

## **MALVERN HILLS CONSERVATORS MEETING OF THE BOARD**

**Priory Lodge Hall Avenue Road Malvern  
Thursday 10 November 2011, 7.00 pm**

Present: Mrs S Adeney, Mr C Attwood, Ms J Campbell, Mr R Chamings, Mr C Cheeseman, Mr M Cordey, Mr R Cousins, Mrs L Deller, Mr S Ginn, Mr R Hall-Jones, Mr D Hawkins, Miss R Massey, Mr T Musgrove, Mrs E Newman, Mr B Pilcher, Mr J Plant, Mrs G Rees, Mr C Rouse, Dr B Smith, Mr C Smith, Mrs H Stace, Mr J Tretheway, Mr P Tuthill, Mr P Watson, Mr T Yapp.

In attendance: Director, Administrative Officer, Conservation Officer, Deputy Conservation Officer, Mr M Morgan and 8 members of the public.

The Director welcomed the new Board the ten new Members, and stated that the Malvern Hills Conservators have been established for 128 years with a new board elected every four years and that this was the 32rd Board to sit. The Director stated that there were two amendments to the agenda:

- i. Councillor Mike Morgan, past Chair of the Inquiry Committee, will present a report listed as item 16.3 on the agenda, but will present this report earlier in the proceedings to allow Mr Morgan to leave the meeting.
- ii. As the last item on the agenda, the Director will present a Management Report that will include some of the Malvern Hills Conservators' successes over the past 13 years and will give a personal statement.

### **1. APOLOGIES FOR ABSENCE**

Mr D Baldwin, Mrs B Nielsen and Mr P Watts.

### **2. ANNUAL REPORT OF CHAIRMAN FOR THE PREVIOUS YEAR**

Mr Clive Smith presented his report as follows:

*It has been a difficult year in the Chair of the Malvern Hills Conservators, the issues surrounding the renewal of St Ann's Well lease are set to spill over into the new Board but the organisation has agreed to the renewal and a committee will be set up to oversee and work with the tenant.*

*The work of the Board on the Hills and Commons has gone on apace I am always amazed to see how much effort and care that the staff put into managing the Hills and Commons. The successes during the year include the Higher Level Countryside Stewardship Scheme operated by DEFRA which has brought considerable benefits to Castlemorton Common. The amount of clearance of overgrown vegetation during last winter has enabled the common to recover to its pre 1990's years.*

*Volunteers continue to put their valuable free time into helping with all sorts of tasks and a recent gathering their numbers total over 120.*

*At the end of the 4 year term of this Board can I thank all who had given their time so generously particularly those who are standing down. After some 19 years one of our elderly statesmen Brian Wilcock is not seeking re-election. There are core of Conservators who are set to return being appointed by other bodies, however 11 of us are set to stand for election. We can stand in the knowledge that the Hills and commons have never looked better.*

*We said farewell to Val Moore who after 28 years service as Administrative Officer and Secretary to the Board has retired and we welcome two new members of staff Fiona Macklin who replaces her and Jennifer Grantham an Assistant Conservation Officer to help Rob Havard who goes part time.*

*Our plans for next year include the lighting of the Beacon and may that be a symbol for us to look at ourselves in a new light and get down to the task of understanding the five Acts of Parliament, ensuring that our staff, volunteers and the public are well served by an organisation that is capable of good decision making, prudent use of public resources and restore the pride in the Malvern Hills that make them the totem for the Country in this green and pleasant land.*

### **3. ELECTION OF CHAIRMAN FOR THE ENSUING YEAR**

Concern was raised that as a new group of people the skill set of individuals was unknown making the task of electing a chairman more difficult. The Director stated that Standing Orders require a chairman to be elected at this meeting.

On the proposal of Mr R Chamings, it was **AGREED** that members would introduce themselves prior to any nominations for Chairman.

Mr C Smith was nominated by Ms L Deller, seconded by Mr J Plant.

Mr B Pilcher was nominated by Mr J Tretheway, seconded by Mr D Hawkins.

Following a paper vote Mr Pilcher was **ELECTED CHAIRMAN** by 13 votes to 10 with 2 abstentions.

### **4. ELECTION OF VICE CHAIRMAN FOR THE ENSUING YEAR**

Mr P Watts was nominated by Mr C Smith, seconded by Mr P Tuthill.

Mr T Musgrove was nominated by Mr C Rouse, seconded by Mr R Chamings.

Following a paper vote Mr T Musgrove was **ELECTED VICE CHAIRMAN** by 15 votes to 8 with 1 abstention.

**5. MEMBERSHIP OF ADMINISTRATION AND RESOURCES AND LAND MANAGEMENT COMMITTEES FOR THE YEAR TO 31 OCTOBER 2012**

**Administration & Resources**

Mr C Attwood  
Mr M Cordey  
Mrs J Cambell  
Mrs L Deller  
Mr S Ginn  
Mr R Hall-Jones  
Miss R Massey  
Mr T Musgrove  
Mrs E Newman  
Mrs B Nielsen  
Mr B Smith  
Mr C Smith  
Mr P Tuthill  
Mr P Watson

**Land Management**

Mrs S Adeney  
Mr D Baldwin  
Mr R Chamings  
Mr C Cheeseman  
Mr R Cousins  
Mr D Hawkins  
Mr J Plant  
Mr B Pilcher  
Mrs G Rees  
Mr C Rouse  
Mrs H Stace  
Mr J Tretheway  
Mr P Watts  
Mr T Yapp

*The next item was moved forward on the agenda.*

15.5 Inquiry Committee. The Chairman called on Mr M Morgan, former Chairman of the Inquiry Committee, to present the report as per item 16.3 on the Agenda.

Mr M Morgan presented the minutes of the Inquiry Committee meeting held on 26<sup>th</sup> September 2011 at 6.30. On the proposal of Mrs G Rees, seconded by Mr C Rouse, the minutes were **ADOPTED** as a true record with the addition of Mr P Watson's name to those in attendance.

**INQUIRY COMMITTEE**

**Manor House, Malvern**

**Thursday 26 September 2011 6.30pm**

Present: Mrs J Kelly, Mr M Morgan, Mrs B Nielsen, Mrs G Rees, Mr D Watkins.

In Attendance: Administrative Officers (x2), Mr T Musgrove, Mr R Roberts, Mr C Rouse, Mr C Smith (ex officio), and 5 members of the public.

**1. ELECTION OF CHAIRMAN**

It was proposed by Mrs J Kelly seconded by Mr D Watkins that Mr M Morgan be Chairman. This was **CARRIED** with 1 abstention.

Chairman agreed with Mr C Smith who quoted the 1972 Local Government Act stating the public are free to take notes but not electronically record proceedings at that meeting.

## **2. APOLOGIES FOR ABSENCE**

No apologies.

## **3. DECLARATIONS OF INTEREST**

None.

## **4. RECOMMENDATIONS TO THE BOARD REGARDING PROFESSIONAL ADVICE and**

## **5. PRESENTATION TO THE BOARD ABOUT THE COMPOSITION OF THE COMMITTEE**

It was felt that existing or newly appointed board members would be compromised and ideally would wish to see a representative from the Charity Commission involved. Therefore the view of the Committee to be truly independent it had to include external representations, preferably with a member from the Charity Commission.

Discussion took place regarding a suitably knowledgeable person to chair the committee and appoint other members.

The committee considered the statement previously circulated at the September Board Meeting (copy attached). It was agreed that the wording of the Statement from Members elected to the Malvern Hills Conservators Sub-Committee of Inquiry into St Ann's Well should be amended to read as follows:

- i. This should be removed from the Statement as by the time of the next meeting the new board will be in place.**
- ii. It was agreed that the desired level of independence for any Inquiry can only be achieved by appointing independent individuals to the inquiry preferably including a representative of the Charity Commission.**

**With regard to the composition of the Inquiry Committee it was AGREED to recommend to the Board that any member who had served on the Standards Board of the Worcestershire County Council over the past 10 years be considered as a suitable chairman. Once appointed the chairman would decide on the appointment of other members of the committee.**

**It was further AGREED that the current Chairman of this committee make this presentation to the Board.**

The meeting closed at 7.26 pm.

### Arising

Mr M Morgan urged the Board to follow the recommendation to elect a chairman for the new Inquiry Committee from the Standards Board of Worcestershire County Council. The Director stated that if this recommendation is agreed, that an appropriate person from the County Council will be approached.

A discussion ensued.

Board members wanted a quick resolution to this issue with a focus on learning from events. The Board will examine how it works as a body corporate and will review standing orders, governance and procedures for decision making.

Mr P Watson proposed that the Board has powers under Standing Orders to abandon the Inquiry on the grounds that there is limited public interest as demonstrated by the low turnout of voters in the wards of Guarlford (75% did not vote) and Priory (83% did not vote). Mrs H Stace seconded the proposal.

Mr C Smith stated that the previous Chairman had promised an open and transparent inquiry therefore the Board should continue to conduct a full inquiry.

Mr P Tuthill proposed an Amendment to the above that as the new Chairman of the Board was not involved in the St Ann's Well litigation, that the Chair would be ideally placed to chair the Inquiry Committee and implement changes. Mr C Smith seconded the proposal. The Amendment was **CARRIED** by 12 votes to 3 against, with 5 abstentions.

## **6. ELECTION OF MEMBERS TO SERVE ON OUTSIDE BODIES FOR THE YEAR TO 31 OCTOBER 2012**

6.1 Malvern Hills AONB Joint Advisory Committee. On the proposal of Mr R Hall-Jones, seconded by Mr C Smith, Mr B Smith was nominated. Mr B Smith made a personal statement explaining that the work of the AONB and its partners reminds people of the importance of the area and generates funding. Mr B Smith went on to explain that he will be standing down as a Conservator but will remain as a member of the Board until a replacement is forthcoming from the County Council. As the AONB Joint Advisory Committee is due to meet on the 2<sup>nd</sup> December Mr B Smith requested to attend that meeting to avoid disruption and will thereafter report back to the Board, at which time his successor shall be nominated to the AONB JAC.

It was **UNANIMOUSLY AGREED** that Mr B Smith will continue to represent MHC at the meeting of the AONB JAC until his replacement on the Board is in situ.

6.2 Malvern Hills Spa Association. The Director explained that MHC is a member of the Spa Association. Members **AGREED** by 10 votes to 1 that the MHC should have a representative on the Spa Association. On the proposal of Mr P Tuthill, seconded by Mr J Tretheway, Mr P Watson was **ELECTED** to serve as the Board's representative.

## **7. TO APOINT 2 MEMBERS TO THE 4C's (CASTLEMORTON COMMONS CO-ORDINATING COMMITTEE) FOR THE YEAR TO 31 OCTOBER 2012**

On the proposal of Mrs S Adeney, seconded by Mr P Tuthill, Mr C Rouse and Mr R Chamings were **ELECTED** to serve as the Board's representatives.

## **8. TO APPOINT 4 MEMBERS TO THE RECREATION ADVISORY PANEL FOR THE YEAR TO 31 OCTOBER 2012**

Mr J Tretheway, Mr D Hawkins, Mrs S Adeney and the Chairman volunteered to serve as the Board's representatives.

## 9. TO APPOINT 4 MEMBERS TO THE WILDLIFE PANEL FOR THE YEAR TO 31 OCTOBER 2012

Mr P Watson, Mr C Rouse, Mrs H Stace and Mrs J Campbell volunteered to serve as the Board's representatives.

## 10. CHAIRMAN'S ANNOUNCEMENTS

The Chairman stated that Standing Orders and Governance issues will be looked at to ensure the next elections run smoothly.

## 11. PUBLIC QUESTIONS

**Question 1** Does Mr R Hall-Jones have special dispensation to explain why he has not completed a register of Members' Interests as requested by the Chairman for the Chairman after its importance was flagged by Mr K Douglas?

**Answer** **It is up to individual Members to declare an interest.**

**Question 2** In the Malvern Gazette, new Member, David Hawkins refers to St Ann's Well saying he would like to see better use being made of it. He talks of art centres, musical events, dance and performances and even the provision of an electric vehicle from the town. Is Mr Hawkins not aware that over the past two years tens of thousands of pounds of tax payers money has been wasted establishing that none of these things are concerns of the Conservators who's duties are restricted to the maintenance of the building an area that they have sadly failed to as was pointed out in a report. Can you assure us that no more money will be wasted around wishes and activities that fall well outside the duties of the Board and that they will instead concentrate their resources on maintaining the fabric of the building?

**Answer** **A Working Party will be set up to meet with the tenant and I suggest that these grievances are addressed to them.**

**Mr D Hawkins stated that St Ann's Well belongs to the community and is run for the benefit of the Community, not for the tenant or the Conservators. Mr D Hawkins suggested that the potential of St Ann's Well is not being fully realised and suggested that the Christmas period would be an ideal time for the tenant to work with the Conservators and other interested parties to broaden the use of St Ann's Well for the benefit of the public.**

**Question 3** Not asked.

**Question 4** In response to public questions, Mr Clive Smith said that Malvern Hills Conservators have always been aware that tourism does not form part of its remit and has never actively encouraged visitors to the hills. Was this taken into account before embarking on the disastrous attempt to take over the running of St Ann's Well Cafe?

**Answer** **Yes.**

**Question 5** Mr Clive Smith has claimed that the Board were advised to issue notice to Mr Redman to prompt negotiations with the landlord. He goes on to falsely claim that 'without contacting the landlord the tenant immediately started a campaign and

contacted the media'. This is totally untrue. On receiving notice I immediately contacted Mr Ian Rowat. He told me that I should 'contact a solicitor as he (Ian Rowat) could not talk to me. It took two months before the Board responded to my solicitor. The Board released statements to the media on the day that notice was served. Would Mr Clive Smith correct these false and misleading claims?

**Answer** **Right from the start we received legal advice on how to proceed.**

**Question 6** Mr Clive Smith claimed that the case over St Ann's was dropped over concerns of mounting legal costs. In fact the decision to renew the lease was made after fatal flaws in the Board's case were highlighted by Mr Redman's barrister at a mediation session held at the Abbey Hotel. The lack of any statutory power to run an independent trading subsidiary, the failure to see Clause 8 in the 1930's Act, combined with the fact that there were no breaches of the lease, or evidence thereof, removed any possibility of the Conservators mounting a successful case. Why was this vital information never passed on to the whole Board, and who took the decision not to circulate the legal opinion and instead rely on Members coming into the office and finding out for themselves?

**Answer** **This was not the legal advice that we received.**

**Question 7** Accuracy of the Minutes. I understand minutes do not have to be a verbatim record of meetings, however it is important that they are accurate and that they include such things as proposals, votes and resolutions. This seems to have been missed in the minutes of the 8<sup>th</sup> September 2011. Can this be rectified before they are adopted?

**Answer** **The Board has an opportunity to rectify the Minutes.**

**Question 8** Are the Board aware that last year's legal costs are more than 400 percent over budget. Do they now have procedures to ensure that this does not happen again?

**Answer** **The Working Party agreed the costs.**

**Question 9** The Charity Commission Handbook explains how important proper risk management is. Do the Conservators have a robust risk management policy in place? If they do can they explain how it failed the Board with regard to the enormous pension deficit and the St Ann's Well debacle?

**Answer** **It will be obvious that all public sector pensions are in a similar position. Under the Charity Commission SORP returns the Board has a risk management policy.**

**Question 10** Given the failure of the past A & R chairman, Mr Brian Wilcock, to address the huge pension fund deficit of about £900,000 and his failure to manage costs and the risks of litigation, does the chairman agree that it is time for a member with an appropriate professional skill and qualifications to chair that committee?

**Answer** **The chairman of committee is elected democratically by the Members.**

**12. DECLARATIONS OF INTEREST**

Mr C Rouse declared a personal interest in the Higher Level Stewardship Scheme.

Mr R Cousins declared a prejudicial interest as a land owner.

It was noted that the Members who are Malvern Hills District Councillors have an interest in the South Worcestershire Development Plan.

**13. TO CONFIRM THE MINUTES OF THE MEETING OF THE BOARD HELD ON THE 8 SEPTEMBER 2011**

On the proposal of Mr C Smith, seconded by Mr J Plant, it was **CARRIED** by 17 votes that the minutes held on the 8<sup>th</sup> September 2011 be **CONFIRMED** and **SIGNED** as a true and correct record.

**14. MATTERS ARISING FROM THE BOARD MEETING**

None.

**15. TO RECEIVE REPORTS FROM THE FOLLOWING COMMITTEES**

15.1 Land Management – Report 1. Mr C Rouse presented the following report of the meeting held on the 6<sup>th</sup> October 2011 and proposed its adoption. This was seconded by Mr C Smith. The report was **UNANIMOUSLY ADOPTED**.

**LAND MANAGEMENT COMMITTEE**

**Manor House, Malvern**

**Thursday 6 October 2011 4pm**

Present:- Mrs S Adeney, Mrs J Kelly, Mr T Musgrove, Mrs G Rees, Mr C Rouse (Chairman), Mrs H Stace, Mr J Plant, Mr W Watson, Mr P Watts.

In Attendance:- Director, Conservation Officer, Administrative Officer, Deputy Conservation Officer, Mr R Roberts, Mr P Watson and 5 members of the public.

The meeting began with two presentations.

SSSI. The Deputy Conservation Officer gave a presentation on Sites of Special Scientific Interest.

SSSI are designated by Natural England to protect wildlife and geological features of an area. The Malvern SSSI includes the geology of the hills. SSSI habitats are assessed at least every 6 years. Citations list why the site has been designated a SSSI. There are 28 operations that must comply with SSSI guidelines and consent must be sought from Natural England before these operations can be undertaken. Fines apply to those who damage a SSSI. Natural England's SSSI Unit Condition shows that 18% of MHC land is in a favourable condition and is meeting objectives. 82% is considered in an unfavourable condition but it is recovering. Acidic grassland should recover further under the Higher Level Stewardship scheme.

Mrs H Stace stated that a Natural England SSSI citation must include details of specific species.

Mrs H Stace proposed that a request be made to Natural England to review the Malvern Hills SSSI on the grounds that there are features of interest that should be recognised which are not currently in the citation and that there some anomalies in

the current boundaries. This was seconded by Mrs S Adeney and was **CARRIED** by 8 votes with 1 abstention.

Scrub Management. The Conservation Officer gave a presentation on the effects of scrub clearance on the habitat of the Grayling Butterfly.

Work is being undertaken to clear scrub to reveal the rocks. Work has been done at Rushy Valley to encourage Grayling Butterflies and information boards have been produced by the Deputy Conservation Officer to inform the public as to why the scrub is being cleared. Scrub clearances have revealed a rocky outcrop that was not previously on any map. The area around End Hill shows rocky outcrops that are becoming covered in scrub. Scrub creates shade and prevents sunlight warming the rocks. Grayling Butterflies like very dry, warm conditions. Clearances will be carried out on the eastern side of North Hill and Grayling Rock which is named for being such a good site for breeding butterflies. At the Dingle scrub clearance has extended the grassland down the hill. Rocky outcrops at Westminster Bank and some quarry faces will also be cleared. This is to increase diversity and to link and expand on the rocky areas.

#### **1. APOLOGIES FOR ABSENCE**

Mr C Smith, Mr B Pilcher, Mr R Chamings, Mr D Baldwin.

#### **2. DECLARATIONS OF INTEREST**

Mr C Rouse declared a personal interest in the Higher Level Stewardship Scheme.

#### **3. CHAIRMAN'S COMMUNICATIONS**

3.1 South Worcestershire Development Plan. The Chairman stated that Malvern Hills District Council will be conducting a presentation on this subject on Wednesday 12 October 2011 at Priory Lodge. Details can be found on the MHDC website. The Director confirmed that the closing date for consultations is 18 November 2011. It was **UNANIMOUSLY AGREED** that, to discuss this matter further, a Special Meeting of the Committee meeting be scheduled for 20 October 2011 at 4.00pm at Manor House. New Members of the Board will be invited to attend as members of the public and representatives from AONB will also be invited to attend. Speakers will be sought from the Council's Planning Department.

#### **4. MATTERS ARISING FROM THE MEETING HELD ON 4 AUGUST 2011**

4.1 4.1. Path from Blackhill Car Park to British Camp. The Conservation Officer advised that provisional work had been completed and it will be monitored to see if rainfall has any affect. 4.2. Swinyard Car Park. The Director confirmed that the work had been completed.

4.2 7. Easement to 56 Old Wyche Road. The Director stated that work is progressing. Solicitors have exchanged letters and a Valuer is looking at the re-numeration.

4.3 8. Rose Farm Land, Guarlford Road, Malvern. The Director confirmed that the developer has been told that the Board is not interested in the development.

4.4 10. Performance Monitor & Management of Grazing Contracts. The Conservation Officer stated that appointments have been made to interview graziers and staff involved.

4.5 11. Mill Pond Dam. The Director stated that this item would have to be deferred to the next meeting. This was because the Consultants could not meet the deadline for this meeting.

4.6 12. Tarmac Path, Walwyn Bend, Upper Colwall. Mrs G Rees stated that there had been no response from Herefordshire County Council. It was decided that more information was needed. It was **AGREED** that the Conservation Officer would organise a site meeting with Mrs G Rees to assess the existing path and explore other options.

## **5. LAND MANAGEMENT ACCOUNTS FOR THE QUARTER ENDED 30 JUNE 2011**

The Conservation Officer presented the accounts and explained that the Vehicle and Equipment expenditure was due to repairs to tractors and the Hire of Plant and Equipment expenditure was due to machinery needed to grind tree stumps. Mr Musgrove requested a more detailed budget which the Conservation Officer agreed to supply.

## **6. AGRICULTURAL EASEMENT AT HOLLYBED COMMON**

The Conservation Officer summarised the request for an agricultural easement that had been received from Mrs Wilkes of Upper Orchard Cottage, Hollybed Street, Castlemorton. A site visit had occurred prior to this meeting to assess whether the access into the field was sufficient. The Conservation Officer stated that after visiting the site, it was not clear that there was a need for increased access to drop off sheep but that for the purposes of unloading hay/straw bales it was conceivable that access was required.

The Chairman suspended Standing Orders to permit Mrs Wilkes' neighbour, Mr D Dawe, to make a representation.

Mr Dawe stated that he had farmed that land for 50 years, and asked that the notes he had presented to be taken into account. Mr Dawe expressed concern that an easement allowing vehicle access would destroy the flora in the area.

The Conservation Officer read out a draft letter of agreement which stipulated various conditions to the granting of the easement and that the agreement could be withdrawn with 3 months notice.

On the proposal of Mr P Watts, seconded by Mr T Musgrove, it was **CARRIED** with 1 abstention and 1 objection that Members agree to an exchange of letters giving an agreed level of access, with conditions for an annual sum of £50.

On the proposal of Mr P Watts that an amendment be added to the motion that the access to the easement be moved further to the north and away from the adjacent property's boundary. This was **UNANIMOUSLY AGREED**.

#### **7. QR CODES**

The Conservation Officer presented his report on QR Codes. A discussion ensued and concerns were raised as to advertising, and the ownership of the intellectual property, the website and content of web pages. Concerns were also raised regarding the impact on the MHC own website. The Conservation Officer confirmed that Dr E Philpott has agreed to complete the work at no expense to the Board and that he would try to ensure that the Board would have joint ownership of the copyright. The Conservation Officer stated that the contract can be terminated within 3 months and that the contract would be circulated to Members.

On the proposal of Mrs H Stace, seconded by Mr P Watts, it was **AGREED** with 1 abstention that Members agree that the QR code project goes ahead with the stated conditions in agreement.

#### **8. EASEMENT REQUEST AT PERRYCROFT, JUBILEE DRIVE**

The Director introduced Mr Thornton, the owner of a new home to be built on the Perrycroft Estate, Colwall.

Mr Thornton addressed the Committee and asked for an agreement in principle to his request for an easement. Mr Thornton stated that there were two reasons for requesting an easement to the property. Firstly, it was more convenient than sharing an access with other properties and secondly because the existing sheds would be removed allowing for the land to be laid to a wildflower meadow which would improve the view. Mr Thornton stated that the Board would benefit financially and that the easement would not disrupt the opportunity for graziers to graze there. Mr Thornton stated he was seeking 'an in principal agreement' as planning permission from Herefordshire County Council would also be required for work to commence.

Mrs S Adeney proposed that the application for an easement should be refused as per the recommendation. This was seconded by Mr P Watts. This was **UNANIMOUSLY AGREED**.

#### **9. EASEMENT AT ROSE FARM, GUARLFORD ROAD, MALVERN**

The Director stated that planning permission had been granted, and access had already been agreed for 3 easements, 2 of which were agricultural. The new easement states that it grants access to only 1 dwelling. Older easements do not specify the number of dwellings that can use the access. Mr Masters has written to ask that the hedges need to be maintained, however this was not a matter into which the Conservators wished to be drawn.

## 10. QUARRY FENCING

The Conservation Officer informed Members that there are over 70 quarries on the hills. Some quarries have a significant drop not far from the path and hand rails. New railings would be beneficial for safety reasons. Some concerns were raised regarding the railings coming too far down the hills and also the risk of metal railings being stolen. Concerns were also raised about the historical significance of the area above the clock tower. The Conservation Officer reassured Members that new railings would be sympathetic to the environment and that members would be consulted on the railing design before decision were finalised.

The Director advised that the expenditure from the Parliamentary fund for this item should have gone before the Administration and Resources Committee, and suggested an amendment to the Conservation Officer's recommendation that the item should be placed before the Board.

It was **AGREED** that the Conservation Officer's recommendations regarding the fencing and installation of a dual purpose Victorian style handrail / safety fence (as per plans submitted) be accepted. On the proposal of Mrs S Adeney, seconded by Mr T Musgrove, it was **UNANIMOUSLY AGREED** to recommend to the Board that this work be financed from the Parliamentary Fund up to a total of not more than £6,300.00.that this item be placed before the Board.

## 11. REQUEST FOR A SEAT

The Director read aloud the current Seat Policy and informed Members that the MHC received approximately 12 applications for memorial seats per year.

A. It was stated that the applicant, Mrs Tapply, should accept a replacement seat rather than a new seat. Mrs S Adeney proposed that Mrs Tapply is granted permission to pay for a replacement seat in Grundy's Meadow but there should be no plaque. This was seconded by Mr T Musgrove and the motion was **CARRIED** with 1 abstention.

B. It was stated that the applicant, Dr E Jones, on behalf of Guarlford History Group, has requested a metal seat with a plaque. Mr S Adeney proposed that Guarlford History Group be granted permission to pay for a seat but refused a plaque stating that a plaque could be located somewhere else, however this was not seconded. On a proposal by Mr T Musgrove, seconded by Mrs G Rees that the request by Guarlford History Group is refused. The motion was **CARRIED** with 1 against and 1 abstention.

## 12. ROSE BANK SCULPTURE

The Director asked Committee Members if a contribution should be made towards the creation of a sculpture depicting 2 buzzards in flight to be displayed as a permanent installation in Rosebank Gardens. A debate ensued as to whether this was outside the charitable remit of MHC, or whether financial assistance or a donation in kind should be made to engage with the community project. On the proposal of Mrs S Adeney, seconded by Mr T Musgrove, it was **AGREED** with 1 vote

against to write a letter stating that unfortunately the MHC could not contribute further to this project, but wished the project well.

### **13.REQUEST FOR DROP DOWN BARRIER OPPOSITE THE PLUME OF FEATHERS, CASTLEMORTON**

The Director stated that the residents opposite the Plume of Feathers pub had requested measures to prevent car parking outside their properties.

On the proposal of Mrs H Stace, seconded by Mr T Musgrove, it was UNANIMOUSLY AGREED not to provide additional barriers at this location.

### **14.INFORMATION**

The report from the Recreation Advisory Panel was **NOTED**.

The meeting closed at 18.40.

#### Arising

15.1.1 6. Agricultural Easement at Hollybed Common. Mr C Rouse stated that this has been withdrawn.

15.1.2 11.B. Request for a seat. On the proposal of Mr R Chamings, seconded by Mr J Plant to overturn the Land Management's decision and to grant the request for the seat was **CARRIED** by 13 votes.

15.2 Land Management – Report 2. Mr C Rouse presented the report of the special meeting held on the 20<sup>th</sup> October 2011 and proposed its adoption. This was seconded by Mr R Chamings. The report was **UNANIMOUSLY ADOPTED**.

### **SPECIAL MEETING OF THE LAND MANAGEMENT COMMITTEE**

**Manor House, Malvern**

**Thursday 20 October 2011 4pm**

Present:- Mrs S Adeney, Mr R Chamings, Mr C Cheeseman, Mr B Pilcher, Mrs G Rees, Mr C Rouse (Chairman), Mr C Smith, Mrs H Stace, Mr P Watts.

In Attendance:- Director, Conservation Officer, Administrative Officer, Deputy Conservation Officer, Mr R Roberts, Mr G Williams (Planning Services, Malvern Hills District Council), Mr P Esrich (AONB) and 5 members of the public.

#### **1. APOLOGIES FOR ABSENCE**

Mrs J Kelly, Mr T Musgrove, Mr W Watts.

#### **2. DECLARATIONS OF INTEREST**

Mr C Cheeseman, Mr B Pilcher and Mr C Smith declared an interest in the Malvern Hills District Council.

#### **3. CHAIRMAN'S COMMUNICATIONS**

None.

#### **4. PRESENTATION BY MR GARY WILLIAMS, PLANNING SERVICES, MALVERN HILLS DISTRICT COUNCIL**

South Worcestershire Development Plan. Mr G Williams stressed that the plans proposed by the Malvern Hills District Council were at the preferred option stage. The plans were not yet confirmed. The plans cover the period up to the year 2030. The Joint Core Strategy has been revised and the number of proposed new dwellings has been reduced from the 2008 projections by approximately 17%. Brown field sites would be preferable to green field sites and an audit has been completed of potential brown field sites but there is very limited capacity. 309 hectares of land has been designated as employment land. The plan proposes the construction of 20,000 new dwellings in South Worcestershire by 2030. Approximately 8,000 dwellings have already been built leaving 12,000 to be constructed in 50 settlements throughout South Worcester including 4156 proposed new dwellings for the Malvern Hills District.

The largest proposed development site in the district is at Newland with 10 hectares of employment land and 700 new dwellings along the A449. There is another large site at QinetiQ of approximately 4.5 hectares of employment land and 250 new dwellings. A further 4.5 hectares of land at Blackmore Park has been proposed as employment land. The density of housing would be approximately 30 dwellings per hectare although some sensitive sites may be less, however some urban sites may have up to 50 to 70 houses per hectare. The plan covers the period from 2013 to 2030 and it can be reviewed after 10 years.

#### **5. VIEW FROM THE HILLS REPORT, MR PAUL ESRICH, AONB MANAGER**

View from the hills. Mr P Esrich gave a presentation of a study that had been prepared in 2009 by Cooper Partnership for the Malvern Hills Area of Outstanding Natural Beauty Joint Advisory Committee. The purpose of the study was to examine, define and grade various views and viewpoints of the Malvern Hills and those from a distance of 15 and 50 kilometres. A visitor survey completed in 1999-2000 found that visitors regarded the views and countryside as their primary reason for visiting the area. The study attempted to grade the importance of views taking into account cultural and / or historical heritage, and the sensitivity of viewpoints. The study concluded that the views to and from the Malvern Hills are of national importance.

#### **6. SOUTH WORCESTERSHIRE DEVELOPMENT PLAN**

Mr C Cheeseman, Mr B Pilcher and Mr C Smith left the meeting due to a declaration of interest.

The Director stated that the Committee must consider its position with regard to the South Worcestershire Development Plan. The date for consultations to be received by the Malvern Hills District Council is the 18<sup>th</sup> November 2011. A discussion on the subject ensued and the Director showed Members the proposed sites on a map. The areas pointed out were Walsh's Yard, the BMX Track off Mayfield Road, other land

off Mayfield Road, the QinetiQ site, the Barrack Store at Court Road and the site at Newland. As the Conservators hold land at these sites, any development will have an impact on MHC's land.

On the proposal of Mr R Chamings, seconded by Mrs S Adeney, it was **UNANIMOUSLY AGREED** that a Planning Working Party be formed and that its members would be Mrs S Adeney, Mrs H Stace and Mr C Rouse. The purpose of the Planning Working Party is to discuss the proposed development with the Director on 31<sup>st</sup> October 2011 at 2.00 pm. Any comment on the issue from the AONB will be considered before the Planning Working Party make its recommendations to the Land Management Committee at a meeting scheduled for 6.30 pm on 10<sup>th</sup> November 2011. The Committee will then report the Planning Working Group's recommendations to the Board at the Board Meeting scheduled directly after at 7.00 pm the same evening.

The meeting closed at 6.15 pm.

#### Arising

None.

15.3 Verbal Report. Mrs H Stace stated that arising from the Land Management – Report 2, and the subsequent meeting of Planning Working Party held on 31<sup>st</sup> October 2011, it was recognised that MHC needed to lodge of formal response to the South Worcestershire Development Plan (SWDP). Mrs Stace stated that the SWDP referred extensively to other supporting documents and confirmed that these had been examined before a response was drafted. Mrs Stace presented a verbal report detailing the draft response. The following points were raised:

- The SWDP recognised environmental assets but does not recognise the MHC or the land under their jurisdiction.
- The Vision Statement refers to environmental assets but focuses on tourism and recreation.
- Environmental policies and green infrastructure should be supported.
- The SWDP sites numbered 13-17 does not give detailed information of proposed development.
- MHC has no objection in principle to development at Walsh's Yard but need to highlight that previous damage to the common should be corrected.
- MHC has land adjacent to the sites at Mayfield Road therefore will not oppose it but will reserve the right to comment.
- MHC have agreed to the compulsory purchase of the Barrack Store site.
- MHC have no comment on the development of 30 houses at the QinetiQ site.
- SWDP number 13. MHC have no objection in principle to 250 houses and the development of an industrial site but there are issues regarding the infrastructure which may have an impact on MHC land. MHC therefore will register a holding objection until more information is forthcoming.
- SWDP number 15, development at Blackmore Park. MHC have no objection in principle but there could be impact from infrastructure therefore MHC requires to be consulted on the development.

- MHC has no objection in principle to the development of the Newland site but as there are environmental assets in the area and infrastructure may impact on Townsend Way, MHC must be involved. Views from the hills must be taken into account.
- MHC recommend that the Design Policy be taken into account as it identifies views.
- SWDP number 27 establishes that where a site has policies that protect environmental assets and economic interests, that the economic interest takes precedence. This should be removed.
- A glossary which includes information about MHC and Common Land should be included.
- It should be bourn in mind that MHC cannot exchange, give or sell more than ¼ acre of land.
- SWDP number 17 refers to views. The AONB will address this issue.

On the proposal of Mrs H Stace, seconded by Mrs S Adeney, it was **CARRIED** that the draft response will form the basis for the MHC formal response to the SWDP, subject to any amendments by members to be made via email / writing to officers up to and including the 15<sup>th</sup> November 2011, after which time the Planning Working Party will meet to review and collate members' views and will have delegated authority to produce a formal response on behalf of the Board.

15.4 Admininstration and Resources. Mr C Smith presented the report of the meeting held on the 13<sup>th</sup> October 2011 and proposed its adoption. This was seconded by Mr M Cordey and was **CARRIED**.

#### **ADMINISTRATION AND RESOURCES COMMITTEE MEETING**

**Manor House, Malvern**

**Thursday 13 October 2011 7.00 pm**

Present: Mr M Cordey, Mr R Roberts (Vice Chairman), Dr B Smith, Mr C Smith (ex-officio), Mr R Stockton, Mr D Watkins, Mr P J Watson, Mr B Wilcock (Chairman).

In Attendance: Director, Administrative Officers (x 2), Financial Consultant, Financial Assistant,  
Mr T Musgrove, Mr C Rouse and 3 members of the public.

#### **1. APOLOGIES**

Mr R Hall-Jones.

Mr C Smith as Chairman of the Board thanked Mr B Wilcock, Mr R Roberts, Mr R Stockton and Mr D Watkins for their service to the Committee. Mr C Smith also thanked the Administrative Officer for her many years of service and wished her well in her retirement.

#### **2. DECLARATIONS OF INTEREST**

None.

### 3. CHAIRMAN'S COMMUNICATIONS

None.

### 4. MATTERS ARISING FROM THE MEETING HELD ON THE 25 AUGUST 2011

4.1 4.1 Inquiry into St Ann's Well Matter. Mr B Wilcock stated that the current Board would be unable to deal with this issue and that it is an issue for the new Board. The Director stated that a letter had been sent to Mr M Morgan suggesting that as Chair of the Inquiry Committee he present a paper to the first meeting of the new Board on the 10 November.

### 5. LAND REGISTRY

The Administrative Officer presented a paper detailing the work that had been completed and confirmed that correspondence had been received from the Land Registry office which stated any objections to the registering of the land at Clevelode had either been resolved or rejected, therefore the registration should proceed. On the proposal of Mr B Wilcock, seconded by Mr R Stockton, it was **UNANIMOUSLY AGREED** to accept the officer's recommendations to take no further action to register the land at Evendine Lane and Purlieu and that after 12 years of each registration of possessory titles, applications be lodged to convert this to an absolute title.

### 6. BIOGRAPHIES

Mr R Roberts suggested that attendance records are included with Members details and published on the website to follow the example set by the District Council. Dr B Smith requested that his personal details be removed from all documentation and that the Conservators' address and telephone details be used instead.

On the suggestion of Mr B Wilcock an amendment was made to the proposal to reflect Dr B Smith's wishes. On the proposal of Mr B Wilcock, seconded by Mr R Roberts it was **CARRIED** with 1 abstention that Members add a biography of around 50 words to their photograph and contact details on the website subject to the agreement of individual Members.

### 7. PENSION FUND

In presenting her report the Financial Consultant stated that the pension deficit should be disclosed in the accounts as it was a significant figure. However, it was not necessary to make a full FRS 17 disclosure. On the proposal of Dr B Smith, seconded by Mr C Smith it was **UNANIMOUSLY AGREED** to accept the Consultants recommendations to disclose the deficit in the annual accounts with effect from 31 March 2012 and that at the Committee Meeting on 1<sup>st</sup> December a working party will be set up to review future pension provisions.

## **8. COMMISSIONERS CLAUSES ACT 1847**

The Financial Consultant confirmed that to alter the date that the Board makes its annual accounts available to the public would require legal advice and may need another Act of Parliament. It was **AGREED** that no further action would be taken.

## **9. CHARITY COMMISSION REVIEW PROJECT**

The Administrative Officer stated that the Conservators had received a correspondence suggesting that the Board become involved in the Charity Commission's Charity Review Project.

The Director stated that this matter will need investigating and it was **AGREED** to defer this item until the next Committee Meeting on 1<sup>st</sup> December, however in the interim the details will be circulated to Members for their perusal.

## **10. INFORMATION**

None.

Dr B Smith stated that this was the last Committee Meeting of the current Board and thanked Mr R Stockton, Mr R Roberts and Mr D Watkins for their contributions. Mr B Smith also thanked the Chairman, Mr B Wilcock and the Administrative Officer.

The meeting closed 7.26 pm.

## Arising

None.

## **16. TO RECEIVE REPORTS FROM REPRESENTATIVES ON OUTSIDE BODIES**

16.1 The Malvern Spa Association. Mr R Roberts reported that the Association had three committee meetings in the last two months. An annual Halloween Party was held which was very successful. Mr R Roberts stated that he and John Harcup had that day met with two representatives from Mariannesky Lasney to discuss the possibility of twinning Malvern, however the towns will not be twinned but will work closely together in the future. A dinner was held at the Fox Inn where the guest speaker was Mr D Haversham who is the new owner of the Tudor Hotel and is converting the hotel into luxury flats.

16.2 Malvern Hills AONB Joint Advisory Committee. There had not been an ordinary meeting but of the AONB JAC but a study visit had occurred to Colwall Primary School to look at the development of a vegetable garden. A visit was also made to an energy neutral house and to the gentleman who is restoring the gas lamps.

## **17. URGENT BUSINESS**

None.

## 18. INFORMATION

18.1 Management Report. The Director presented his report which was **NOTED**.

### MANAGEMENT REPORT

**DATE: 10 November 2011**

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#### DIRECTOR

- Attended the Abberley and Malvern Hills Geopark meeting where Malvern Hills Conservators were asked to donate £100 towards next year's GeoFest. This was declined as the MHC are not permitted to give donations to other organisations.
- Gave a talk to the Northwick Towns Women's Guild and the Colwall Conservative Club.
- Attended a meeting with the Voluntary Wardens.

#### CONSERVATION OFFICER

- Attended a site meeting with the operators of the Pied Flycatcher box scheme.
- Attended 5 meetings with residents about tree issues.
- Met with a contractor to assess safety of the electric gate at The Pleck.
- Planning for the winter scrub programme.
- Met with vendors of Bradfords Farm about the details of the upcoming sale.
- Twice met with Severn Trent about the renewal of a water main at Castlemorton.
- Attended 3 meetings with graziers.
- Annual fixed point photography was completed.
- Met with a consultant about the grazing assessment.
- 2 meetings about the Laurel and Rhododendron project.
- Met with Bromsberrow Estate about grazing on Chase End Hill.
- Met with Eastnor Estate and Natural England about tree felling on Estate land.
- Site visit about the path on the Colwall bends – Walwyn Road.
- Site visit with a builder to get quote for repairs.
- Met with the QR Code project organizer.
- Met with the Voluntary Site Wardens on Chase End Hill.

#### FIELD STAFF

- Cleared two pools of brambles and overhanging trees at Guarlford.
- Ground tree stumps out at Barnards Green and Newland.
- Cleared brambles back from a footpath in Townsend Way.
- Grass cutting and collecting from all areas.
- Renewed two footbridges on Link Common off Cockshot Road.
- Cleared trees at Castlemorton.

#### VOLUNTEERS IN THE COMMUNITY

- QinetiQ staff painted one bench at Link Common and another at St Ann's Well and cleared some of the stone way markers.
- Carters staff, who are working on the upgrade of Waitrose, offered to restore some gift benches and have completed work on two benches at Black Hill.

#### WARDENS

- Byelaw breaches:

Mountain Bikers advised	10
Driving on the Common	1
Unauthorised Parking	17
Materials stored on Common	3
Utilities	3

Garden waste on Common	2
Untaxed vehicles on Common	2
Vehicles for sale on Common	4
Signs	3
Overnight parking	2
Vandalism	1
Flytipping	4
Camping	6
Camp fire	5
Travellers	1

- Rich Vale and Nikky Quinn each completed a First Aid Refresher Course (2 day duration).
- Supervised white line marking in the car parks.
- Completed the Beacon Newsletter for this quarter.
- Numbered the fruit trees using tree tags in preparation for the Mill Pond Orchard Management Plan.
- Liaised with Colwall Primary School to produce a sign regarding the problem of parking on the Green when collected school children.
- Completed the November and December Friday Conservation work parties schedule.
- Installed some rocks on the Link Common after reports of antisocial behaviour and driving on the Common.
- Swept and cleaned the Wyche Shelter.
- Organised a blacksmith to repair the circular metal seats on the Link Common.

#### VOLUNTEERS

##### **Conservation Day activities:**

- Bracken and brambles were cut back to extend the Worcestershire Beacon Ephemeral Ridge to extend the area of SSSI spring grassland.
- The Old Hills Pond was cleared of undergrowth to improve its biodiversity.
- Small silver birch trees were removed in on-going clearance of the SSSI grassland on the east side of Pinnacle Hill to improve the habitat of skylarks and small heath butterflies.
- Scrub was cleared from the SSSI hillside grassland at Black Hill.
- Small trees and brambles were cleared from Gullet Quarry Butterfly Site to improve the site for butterflies including fritillaries.

#### ADMINISTRATION

- Looked at 11 planning applications but made no comment.
- Admin Officer attended a training course *The Role of the Charity Secretary* at the Institute of Chartered Secretaries in London.

#### Arising

Mr R Chamings suggested that an induction day is organised for board members. The Director confirmed that several induction sessions are being organised for January and February 2012 and that a bus will be hired to show the Board the land under its jurisdiction.

The Director presented a slide show that celebrated all the achievements of the Board over the past 13 years including the following:

- The area is managed for the protection of wildlife, the ancient monuments and views and to protect the culture of the commoners and their grazing rights.
- The Hills receive over one million visitors a year.

- The Grazing Programme has gained national recognition from the Government Agency for Nature Conservation, among others
- There has been a programme of land acquisition, including Tank Quarry, Berington Quarry, the Hacketts and Old Hills.
- Three toilet facilities have been built for visitors and toilets have been refurbished.
- MHC worked with the Highway Authorities of both Herefordshire and Worcestershire County Councils to create a pedestrian crossing at British Camp to allow easier access to the facilities across the road.
- The seven Field Staff deserve recognition as they work tirelessly outside in all weathers, even during the severe snow of last winter.
- The three Wardens and Volunteer Wardens also do a very good job and look after approximately 120 volunteers.

The Director finished the Management Report by announcing his retirement from the Malvern Hills Conservators with effect from the 30<sup>th</sup> March 2012.

The Chairman thanked the Director for his years of service and all he has achieved and wished him the best for the future.

**The meeting closed at 9.26.**