

MALVERN HILLS CONSERVATORS

MEETING OF THE BOARD

10 January 2008 7 pm

The Committee Room, The Council House, Malvern

Present:- Mrs S Adeney, Mr R J Chamings, Mr C Cheeseman, Mr M K Cordey, Mr R F Hall-Jones, Mrs J Kelly, Mr M Morgan, Mr A Myatt, Mr B J Pilcher, Mr J Plant, Mr A J Phillips, Mr R G Roberts (Chairman), Dr B G Smith, Mr C T Smith, Mr J Smith, Mr M Soley, Mrs H Stace, Mr R Stockton, Mrs S Thetford, Mr R Thomas, Mr P Tuthill, Mr D Watkins, Mr P J Watson, Mr J Webb, Mr B A Wilcock.

In attendance:- Director, Administrative Officer, Conservation Officer, Financial Consultant (Cheryl Gentry).

1. APOLOGIES FOR ABSENCE. Mr C Rouse, Mr W Watts.

2. CHAIRMAN'S ANNOUNCEMENTS. On behalf of members the Chairman congratulated the Conservation Officer on the birth of his son on Christmas Eve.

3. PUBLIC QUESTIONS.

3.1 Ms P Burgess. In the absence of Ms Burgess, Ms Pritchard asked the following question:-

"After hearing Mr Havard's talk and slide show about the changing face of the Hills it seems that before being grazed the areas have to be cleared either manually or mechanically first. Would areas to be grazed under the Stewardship Scheme be cleared first by the Conservators at the expense of the Council Tax Payer or the Stewardship Scheme?"

The Chairman advised that the Malvern Hills Conservators' Field Staff have always carried out scrub management on the Hills. This continues today but with the addition of receiving grant aid from conservation bodies like Natural England through the Stewardship Scheme.

3.2 Ms J Pritchard:-

"At present MHC have no control over the welfare of animals grazed by commoners; that will change if grazing is contracted out, as both contracts and licences (for non-commoners) will allow welfare conditions to be imposed and swift action to be taken if there are breaches. What conditions will MHC impose in contracts and/or licences to ensure that the animals on its land are well looked after?"

The Chairman's reply was divided into three sections:-

(a) *"At present MHC have no control over the welfare of animals grazed by commoners ..."*

This is not strictly accurate, Byelaws 27, 28, 29, 30, 32, 33 and 34 do give powers. However not having an animal welfare specialist on the staff, or a vet, we rely on the Worcestershire County Council Trading Standards who have professionals and duties under the Animal Welfare Act 2007. Currently we are monitored by the animal welfare officers who check our current stock and their management.

(b) *"If grazing is contracted out the contract and licence will allow welfare conditions to be imposed."*

All farmers and managers of stock as well as pet owners come under the Animal Welfare Act 2007 which states 5 requirements:

- a suitable environment
- a suitable diet
- to be able to behave normally
- in the case of herd and flocks to be in the company of other animals
- to be protected from pain, suffering, injury or disease.

(c) *“What conditions will MHC impose to ensure that animals on its land are well looked after?”*

The welfare of the animals will come under the above legislation and there will be checks not only from the 11 staff who regularly work on the Hills but also from the Voluntary Wardens and the members of the public who will report any incidents to us and we will call in the relevant enforcers if necessary.

4. DECLARATIONS OF INTEREST. None.

5. CONFIRMATION OF MINUTES. On the proposal of Dr Smith, seconded by Mr Plant, it was **AGREED** that the Minutes of the meeting held on the 8 November 2007 should be **CONFIRMED** and **SIGNED** as a true and correct record.

6. MATTERS ARISING. None.

7. COMMITTEE REPORTS.

7.1 Land Management. Mrs Thetford presented the report of the meeting held on the 29 November 2007 and moved its adoption. This was seconded by Mr C Smith. In presenting the report Mrs Thetford drew attention to the 2007 Annual Report recently circulated and commended the Director on the contents and in particular the high quality photographs, some of which had been provided by Ian Butler (former Lemur Placement student).

LAND MANAGEMENT COMMITTEE
Thursday 29 November 2007 at 4 pm

Present:- Mr R Chamings, Mr C Cheeseman, Mrs J Kelly, Mr B Pilcher, Mr J Plant, Mr R Roberts, Mr C Rouse, Mr C Smith, Mrs H Stace, Mrs S Thetford (Chairman), Mr R Thomas, Mr J Webb.

In attendance:- The Director, Administrative Officer, Conservation Officer, Ian Butler (Lemur Trainee), and a member of the public.

1. **APOLOGIES FOR ABSENCE.** Dr T Hunt, Mr A Phillips, Mr M Soley, Mr W Watts.
2. **ELECTION OF CHAIRMAN.** On the proposal of Mr Plant, seconded by Mr Pilcher, Mrs Thetford was **UNANIMOUSLY ELECTED CHAIRMAN** for the ensuing year.
3. **ELECTION OF VICE CHAIRMAN.** On the proposal of Mr Pilcher, seconded by Mr Roberts, Mr Webb was **UNANIMOUSLY ELECTED VICE CHAIRMAN** for the ensuing year.
4. **DATE AND TIME OF MEETINGS FOR THE YEAR 2008.**

| | | |
|------------|-----------|-------------|
| 31 January | 3 April | 5 June |
| 7 August | 2 October | 27 November |

The time of the meetings would be 4 pm.

5. DECLARATIONS OF INTEREST.

- Mr Rouse declared a personal interest in Item 10.
- Mrs Helen Stace reiterated her previous statement at the September meeting of the Board, that she was on the Board as the appointed member for Colwall Parish Council and there was no conflict of interest concerning her employment with Natural England as she had nothing to do with the Malvern Hills in her work.

6. CHAIRMAN'S COMMUNICATIONS. None.

7. PRESENTATION BY IAN BUTLER (LEMUR PLACEMENT). Ian Butler gave members an illustrated presentation of the work he had been doing for MHC during the last 9 months as Assistant Conservation Officer under the LEMUR (Learning Environments in Marine, Urban and Rural) Project. This offered graduates a combination of on-the-job professional experience and formal training linked to a variety of work areas including species identification, wildlife habitat survey, habitat management, heritage interpretation and those all important generic work skills such as project management and computer skills. The scheme funded 12 bursaries in England that were supported by the Heritage Lottery Fund. During his time with the Board Ian carried out work including updating the pollard survey, habitat assessment, woodland plants and grasses identification and ancient woodland indicators as well as helping with bat monitoring and moth trapping evenings. Ian was thanked for all the effort he was putting in during his time with the Hills Conservators and the Chairman on behalf of members wished him well in his new venture.

8. MATTERS ARISING FROM THE MEETING HELD ON THE 4 OCTOBER 2007.

8.1 5.1 Tank Quarry. The work to renew quarry fencing had now been completed.

8.2 11.1 Major Projects. The concreting of the floor to the livestock shed situated off Brockhill Road should be completed in the next two weeks.

8.3 11.3 Downs School Planning Application. The Director had attended a site meeting at the island at the junction of Brockhill/Old Church/Walwyn Road, Colwall as MHC manage this grassed area which is common land. Currently the plan was to have a one-way system around the land, but should this change and there was an application for any land take it would be brought back to the Committee for consideration. This was **NOTED**.

9. BUDGET FOR THE YEAR 2008/09. The Conservation Officer circulated revised budget figures with the following amendments:-

- (a) A reduction in the grass cutting from £8,450 to £1,450; and
- (b) A reduction in the contract labour from £19,350 to £17,350

These amendments were recommended following discussion with staff on the budget estimates as a whole. This year was the last of a three-year grass cutting contract and as the work had not been carried out satisfactorily, it was an opportunity to take this back in house. In order for the Field Staff to carry out this work it was to be recommended to the Administration & Resources Committee that the temporary part-time member of the Field Staff (due to finish his contract at the end of the year) who had proved to be a valuable member of staff, be employed permanently. This would mean an extra £12,000 on the salaries budget which would be met by not employing a seasonal summer worker and a reduction in the grass cutting and contract labour budgets. On the proposal of Mr Smith, seconded by Mr Pilcher, the revised budget estimates were **AGREED** with one abstention.

10. IMPLEMENTATION OF THE HIGHER LEVEL STEWARDSHIP ON THE HILLS AND COMMONS. It was **AGREED** with 9 votes in favour and one abstention that Mr Rouse should stay in the meeting.

In presenting his report the Conservation Officer drew members' attention to the history of the re-introduction of grazing and that the Northern and Central Hills were already in a Higher Level Stewardship Scheme and the Board had agreed to go ahead with an application on the Southern Hills. He now recommended following the decision of the newly convened 4Cs (Castlemorton Common Co-ordinating Committee), made up of active graziers, together with representatives from

the owners and parish councils in the area and the local Commons Association, that the Board should apply for Higher Level Stewardship on Castlemorton Common.

A debate then took place when Mr Chamings gave his reasons for not being in favour of the grazing project by questioning the references in the report to the Board's legal duty to support modern day nature conservation and asked whether it was breaking the law. He felt that 200 sheep and 15 cattle would not be sufficient to increase wildlife benefits of the scheme and that scrub could be cleared by machinery. He stated that the Hills were for the enjoyment of the general public and the people enjoying themselves on Castlemorton Common on a Saturday afternoon in the summer could not do so if it was covered in sheep and cattle. Mrs Stace advised that as the Hills and part of Castlemorton Common were designated Sites of Special Scientific Interest (SSSIs) and landowners do have a statutory duty to manage their land in accordance with the designation this was consistent with other SSSIs across the country. Other members gave their reasons for supporting the grazing as the only sustainable way of controlling the vegetation. For information the Conservation Officer advised that there were 45 cattle and 500 sheep grazing on the Hills and the aim of the project had always been to get people with commoners rights to take the grazing forward. Similar schemes were run all over the country on SSSIs and five farmers at Castlemorton had asked the Board to proceed with the application. With regard to scrub, there was photographic evidence that proved this management method was effective. Following a full discussion it was **AGREED** on the proposal of Mr Smith, seconded by Mr Pilcher and **CARRIED** by eight votes, with one vote against and two abstentions, to apply for Environmental Stewardship on Castlemorton Common.

On the proposal of Mr Smith, seconded by Mr Pilcher, it was **FURTHER AGREED** that the current staffing would be continued until such time as the grazing was let. This was **CARRIED** by 7 votes with 4 abstentions.

The Conservation Officer agreed to give the costings of the scheme to the next meeting of the Committee.

11. REPORT OF MEETING OF THE WILDLIFE PANEL. In presenting the report of the meeting held on the 24 October 2007, the Conservation Officer explained the role of this panel of experts which was to advise the Board on ecological matters. This was **NOTED**. Mr Plant stated that he disagreed with the statement in item 6 that the geese had caused the build up of nutrients in the pond that had destroyed the Yellow Fringed Water Lilies as his view was that the birds defecated on land and the lilies were a capricious plant. The reason he fed the geese was to check that they were not caught up in fishing line or had swallowed a hook as a result of the bad fishing behaviour.

FISHING AND THE FUTURE MANAGEMENT OF THE MILL POND, GOLDEN VALLEY, CASTLEMORTON. The Director presented the report which began by advising members of the management of ponds on the Board's land and in particular the Mill Pond, Golden Valley, Castlemorton. He read two letters received, one from Mrs Milne, a resident who lived adjacent to the Pond and Mr Fogarty of Malvern calling for the Board to ban fishing in view of the damage to waterfowl by discarded fishing line. Local member, John Plant, advised that although not all the fishermen were irresponsible he felt that the Board should ban ledgering (where a long line is cast across the water) which would prevent 90% of discarded line and to allow pole fishing only. He therefore proposed that the Board instantly prohibits long line fishing and erects notices to that effect and that in the long term the Board phases towards pole fishing only. This will be communicated to fishermen by circulating a leaflet. This was seconded by Mr Smith and **CARRIED UNANIMOUSLY**. With regard to the paper on wildlife management at the Pond, it was **AGREED** that reeds should be planted in consultation with Mr Plant and to also look into the possibility of making a stony beach. It was also recommended that the Committee should make a site visit in the future to the Mill Pond and Hanley Swan pond where work to reinstate the banks had been recently carried out. (Mrs Kelly left the meeting before the vote was taken on this item.)

12. GRAZING MONITORING GROUP. On the proposal of Mr Smith, seconded by Mr Webb, the Conservation Officer's recommendation that the Group was discontinued was **CARRIED** with one abstention.

13. REPORT FOLLOWING GEOTECHNICAL INSPECTION OF TANK QUARRY. The Director's report and the consultant's geotechnical inspection was **NOTED**. In response to requests,

the Director agreed to carry out an assessment of the trees and buddleia in the Quarry and placing another gully in the track.

14. MALVERN HILLS & ABBERLEY GEOPARK. The Director's report was noted and it was **UNANIMOUSLY AGREED** on the proposal of Mr Smith, seconded by Mr Roberts to accept the recommendation that MHC take up the invitation to become a partner in the Abberley and Malvern Hills Geopark and attend meetings that directly affect the Malvern Hills and Common but if the Agenda does not include issues of direct interest then to ask the AONB Manager to represent MHC.

15. INFORMATION. There were no information items.

The meeting closed at 6.30 pm.

Arising.

7.1.1 8.2 Major Projects. Concreting of the shed floor had been completed. **NOTED.**

7.1.2 10. Implementation of the Higher Level Stewardship. In answer to a question, the Conservation Officer advised that there were approximately 24 cows and followers and 250 ewes on the Central Hills belonging to a grazier as well as 14 cattle and 50 ewes on the Northern Hills and 150 ewes on British Camp belonging to MHC. This figure significantly increased in the peak grass growing season with an average of 1.5 lambs per ewe. This was **NOTED.**

The report was **CARRIED.**

7.2 Administration & Resources. Mr Wilcock presented the report of the meeting held on the 6 December 2007 and moved its adoption. This was seconded by Mr Myatt.

ADMINISTRATION & RESOURCES COMMITTEE 6 December 2007 at 7.30 p.m.

Present:- Mrs S Adeney, Mr M K Cordey, Mr A Myatt, Mr R Roberts, Dr B Smith, Mr J Smith, Mr R Thomas, Mr P Tuthill, Mr D Watkins, Mr P J Watson, Mr B A Wilcock (Chairman).

In attendance:- The Director, Administrative Officer, Financial Consultant, Financial Assistant, Mr M Soley and Mrs. Thetford in attendance.

In welcoming members the Director advised that Mr Soley had requested a move from Land Management to Administration & Resources as he found it difficult to attend daytime meetings. This was noted and it was **AGREED** to recommend this move to the Board.

1. APOLOGIES FOR ABSENCE. Mr M Morgan.

2. ELECTION OF CHAIRMAN. On the proposal of Mr Roberts, seconded by Dr Smith, Mr Wilcock was **ELECTED** Chairman for the ensuing year.

3. ELECTION OF VICE CHAIRMAN. Mr Roberts, seconded by Mrs Adeney, proposed Andrew Myatt and Mr Tuthill, seconded by Mr Watkins, proposed Joe Smith. On being put to the vote Mr Myatt was **ELECTED** Vice Chairman for the ensuing year.

4. DATE AND TIME OF MEETINGS FOR 2008.

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|------------|------------|-------------|
| 7 February | 24 April | 19 June |
| 21 August | 16 October | 11 December |

Meetings would commence at 7 p.m.

5. DECLARATIONS OF INTEREST. None.

6. CHAIRMAN'S COMMUNICATIONS. None.

7. MATTERS ARISING FROM THE MEETING HELD ON THE 18 OCTOBER 2007.

7.1 4.2 Land Registry. The Administrative Officer advised that in 2003 MHC had registered all their land to which they had good title with the Land Registry. Although this included all the land owned, there were areas placed under MHC's jurisdiction by the Malvern Hills Acts or had been managed by them for very many years. Work was continuing to obtain a Possessory Title to these areas. If not contended after 12 years application could then be made for full title. So far Possessory Title had been obtained on two areas at Castlemorton and one at Worcestershire Beacon. This was **NOTED**.

7.2 6. Web Site. The Director explained that the £4,000 allocated for the website included various stages of the design which he would be happy to make available to new members. This was **NOTED**.

7.3 7. Flood Damage Costs.

- The Director advised that as some of the reinstatement was within the boundary of 51 Old Wyche Road the occupier was contributing one-third of the cost.
- Contractors were currently beginning the second phase of remedial work at the Mill Pond that involved grouting.
- He advised that there had been flood damage to various properties adjoining MHC land and a surveyor had been employed to explain to property owners the cause and suggest remedial work.
- There would be some ongoing costs for remedial work at Old Hills, subject to Environment Agency approval.

This was **NOTED**.

8. BUDGET ESTIMATES FOR THE YEAR 2008/09. In presenting her report on the budget estimates, the Financial Consultant advised that the 3% inflationary increase had been arrived at by taking an average of two Retail Price Indices of 2.2 and 2.8% and the average earnings index of 4.1%. This was noted and following discussion it was **AGREED** on the proposal of the Chairman, seconded by Mr Roberts and **CARRIED** by 9 votes with 1 abstention to recommend to the Board the approval of the 2008/09 General Fund budget and that the levy be set at £359,700.00 for the 2008/09 financial year. (Note: The percentage increase on salaries relating to the incremental rises at 1 April 2008 was 0.5%.)

9. MANAGEMENT ACCOUNTS FOR THE 6 MONTHS ENDED 30 SEPTEMBER 2007. The Financial Consultant advised that the management accounts focused on the General Fund. In addition to the General Fund there were a number of other funds as follows:

RESTRICTED

- Land Acquisition - money received from the sale of land restricted to the purchase of further land.
- Parliamentary – commuted easements which could be used to purchase land but also for capital asset improvements.
- Capital Outlay Discharged had been set up so that when funds had been taken from Land Acquisition or Parliamentary Funds an equivalent amount was placed in the Capital Outlay Discharged to allow Conservators to see what was left in the reserves.
- Lands Maintenance – A fund set up when the Townsend Way land was acquired. The interest on the fund is used for the maintenance of this land.
- Sundry – Donations given for a restricted use.
- Project – Grazing project.

DESIGNATED

- Gifts designated for a particular purpose.
- Development Fund – to pump-prime research into possible projects to be undertaken.
- Election Expenses – to build up a reserve for elections rather than a single hit every four years.

In answer to a question the Financial Consultant advised that vehicles and office equipment were depreciated over four years and car parks, land and buildings over five years.

The accounts were **NOTED**.

10. REPRESENTATION ON THE BOARD OF CONSERVATORS. On the proposal of Mr Tuthill, seconded by Mr Cordey, it was **UNANIMOUSLY AGREED** to defer a decision on this item until the next meeting when a full paper could be prepared.

11. REVIEW OF LIMIT FOR LAND ACQUISITION. It was **AGREED** that the limit for land acquisition delegated to the Urgent Business Sub-Committee should remain at £40,000.00 for the year 2008/09.

12. CHRISTMAS/NEW YEAR HOLIDAY ARRANGEMENTS. The Christmas/New Year holiday arrangements and the Director's walks were **NOTED**.

It was **AGREED** that the remainder of the meeting should be taken in committee as the matters to be discussed were confidential.

The meeting closed at 9 p.m.

Arising.

7.2.1 7.3 Flood Damage Costs. The Director reported that Walsh Construction Limited had won the contract for phase three of the repair work to the dam wall at the Mill Pond. The employment of an engineer to explain to property owners the legal and practical issues regarding drainage of water had been worthwhile. It appeared that many of the flooding problems had been caused by pipes placed in ditches being of insufficient diameter to take exceptional water flow. As this work had been carried out to enable access to properties, it was the responsibility of the property owners to remedy the situation. This was **NOTED**.

7.2.2 10. Representation on the Board. Caution was expressed by several members against changing representation by Act of Parliament in view of the expense incurred in the passing of the 1995 Act and in any event the necessity to have agreement from all authorities concerned before proceeding. It was pointed out that previously there had been powers to change representation without recourse to a new Act and that this should be thoroughly explored.

7.2.3 Christmas/New Year Holiday Arrangements. The Director was thanked for the guided walks he had arranged over the holiday period and members were encouraged to attend the evening strolls which took place over the summer.

The report was **CARRIED**.

8. REPRESENTATION ON OUTSIDE BODIES.

8.1 Malvern Spa Association. Mr Roberts reported on the progress of the work to the springs and spouts funded by the Heritage Lottery Grant and the recent AGM of the Association. Over forty people had attended the meeting when Dr John Harcup OBE had been elected Chairman. Presentations were made by the AONB staff on the work to water features and there was a 'Malvern in Bloom' presentation. The evening ended with a brain storming session on the future direction of the Association. This was **NOTED**.

8.2 Great Malvern Town Centre Partnership and Malvern Hills AONB Joint Advisory Committee. No meetings of either body had taken place since the last reports.

9. URGENT BUSINESS. None.

10. INFORMATION.

10.1 Management Report. The Director presented his report which was **NOTED**. At the request of members, the Director advised that he would:

- arrange for Conservation Days to be published on the website
- present a paper on cycling to the Land Management Committee
- obtain the views of the Field Staff regarding the sheep track from St Ann's Well to Earnslaw Quarry
- look into the possibility of arranging a visit by Conservators to the Eastnor and Bromesberrow Estates.

The meeting closed at 7.50 p.m.

As part of the induction for members the Administrative Officer gave a presentation on the Board's legal responsibilities and the administration.