specified to have up to 78,507 electors in each constituency. If that were the case the allocation would be 5.02, which is very close to the target of 5.0 constituencies.

So suppose we do have 5 constituencies of 78,507 electors.

The total number of electors permitted would be 392,535. The actual number of electors is 393,874 which is only 1,339 more or 269 more per constituency or 0.3% above the target number.

If this extremely small additional number were permitted, Cornwall would remain whole with 5 constituencies. Or, to put it another way, the boundary commission are imposing Devonwall on the basis of just 269 electors in a constituency of 78,507!

We can look at this another way. Consider Cornwall on its own (without the Isles of Scilly). The electorate is 392,223. This is less than the 392,535 which the Commission state is within acceptable limits. And 5 constituencies would have 78,445 electors, 62 less than the maximum allowed under the Commission rules. Cornwall alone with 5 constituencies satisfies the Commission's rules.

The fact that the tiny population of the Isles of Scilly is sufficient for the Commission to argue that the historic Cornwall-Devon boundary be moved highlights the weakness of the Commission's case. It would be perfectly reasonable to make the case that one Cornish constituency should be permitted to exceed the maximum to include the Isle of Scilly. All 4 other constituencies would be less than the maximum permitted."

21. Cornwall has devolved Local Government through the Devolution Deal, recently agreed with HM Government and our democracy will be seriously inhibited if this does not coincide with Parliamentary Constituency boundaries.

22. Parliament is less respected now than it ever has been and the imposition of 'Devonwall' would compound that growing mistrust. Our Westminster politicians scratch their heads and wonder why so few now bother to vote. The answer is obvious!

23. Whoever elected the Boundary Commission? How many more undemocratic quangos are there dabbling with Cornwall and whoever in Cornwall asked them to?

24. Some people from England like to draw lines on maps. We recall the actions of English diplomat, Mark Sykes and the Frenchman François Georges-Picot who drew lines on a map of the Middle East in 1916. The world is still suffering the consequences of that particular boundary review a hundred years on. It really is time to leave the Cornish and their homeland alone.

We thank the following for this list:

Members of 'Kernow Matters To Us' campaign group
Cornwall Councillor Dick Cole and his team from Mebyon Kernow
The Grand Bard of Gorsedh Kernow, Dr Merv Davey
Professor Gareth Parry
Cornwall Councillor (Ind) John Pollard, Leader of Cornwall Council
Dr. John Kirkhope Constitutional Lawyer and Public Notary
Craig Weatherhill - Bard of Gorsedh Kernow, historian, archaeologist and author

COUNTY, DUCHY, NATION OR COUNTRY? THE CASE FOR CORNWALL

Craig Weatherhill

INTRODUCTION

FOR many decades, Cornwall has been the poor relation in the United Kingdom of Great Britain and Northern Ireland. It vies with the west of Wales as being the poorest region of northern Europe, has the UK's lowest average income and among the UK's highest domestic overheads. Although its citizens pay the same proportion of their income in taxes as anyone else, Cornwall has been scandalously underfunded by London for far too long. In 2002, it was reliably calculated that the UK Government takes £300 million a year more from Cornwall than it gives back ('Business Age' magazine). Cornwall was once a proud independent Celtic kingdom but through historical events which lay outside both democratic and legal process, it has been counted, by London, as part of England since the mid 16th century; its people labelled as "English" and, since 1889, it has been administered as though it were a mere county of England.

Cornwall is much more than that. It is still home to an indigenous people with a 12,000-year history – with the Welsh, the oldest peoples of Britain - and who are genetically distinct from the inhabitants of England. It has an ancient and surviving language whose history can be traced back for 5,000 years. It also has a unique and quite remarkable constitutional status within the UK, which has long been subjected to official and media concealment. It retains, intact, a legal right to govern itself (also, for the most part, concealed from the public eye); and, for some 700 years, it even has a separate Head of State.

A rapidly growing body of Cornish inhabitants believes that this programme of diminishing Cornwall is holding its community back from advancement in the modern world. It is their opinion that the appellation of "county", to the exclusion of other lawful and more senior titles, is detrimental to efforts to give Cornwall its rightful place in the world. Indeed, the Royal Commission on the Constitution ('Kilbrandon Report') in 1973, makes mention of the dubious legality of administrative "county" status being imposed in 1889, and recommended that Cornwall be referred to as a Duchy. This recommendation has been signally ignored by the UK government and the mainstream media ever since.

Legal opinion regarding Cornwall's status appears to be in accord. G.D. Flather QC, Assistant Commissioner for the Boundaries Commission correctly

concluded in 1988 that while Cornwall is currently administered by England, a *de jure* joinder of the two has **never** been achieved. More recently, Dr John Kirkhope, a Solicitor, Notary Public and legal researcher based in Weston-super-Mare, has concurred with Flather's conclusion and several other legal opinions and judgements have also agreed with it. However, the status quo continues regardless.

The Cornish people are actively being denied the opportunity to state their case to be rightfully recognised as a nation. This, too, is unjust in a society that prides itself upon upholding standards of democracy, fairness and freedom. We would respectfully ask your indulgence to accept this document as the Case for Cornwall in this regard.

THE GENETIC EVIDENCE: The last dozen years have seen a major genetic study of the peoples of Britain being carried out by Oxford University under the wing of the Wellcome Trust and headed by Sir Walter Bodmer. Its findings were published in 'Nature' in March 2015. These results have answered several perplexing historical questions, and revealed some facts that the genetic researchers have described as "striking" and "astonishing".

In fact, the results indicate that the people of Britain have not had a tendency to move from their post-Roman and earlier tribal areas anywhere on the island since the 7th century.

The Cornish and the Welsh are revealed as having the longest history of any of the peoples of modern Britain, entering an empty island after the Ice Age from a refuge area in the Iberian peninsula, largely coinciding with that occupied by the Basques. 80% of Cornish people and 82% of the Welsh retain the genetic markers of those early Mesolithic colonists 12,000 years ago.

The Cornish people were found to form a genetic group markedly distinct from that of their Devonian neighbours and different again from the genetic make-up of southern and central England, whose early origins from northern Europe (and ultimately from the region of the Ukraine and the northern Balkans) also differed. The geographical demarcation line between the Cornish and Devonian genetic groups was equally striking: the River Tamar, Cornwall's political border for over a thousand years.

THE CORNISH LANGUAGE: Cornwall's Celtic language has a history that is at least 5,000 years old. According to archaeologist Professor Sir Barry Cunliffe and archeo-linguist Professor John Koch, Celtic originally developed from Indo-

European in southwestern Iberia, around the Tagus estuary, c.4,000 BC. It then became the *lingua franca* of the Atlantic sea-trading routes, becoming adopted by Ireland and Western Britain by 3,000 BC; and the remainder of Britain by 2,000 BC.

In the early Bronze Age, the language split into two distinct dialects: Goidelic (Gaelic or Q-Celtic) and Brythonic (British or P-Celtic). These, in turn, diversified into distinct regional languages during the post-Roman centuries, British or P-Celtic becoming Cumbric, Welsh, Cornish and Breton, the last three of which survive to this day.

Six nations currently retain speakers of their own Celtic languages. These are: Ireland, Scotland, the Isle of Man, Wales, Cornwall and Brittany. That Cornish died out in the late 18th century is an oft-repeated fallacy, with native speakers being reliably attested as alive as late as 1914, well after a concerted and successful effort to revive the language had been put into action.

Presently, around 560 people in Cornwall count Cornish as their first language, with between 3,000 and 4,000 people using the language on a regular basis, but as a second language. Many more are currently in the stages of learning Cornish. Cornwall's Unitary Council has an active Cornish Language policy that is currently seeing thousands of street signs and settlement nameplates being presented in bilingual form. Other organizations, such as the National Trust and 'English' Heritage, have also adopted active Cornish language policies.

Since 2002, Cornish has been a protected language under the European Charter for Regional or Minority Languages. Despite this, and the facts at hand, UNESCO, deceitfully advised by government departments in London, declared Cornish as extinct in 2009. Protests and factual evidence from Cornwall itself achieved a change of heart and, in 2010 UNESCO listed Cornish as alive but critically endangered.

In Cornish, the opening verses of the Book of Genesis appear as follows:

“Y'n dallathvos Duw a wrug an nev ha'n nor. Hag yth esa an nor neb composter ha gwag, hag yth esa tewlder war vejeth an downder, ha spyrys Duw a wre gwaya war vejeth an dowrow. Ha Duw a leverys: 'Bedhens golow,' hag y feu golow. Ha Duw a welas an golow, fatell o va da, ha Duw a dhybarthas an golow orth an tewlder. Ha Duw a elwys an golow dedh ha'n tewlder ev a elwys nos, hag y feu gordhuwher ha myttyn, an kensa jorna.”

CORNWALL'S TRUE NAME: The true name of any country is that which is used in the traditional language of that same country. 'Cornwall' is a hybrid name

coined by pre-Norman English scribes, and adopted by the subsequent Norman administration. The Cornish, and therefore true, name for Cornwall is **Kernow** (pronounced: 'CAIR-nau'). This is of great antiquity and is first found in the Roman 'Ravenna Cosmography' of c.400 AD, within a place-name *Durocornouio(n)*, "fortress of the Cornovii or Cornish" (identified as Tintagel). It appears in pre-Norman centuries variously as *Corneu* and *Cerniu*, reaching its modern form, **Kernow**, in the 14th century. The name is believed to translate into English as "(land of) promontory-dwellers."

West Saxon records, primarily the Anglo-Saxon Chronicles, show that the early English referred to the Cornish as *Westwalas* (and to the Welsh as *Northwalas*), using the Saxon word *walas*, which they exclusively applied to Celtic speaking British natives. In 891 AD (the same year in which the name England is first recorded, and as *Englaland*), the native and Saxon names became hybridised as *Cornwalas*, hence Cornwall.

PREHISTORY AND THE ROMAN EMPIRE: The aforementioned genetic evidence is testament to a long and remarkable history of continuity, with none of the pre-Roman "invasions" which were once postulated. After the arrival of the early Mesolithic colonists, there appears to have been further influxes of people, again from the Biscay coasts, at the beginning and end of the Neolithic period 6,000 and 4,000 years ago, firstly bringing the skills of agriculture and megalith-building, and latterly knowledge of mineral extraction and processing, and the fashioning of metals into implements and weaponry. West Cornwall in particular is rich in tin and copper. An amalgam of the two produces bronze, thereby heralding the succeeding Bronze Age. The provenance of these late settlers is not confirmed but the abundance of maritime Bell Beakers, a style originating in western Iberia, strongly suggests that they hailed from Galicia, at the northwestern tip of the Iberian peninsula and which is also rich in tin.

Cornwall is also abundant in iron, particularly in its mid part, and this undoubtedly played a major role in the formation of the Iron Age, around 800 BC. That tin remained a major commodity for export was confirmed by the writings of Pytheas, a Greek geographer and explorer from the then Greek colony of Massalia (Marseilles); the first known Mediterranean visitor to Britain whose visit occurred c325 BC. In his *Peritou Okeanou* (On the Ocean), cited by later classical writers, West Cornwall was the first place in Britain ever to have been written about. Describing the Iron Age native Cornish of the Land's End peninsula as "civilised", "ingenious" and "especially hospitable to strangers" through their frequent contact with maritime Atlantic traders, Pytheas described how tin was extracted and smelted, then formed into ingots which were taken on wheeled wagons to a nearby island which was joined to the mainland at low

water; a perfect description of St Michael's Mount which archaeology has now confirmed as a maritime export and import centre during the Iron Age and Roman period.

For the most part, the 400 year Roman occupation of Britain left the people of the Cornish peninsula to their own devices, constructing just three small forts near navigable rivers (and also near important mineral deposits), and undoubtedly acting as trading centres. A handful of way markers ("milestones") were also set up beside two native routeways: one in north Cornwall, the other towards the west and aiming in the direction of the trading port at St Michael's Mount. Administration was carried out from distance at *Isca Dumnoniorum* (Exeter).

THE KINGDOM OF DUMNONIA AND CORNWALL: Cornwall's individual status certainly dates back into prehistory, but there is no written record of it until the post-Roman centuries. It was originally a named part of an overall Kingdom of Dumnonia, named during the Roman occupation, which stretched from the Somerset Levels to Lands End. The names of several successive historical kings are listed in genealogies between c.400 AD to c.700 AD. Thereafter, the record is frustratingly fragmented, but Gerent II (d. c.710); Donyarth (d. 875) and Huwal (fl. c.926) are known of from that period.

Dumnonia ceased to exist as a named entity c.815 AD when concerted westward expansion of the Saxon kingdom of Wessex, under its king Ecgberht, seized most of Devon. What remained was the kingdom of Cornwall/Kernow (believed to have consisted of most of present-day Cornwall, south and west of the Ottery and Tamar Rivers, plus Dartmoor and the South Hams), which remained so until Athelstan in 926 AD, when he removed the Cornish from Exeter, seized Dartmoor and the South Hams (in which Cornish remained spoken in places during the reign of Edward I), and fixed the River Tamar as the border between the south-western Celtic kingdom and his own English one. In doing so, Cornwall regained the corner north of the River Ottery in which the majority of place-names are English (in the remainder of Cornwall, the vast majority of place-names derive from Cornish).

Cornwall remained an independent Celtic kingdom until the Norman Conquest, although West Saxon kings gained an increasing amount of influence and land ownership in Cornwall through the Roman church controlled by Canterbury. It is clear that the Danish king of England, Cnut (r. 1016-1035) did not regard Cornwall as part of his realm. Cnut created a tripartite legal system for the whole of his realm – Danelaw, Mercialaw and Wessexlaw. This entirely excluded Cornwall from the English legal system; an exclusion that lasted through

to the reign of Henry I, where its continued exclusion from that legal system can be noticed in his *Leges Henrici*. This prolonged exclusion served to solidify Cornwall's ancient Stannary laws, and the unique laws written into the Earldom of Cornwall and the subsequent Duchy that survive to this day.

THE EARLDOM OF CORNWALL: After 1066, the Norman conquerors recognised Cornwall's distinct status. According to William of Worcester, Cadoc, last of the Cornish royal line, was still alive and referred to as *eorl*. William I assumed ownership and direct rule in most of England but, in Cornwall, he appointed an Earl of Cornwall to act, rule and manage estates on his behalf as viceroy in a similar fashion to the Viceroys appointed by Queen Victoria in India. Cadoc may have died before he could be appointed but William I's initial appointments were deliberately chosen Celtic speakers, being Breton in the case of Earls Brient and Alan. Breton and Cornish were, at that time, almost identical languages. In doing this, William built upon an existing administrative structure, and recognized the close affinity between Cornwall and Brittany.

Although some place-names of Norman-French origin are found in Cornwall (e.g. Barripper, Reawla, Catchfrench), they form a tiny minority. The Celtic majority of place-names remained, indicating that Norman-French was not forced upon the Cornish, who appear to have been treated very differently, and much more kindly, than the Saxon English were by the Norman kings. The Cornish language continued to flourish, and not reduced to peasant status as Middle English was at that time. It is an ironic fact that English was seriously endangered by the 13th century but saved from a threatened extinction by large publications such as the *Polychronicon*, produced in English by three Cornish-speaking scholars: John of Cornwall, John Trevisa and Richard Pencrych. Within 50 years of their contribution, English replaced French as the official language of the Court, and was saved to enjoy its future success.

Earls of Cornwall continued to be appointed throughout the Plantagenet era, although several later Earls were rarely seen in Cornwall. Earl Richard, for example, built a strategically useless castle on the site of the post-Roman royal seat at Tintagel to deliberately use a locational association with the revered kings of the past, real and legendary (Arthur), in order to gain popular support and further his own aims of being crowned "King of the Romans", which he achieved in Aachen in 1249, becoming the richest man the world has ever seen. (Tintagel Castle was then left to decay).

It should also be mentioned that, on some copies of Magna Carta of 1215, the separate arms of England and Cornwall appear at top left and right of the document. Also, until 1549, court documents commonly contained the phrase

“*in Anglia et in Cornubia*” (‘in England and in Cornwall’), while Cornwall continued to be shown on maps which include the *Mappa Mundi* as a distinct entity, Cornubia, separately named from Anglia (England), Wallia (Wales) and Scotia (Scotland). That convention also ceased after 1549.

THE DUCHY OF CORNWALL: The Earldom of Cornwall was terminated and superseded by the Duchy of Cornwall by way of three Royal Charters of Edward III in 1337 and 1338, for his eldest son Edward, the “Black Prince” and all future male heirs to the throne. The Duchy has remained in place from then until the present day. The intention seems to have been twofold: to provide the heir to the throne with revenue chiefly derived from the 17 Duchy Manors; and to provide him with a training ground in the art of sovereignty.

There have been several disputes regarding the rights and status of the Duchy of Cornwall. Perhaps the most significant was that between the Duchy and the Crown between 1855 and 1859 over rights to the Cornish foreshore. This was settled, in favour of the Duchy, out of court and on the strength of a painstakingly researched submission by the Duchy’s Attorney-General, Thomas Pemberton-Leigh, and material gathered by his predecessor, Sir George Harrison.

This asserted, and was accepted, that the Duchy of Cornwall was extra-territorial to the throne of England; and that all rights, powers and prerogatives enjoyed elsewhere by the Crown were, in Cornwall, wholly vested in the Duke who, to all intents and purposes, was quasi-sovereign: Head of State and ruler of Cornwall. The Crown, therefore, holds no jurisdiction in Cornwall and, during times when there is no living Duke, the Crown holds the Duchy in trust, but is not permitted to make decisions regarding its structure or function. As A.L. Rowse commented, there may not be a Duke of Cornwall, but there is always a Duchy. The Duchy remains distinct and unique. It owns Cornwall through an “allodial” right to the land, permitting it to own the freehold to every square inch of Cornwall. Under the terms of the Duchy Charters, agents of the Crown cannot operate in Cornwall without the express written permission of the Duchy.

In the last two centuries, successive Dukes of Cornwall have shown no interest in ruling as Cornwall’s Head of State but, instead, have portrayed themselves simply as owners of a “private estate”. However, as legal expert Dr John Kirkhope has noted, it is a very peculiar private estate that has rights of *bona vacantia*, right of wreck, ownership of the foreshore and the fundus of rivers in Cornwall, the right to appoint its own High Sheriff. It is an extremely curious private estate that has the right (as outlined below) to convene a national legislative parliament with extraordinary powers: the Cornish Stannary

Parliament through which the Duchy operated its own courts and taxation system (known as “coinage”), and also had the right to summon its own militia.

In practice, a second Duchy of Cornwall has been created, and by no formal process. The first is that which was founded in 1337, and consists of the entire territory of Cornwall. The second is the “private estate”, consisting of additional estates and enterprises which have been acquired in a variety of geographical locations within and outside Cornwall by successive Dukes.

The details of the Duchy of Cornwall and its powers and rights testify that Cornwall is no mere “county of England”. It has an entirely different and quite unique status. How that status can actually be defined remains undetermined. In the 1850s, Thomas Pemberton-Leigh, the Duchy’s Attorney-General, held that Cornwall was much like a “County Palatine”. Dr John Kirkhope offers an alternative view: that Cornwall more closely, but not entirely, resembles a Crown Dependency, with similarities to the Isle of Man and the Channel Islands, neither of which are part of England or the United Kingdom of Great Britain and Northern Ireland. In the 17th century, Sir Matthew Hale said that Cornwall was like a County Palatine but was not because it lacked exclusive jurisdiction. Cornwall, therefore, resembles both a County Palatine, and a Crown Dependency, but conforms to neither one. Its constitutional status is absolutely unique. In Dr Kirkhope’s learned opinion, the Seignory of Sark is the closest current parallel to the Duchy of Cornwall, although differences are still apparent. Cornwall is, quite simply, unique and in a category of its own.

Cornwall is not specifically named in the 1707 Act of Union and it is possible that not only is it certainly the only part of the British mainland that is not ruled by the Crown, but may even be excluded from the overall United Kingdom. The truth is far from clear but these are questions that both government departments and the Duchy continually avoid.

The Crown appears to take the view that Cornwall is a constituent nation of the UK. In 2012 at the Queen’s Jubilee flotilla on the Thames in London, the Royal Barge *Gloriana* flew the flags of the UK’s constituent nations: England, Scotland, Wales, Northern Ireland (flying the saltire of St Patrick which had not been seen since before 1972), the City of London (very much a state within a state), and Cornwall’s Cross of St Piran, all six flying in absolute equality.

The Council of the Duchy of Cornwall (more recently renamed the Prince of Wales’s Council) is another mysterious entity that appears to exercise more power than generally realised. Its members are appointed, not elected, and its only member who is resident in Cornwall is the current High Sheriff. The public are not made privy to the proceedings of this Council whose undemocratic

influence on decisions affecting Cornwall and its people is widely suspected of being substantial.

Officers of this Council include: Secretary and Keeper of the Records (effectively its Chief Executive Officer); Attorney-General; Receiver-General; Lord Steward (also referred to as High Steward, Seneschal and Chief Commissioner); Solicitor-General; High Sheriff of Cornwall; Lord Warden of the Stannaries and Vice-Warden of the Stannaries. There are further offices which do not appear to be currently filled: Auditor; Keeper of the Privy Seal, Surveyor-General; Herald of Cornwall and, curiously, Vice Admiral of the Duchy of Cornwall (not appointed since 1917). One can argue that this is all a very strange set-up indeed for a mere “private landed estate”.

The principal role of the Lord Warden of the Stannaries is to convene Cornwall’s legitimate legislative Parliament when so instructed. This has not happened since 1752, but the office continues to be filled.

THE PARLIAMENT OF CORNWALL: The true antiquity of Cornwall’s parliament will never be known, but it is generally agreed that it predated the Norman Conquest. With the major part of Cornwall’s medieval economy being based upon tin extraction, it was formed around this activity and was variously known as the Convocation of Tinnars and as the Cornish Stannary Parliament.

Under this system of governance, Cornwall was divided into four areas, or Stannaries. These collectively provided 24 elected Stannators and 24 Assistant Stannators. Over time, this Parliament gained full legislative power in the Duchy, with Stannary Courts also being formed. These not only heard disputes involving mining, but also cases of assault, trespass, defamation and company law. Appeals arising from Stannary Court decisions went to the Prince’s Council (“Duchy Council”), and then to the Privy Council, but not to the ordinary courts of England. Stannary Courts were abolished in the late 19th century, but Stannary Law was not abolished, and cases under Stannary Law are still heard in the 21st century.

In 1497, Henry VII of England suspended the Stannary Parliament and imposed crippling taxes to fund his campaign against Scotland. The Cornish rose against him, marching in force to Blackheath on the edge of London, where they were heavily defeated by Henry Tudor’s army. Undaunted, the Cornish rose and marched again in the same year, supporting the pretender Perkin Warbeck’s claim to Henry’s throne, but this was aborted en route when Warbeck deserted them.

Henry VII later agreed to forgive the Cornish people and, for the princely sum of £1,000, he not only restored the Stannary Parliament in 1508 but, under his Charter of Pardon, granted it the astonishing and perpetual power of veto over Acts and Statutes enacted by the parliament in Westminster. The included term “their heirs and successors” then brought the Stannary and its powers beyond merely the realm of mining and all its service industries, to surely encompass the entire Cornish community.

It is a little known fact that the powers of the Cornish Stannary Parliament, including this right of veto, remain intact at law to this day. This was confirmed in 1977 to Plaid Cymru’s Member of Parliament, Dafydd Wigley by the government’s Attorney-General Lord Elwyn Jones. A further question regarding who had the right to abolish this Cornish Parliament and its right of veto produced an unexpected answer from the Hansard Library: that only the Cornish people had that right (and not “the people of Cornwall”, a quite deliberate distinction).

However, the Duchy allowed the Parliament to lapse. It was last convened by the Duchy in 1752, and met for the last time in the following year. From that time onward, successive Dukes of Cornwall have signally failed to reconvene Cornwall’s legitimate Parliament but it is to be stressed that the Duchy continues to appoint the officer whose task it is to convene that Parliament when instructed: the Lord Warden of the Stannaries.

Professor Robert Pennington, author of *Stannary Law* (1973), stated of the Cornish Stannary Parliament that: “no other institution has ever had such wide powers in the history of this country (i.e. the U.K.)”, and that it remains capable of being summoned. The lapse of 263 years does not negate or cancel a law, a fact supported by judgements in several prominent legal precedents.

THE ANGLICISATION OF CORNWALL: This began in earnest from 1549, following Henry VIII’s acrimonious break with the Roman Catholic church. After Henry’s death, and the succession of Edward VI, a sickly 9-year old boy, the self-appointed “Lord Protector” Edward Seymour, Duke of Somerset and uncle of the new king, and Archbishop Thomas Cranmer took it upon themselves to impose a new Protestant English State religion upon the land under the Act of Uniformity.

The Cornish people took this imposition, of both religion and the language in which it was to be conducted, very badly indeed. A considerable proportion of Cornish people in 1549 spoke no English at all, but they were well used to centuries of Latin services, with Cornish language elements included. Cornish forces under Sir Humphrey Arundell marched east once again, laying siege to

Exeter for five weeks, and fighting five brutal battles with English forces strengthened by mercenaries from Germany and Italy. The appalling nature of this conflict included the atrocity of 900 unarmed Cornish prisoners having their throats cut in just 10 minutes by the German *lanzknechts* under the command of Lord William Grey. (To this day, 'English' Heritage refuses to recognise these known battle sites or to include them in the Register of British Battlefields). The Cornish and their allies from the Dartmoor Stannaries were defeated, and after horrifying death-squads under Provost Marshal Sir Anthony Kingston were sent into Cornwall, an estimated 11% of Cornwall's male population were slaughtered, a detail seldom mentioned in history books. The overall death toll may have been as great as 20% of the entire Cornish population.

The Cornish Parliament's absolute and perpetual right of veto of Acts and Statutes of Westminster, as represented by the Cornish Articles of Demand sent to London, had been totally ignored in the case of Cranmer's Act of Uniformity, just 41 years after being granted by Royal Charter of Henry VII. It has been unlawfully ignored by Westminster and Whitehall ever since.

England's State Religion and language were duly imposed on Cornwall. No longer did official documents contain the phrase: "*in Anglia et Cornubia*" ('in England and Cornwall'), as had been commonplace in the late medieval period. No longer was Cornwall described as one of the four nations of the island, as many commentators, including Henry VIII's own chronicler, had done, or shown as such on maps as had previously been the case. The British Sea, so named from at least Roman times, was renamed the English Channel. Even the island lying off Looe, "St Michael's Island" since at least the 13th century, was renamed "St George's Island" in order to impose England's patron saint upon the Duchy.

From 1549 onward, Cornwall became regarded by London as part of England, but under no legal process had this been achieved, nor has it ever been so achieved. Again, we are reminded of the modern legal opinions that while Cornwall may be *de facto* joined with England, there is no *de jure* basis for any such joinder.

In fact, between 1497 and 1645, the Cornish rose against the English no less than six times, and largely because Cornish identity was under attack. During the Civil War ('War of the Five Nations'), the Cornish were referred to as "foreigners", and Parliamentary encroachment into Cornwall was referred to as "invasion".

Cornwall continues to be unlawfully denied its true identity and status by the UK Government, and endures the imposition of ongoing acts of assimilation, despite these being prohibited under the Framework Convention for the

protection of National Minorities. Today, it finds itself assailed by official agencies such as English Heritage, Natural England, Sport England, NHS England, Arts Council England, Highways England: the continuing increase of these assimilative titles is seemingly endless.

CORNWALL'S NATIONAL SYMBOLS: Cornwall has, for many centuries, enjoyed its own national symbols. It has had a succession of patron saints: the Celtic priest St Petroc (recently appropriated by Devon); St Michael the Archangel, most likely introduced by the Normans, and the Celtic priest St Piran, originally the patron saint of tanners, but now of Cornwall itself.

The annual Feast of St Piran, held on March 5th, is participated in by thousands processing in several towns and across the sand dunes near Perranporth to the 1,500-year old remains of the saint's oratory.

The national flag is the striking Cross of St Piran, a white cross on a jet-black background that, as aforementioned, was flown on the Royal Barge *Gloriana* alongside those of the other nations of the UK during the Jubilee flotilla in 2012. The antiquity of the flag is uncertain. It was mentioned as old by Davies Gilbert in 1824, and is the direct reverse of the original flag of Brittany, with which Cornwall has been closely linked, socially, culturally and linguistically, since the 5th century AD.

Cornwall's national bird is the Cornish Chough (*Pyrrhonorax pyrrhonorax*), a strikingly noble black corvid with a red curved beak and legs, and a distinctive call. The Chough vanished from Cornish shores for a period of some 50 years, but has now returned in numbers.

The national flower of Cornwall is taken to be the white flower of the Cornish Heath (*Erica vagans*), although the yellow flower of the dwarf Western Heath (*Ulex gallii*) has also been used.

Cornish tartans have been in common use for half a century, notably the Cornish national tartan and the Cornish hunting tartan.

The traditional Cornish motto, adopted by both the old and new Cornwall Councils, is *Onen hag Oll* (One and All).

Cornwall's National Anthem is generally agreed to be *Song of the Western Men (Trelawny)*, to a rousing tune with words penned by the Reverend R.S. Hawker. The Cornish Gorsedh (or College of Bards, similar to those of Wales and Brittany) sings *Bro Goth agan Tasow*, "Old Land of our Fathers", to the same

tune as the Welsh National Anthem, while “*Hail to the Homeland*”, by Kenneth Pelmear and Pearce Gilbert, is preferred by some.

Like Wales and Scotland, Cornwall has its own distinct political party, Mebyon Kernow (“Sons of Cornwall”). The party is 60 years old, has several councillors on Cornwall’s Unitary Authority and, for the General Election in May 2015, fielded candidates in all six Cornish constituencies, although unfairly denied Election broadcasts by the British media.

Cornwall is represented in the International Celtic Congress. Cornwall also takes part in several pan-Celtic cultural festivals.

Far from being the primitive “Celtic Fringe” people as they are far too often portrayed in the popular media, the Cornish have continued to show the same ingenuity that Pytheas remarked upon in the 4th century BC. The experience gained over millennia of hard rock mining led to a whole string of remarkable Cornish inventions that went on to transform the world during and after the Industrial Revolution. The safety fuse for explosives, the mining safety lamp, the steam jet, concrete raft foundations, hydraulic jacks, the steam locomotive, the compound steam engine and the road car were all Cornish inventions. Maritime skills led to further Cornish inventions such the dipping needle compass, accurate navigational chronometers, the flashing code for lighthouses, the life-saving rocket apparatus, cork life-jackets and the screw propeller, while the very first successful flight of a powered aeroplane was conducted by the son of Cornish emigrants to New Zealand (and not by the Wright brothers, whose flight took place 8 months later). The ongoing ingenuity of the Cornish people should never be underestimated.

LEGAL PROTECTIONS: Cornwall has two of these, both of which fall under the jurisdiction of the Council of Europe in Strasbourg and, after protracted delay and denial, have been agreed to by the UK Government acting as co-signatory to both protections.

The first was enacted in 2002, with the Cornish language being included in the European Charter for Regional and Minority Languages and following a detailed and favourable report by Professor Ken MacKinnon commissioned by the UK government. The obligation under this Charter for the UK government to provide funding for the Cornish language was ignored in 2016 when the government made the decision to cancel all funding for it.

The second protection, also achieved only after several decades of persistent campaigning by the Cornish, and stonewalling by London, was finally

placed upon the Cornish people themselves in April 2014. This declares the Cornish people to form a National Minority group on the Framework Convention for the Protection of National Minorities. This now places the Cornish people on a par with their Celtic cousins in Wales and Scotland. As earlier stated, its prohibiting of acts of assimilation against national minorities continues to be ignored by the UK government with regard to the Cornish.

DEFINITIONS: What, then, is Cornwall? Is it a mere administrative county of England? A Duchy with a unique constitutional status? A nation? Or a full-blown country?

a) County: Cornwall has long been referred to as a *comitatus*, a word which gave rise to the English word ‘county’ and often translated as such, but which, in the medieval period of the documents in which it is found, had a rather different meaning to that understood today. The meaning of the original Latin word is given as ‘retinue’ but, in the medieval period it described a “territory under a Count (*comes*)”. The British equivalent of a Count is Earl and, therefore, the “*Comitatus* of Cornwall” meant the “Earldom of Cornwall” which it was between 1066 and 1337.

Administrative county status placed on Cornwall stemmed from the Local Government Act of 1888, although curiously, it was not applied to Cornwall until the following year. The aforementioned Royal Commission on the Constitution 1973 highlighted the many doubts regarding the legality of this action and, indeed this was yet another Act of the Westminster Parliament imposed in contempt of the Cornish Parliament’s lawful Right of Veto.

A county is also defined as a “shire”, but Cornwall has never been a shire. In fact, several of its ancient internal divisions, known as *keverangow* (later redefined as “Hundreds”) have in the past had their own names appended with - *shire*. That a shire could contain shires is an absurdity.

b) Duchy: That the entire mainland territory of Cornwall, including the bed and waters of the River Tamar has been a Duchy since 1337 is beyond doubt. It is perpetual and enshrined in law. Moreover, it is a Duchy with unique standing, extra-territorial to the Crown and with a different Head of State, different laws and different privileges than England or the remainder of the UK. As the defined legal status of Cornwall is more reminiscent of both County Palatine and Crown Dependency, this removes Cornwall from the status of a mere “county of England”.

c) Nation: The Oxford Modern Dictionary gives the definition of ‘Nation’ as follows: “A community of people of mainly common descent, history, language, etc., forming a State or inhabiting a territory.” Cornwall ticks every single box and is most certainly a nation under this definition. The recent genetic findings confirm that its people are of mainly common descent; its history is unique in Britain, and it retains its own language with a history dating back 5,000 years. That it forms a State is confirmed by the existence and constitutional status of the territorial Duchy, and the territory inhabited by that community has been defined by sea and the River Tamar for more than a thousand years. That Cornwall is a nation in its own right is beyond all reasonable doubt.

d) Country: The Oxford Modern Dictionary defines “country” as follows: “**1a.** the territory of a nation with its own government; a State; **1b.** a territory possessing its own language, people, culture, etc. **2** (often *attrib.*) rural districts as opposed to towns or the capital (*a cottage in the country, a country town*). **3.** the land of a person’s birth or citizenship; a fatherland. **4a.** a territory, esp. an area of interest or knowledge. **4b.** a region associated with a particular person, esp. a writer (*Hardy country*). **5.** (Brit.) a national population, esp. as voters (*the country won’t stand for it*).

Cornwall qualifies for appellation as a country, particularly under definitions **1a**, **1b**, and **5**. It is a territory as a nation with its own government (as already established), even though that government may at present be held in abeyance, but remains intact at law. It is, again as established above, a territory possessing its own language, people, culture, etc., and it has a national population as evidenced by its inclusion as a protected National Minority. It can be argued that Cornwall can also claim to conform to definitions **3**, **4a** and **4b**, although these are of less importance in the context of this submission.

CONCLUSION AND SUBMISSION: In a personal comment to the author of this submission, Dr John Kirkhope, Notary Public and Solicitor, who has studied in depth the constitutional status of the Duchy of Cornwall, stated that: “*Cornwall is unique. It is like a County Palatine, but isn’t. It has a miners’ Parliament but with the most extraordinary powers. The Duchy is the most astonishing creation, and there is nothing like it in our jurisprudence. Cornwall is in a category of its own, of which there is just one member: Cornwall. It is unique unto itself.*”

It is therefore clear that, beyond any reasonable doubt, Cornwall fully satisfies the criteria required for appellation as a Duchy, a Nation and a Country. Its small size and population (530,000) should not be judged as acting against its claim for nationhood: recognised autonomous nations such as Andorra, Luxembourg, Liechtenstein, San Marino and Monaco are both smaller than

Cornwall in area and population, while the population of Iceland, although occupying a much greater land area, is, at 370,000, considerably smaller than that of Cornwall. Those smaller nations are all permitted to participate in international sport: Cornwall is not.

Nonetheless, the UK government and its agencies, including local government, and assisted by the mainstream media, written, audio and visual, continue to deny Cornwall any status other than the legally disputed “county”. They even deny it the status of Duchy, in complete disregard of the recommendations of the 1973 Royal Commission on the Constitution. We contend that Cornwall has the right to hold nation status, equal to that enjoyed by Scotland and Wales which, unlike Cornwall, are able to participate in international competitions, such as the Commonwealth Games, the Olympic Games and the World Cup (football, rugby and cricket).

However, the UK Government itself seems to be in a state of confusion regarding Cornwall’s status. In its fourth compliance report to the Council of Europe in respect of the Framework Convention, it makes specific mention of a forthcoming **National** Library of Cornwall. The UK Government, in its announcement of National Minority status for the Cornish in April 2014, stated that this gives the Cornish people the same rights as the Welsh and the Scots. Clearly, in the government’s own practice, it does not.

The UK government, in apparent collusion with the secretive administration of the Duchy of Cornwall, also denies Cornwall the right of autonomy, and its lawful, fully legislative Parliament. It has even ignored calls for a legislative Cornish Assembly as well as a 50,000 word petition supporting that call submitted in 2001. It is contended that this continued denial is in itself unlawful as, in 1977, central government’s own Attorney-General, Lord Elwyn Jones, in response to a Question in the House, confirmed that Cornwall’s parliament and its right of veto over Westminster remained fully intact at law.

It is equally clear that this official diminishing of Cornwall’s status over a considerable period of time, has severely disadvantaged the Cornish people, most of whom can no longer afford their own home, and see the quality of life in their own communities being severely eroded by a rampant market in second homes occupied only for a few short weeks in any year. At present, the Cornish population is bracing itself against an influx of up to 150,000 more people from elsewhere, through an imposition of 52,500 houses, mostly unaffordable to Cornish residents, to be built by 2030 and being insisted upon by the UK government, and its unelected agent in Bristol, to be adopted as policy by Cornwall’s undemocratically imposed (in 2009) Unitary Authority. This is in complete defiance of Article 16 of the Council of Europe’s Framework

Convention for the Protection of National Minorities, which prohibits the adverse alteration of population proportions in areas occupied by national minorities.

Although figures can only be estimated, it is believed that, c.1960, the proportion of ethnically Cornish people in the Duchy's population was in excess of 75%. Significant inward migration since then has reduced that figure to around 45% and the imposition of 52,500 houses (most of them unaffordable to Cornish residents) may reduce that to 35% by 2030. It is understandable that many have become convinced that this ongoing reduction of ethnically Cornish people within the Duchy's overall population is a deliberately planned policy.

It is worth noting that even the young in Cornwall have awareness of identity. In 2013, 46% of the Duchy's schoolchildren registered their ethnicity as Cornish, and not as English or British, and the figure exceeded 50% in the following year. In the UK's national census for 2011, no specific tick box for "Cornish" was provided, and it was nowhere clear in the Census form that Cornish people were being afforded any right to record their own ethnicity as Cornish. Nonetheless, a total of 74,000 people did so.

Under the present "county of England" position, Cornwall is reduced to a mere appendage of the island of Britain, devoid of status or identity, and is prevented from furthering itself to a position where it can take up its rightful place in the global community. It has been further disadvantaged by losing its Member of the European Parliament (shared with Plymouth) and now having to share six MEPs with an artificial "South West" region stretching as far to the east as Gloucestershire, plus Gibraltar. None of these six MEPs is situated anywhere close to Cornwall, effectively denying it a knowledgeable or representative voice in the European Parliament. Meanwhile, Luxembourg, with a comparable population to Cornwall, but about half the land area, continues to enjoy the representation no less than six MEPs.

Cornwall's case for recognition as a Nation and Nation State cannot be furthered within the United Kingdom, where the will of central government and of the Duke of Cornwall's Duchy reigns supreme, even in the Courts. It is, therefore, compelled to turn to the international community for help and support in regaining its rightful status.

Kernow Matters respectfully requests full consideration of Cornwall's case, and formal acknowledgement and recognition of nation status for Cornwall, on a par with that enjoyed by Wales and Scotland. We also request that the UK Government be persuaded to comply with law, restore Cornwall's right to autonomy and self-governance, and to abandon "county of England" status for

Cornwall. We request that Cornwall be rightfully recognised, within the UK, in Europe and globally, as the Duchy, Nation and Country that it is.

ADDENDUM: THE BORDER THREAT 2016: After an aborted attempt during the recent coalition government, the current Conservative government is again, in 2016, posing a threat to Cornwall's 1,100 year old border in direct defiance of the Framework Convention for the Protection of National Minorities. This takes the form of revised parliamentary constituencies, one of which is intended to unite a part of North Devon and a portion of North Cornwall – the historic, cultural and legally enshrined border between them to be wilfully ignored and discarded. Former Prime Minister David Cameron, in response to Cornish concern during his previous attempt, is on televised record as sneering: "It's not exactly the Amazon, for Heaven's sake". Clearly, Mr Cameron had neither knowledge nor understanding of the reality of the border's legal, constitutional, territorial, historical or cultural importance.

No notice is being taken by the UK government of the fundamental differences between the two halves of this proposed constituency, or how both can be adequately represented or even understood by a single Member of Parliament. The border at the left (east) bank of the Tamar was allegedly determined by treaty between two kings: Athelstan of England and Huwal of Cornwall c.930 AD, and was subsequently written into the Duchy of Cornwall Charters of 1337-8 in perpetuity. Indeed such Acts of Parliament as the 1997 Tamar Bridge Act observes both this border and the continued existence of separate Heads of State as mentioned below.

The two halves have separate *de jure* Heads of State, the Duke of Cornwall (Cornwall) and the Monarch (Devon and the remainder of the UK) who each appoint a High Sheriff in the two realms. Laws pertaining to the Duchy and the Stannary are applicable in one half, but not in the other. These include *bona vacantia*, right of wreck and many more. One half has legal protections, of minority language and ethnicity; the other does not.

The electorate numbers by which this reorganisation is being determined is based upon the electoral roll at the 2015 General Election. The fact that a marked increase in Cornwall's population is planned within the next 14 years, at the whim of the Government's own Planning Inspectorate, is not being taken into account. This omission is both ludicrous and unacceptable.

It is contended, by the Cornish people, that the determination of the UK government to create this cross-border constituency is in direct and wilful breach of legally binding Charters and Framework Conventions, ancient and modern,

British and European. The government's openly contemptuous attitude to the Cornish viewpoint has needlessly created considerable anger within the Cornish community and, as explained above, the proposal is entirely impractical, as well as potentially unlawful and unethical. That a single Member of Parliament can be expected to adequately represent two such contrasting regions within one constituency is a practical absurdity that will seriously disadvantage at least one of those regions. Without any doubt, and as we have experienced time and again in history, it will be the Cornish half that will be forced to suffer the disadvantage.

The author of this document, on behalf of Kernow Matters, is Craig Weatherhill, a Bard of the Cornish Gorsedh. An archaeologist, historian, writer and scholar of long standing, he also has knowledge of Cornwall's constitutional status.

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Dear *[insert name of MP]*, Member of Parliament for *[insert name of constituency]*,

I am writing on behalf of *[insert name of Council/county association]* about the Local Government Finance Settlement Technical Consultation, in particular proposals by the government to extend council tax referendum principles to local parish and town councils.

Our council/county association very much welcomed the government's decisions over the last few years not to introduce referenda principles for local councils.

Local councils account for just 1.7% of the £26 billion raised through council tax in England and have demonstrated fiscal responsibility in recent years with overall increases in precepts going down, rising this year by just 6 pence per week on average as a result of local councils taking on services from principal councils and funding not being passed on to them.

We are therefore extremely concerned indeed about the proposals set out in the consultation, proposals which will be greeted by England's 80,000 local councillors as a real blow to local democracy and their democratic role to make decisions on spending priorities and work with the local community to identify and meet local needs.

Right across the country local councils are doing a brilliant job improving their areas; whether it's by building community resilience, increasing house building through neighbourhood planning, providing local transport solutions, supporting the local economy and businesses, organising community events and festivals, helping meet social care needs and making places dementia friendly or giving grants to help local groups and organisations – all this and often more for an average cost to residents of just over a pound a week.

[insert name of Council] plays a vital role in supporting the community through [insert examples of how your Council is meeting local needs and adding value in your community, how you are working together with others in support of devolution etc]. [insert name of Council] takes its financial management responsibilities seriously and fully recognises the importance of reducing costs and making efficiency savings so that we can continue to deliver and improve services, at the same time as minimising the tax burden.

[or]

[insert localised examples from Councils in the county association area]

Unlike principal councils, local councils do not receive grant funding from central government or a share of business rates and are primarily financed through the parish precept.

Therefore we really do believe these proposals amount to a centralist sledgehammer to crack a nut, at a time when the government should be supporting not undermining councillors and their important role improving communities.

Introducing these new rules will also seriously damage the ability of smaller communities to help themselves and very much threatens the government's previous commitments to localism and devolution.

It is vital local councils continue to have the freedom and flexibility to raise the resources they need to invest in local services, especially at a time when they are taking on services and assets from principal councils, often much valued services which would otherwise cease completely and which communities want to see continue.

So given their important and growing role, local councils should be celebrated and supported, not hindered by central government.

The town and parish sector has taken up the challenge of delivering the localism agenda and the National Association of Local Councils is currently developing a devolution toolkit along with other resources which supports government policy on empowering local communities.

Ultimately we want more people to get involved in local decision making and to be engaged within the communities they live – to be actively involved in local elections. Effectively ‘capping’ parish precepts and forcing councils to hold costly referenda sends out a negative message about the first tier of local government which is meant to underpin the localism agenda.

In addition we are concerned about the unintended impact putting into question whether local councils would be able to take on a greater role including taking over services from principal authorities or taking advantage of community rights legislation such as neighbourhood planning.

There is also the significant public cost that could arise from referendums, which in certain circumstances could be triggered by changes outside of our control such as increases in business rates or national insurance.

In summary these proposals will damage communities and local services as well as undermine local democracy and the role of local councillors and we would request you support us and also write to the local government minister Marcus Jones MP to oppose these proposals.

Yours sincerely

[Council/county association chairman]