

MALVERN HILLS CONSERVATORS

MEETING OF THE BOARD

8 May 2008 7 pm

The Committee Room, The Council House, Malvern

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

In attendance:- The Director, Administrative Officer, Conservation Officer and Mr P Esrich (Malvern Hills AONB Manager).

1. APOLOGIES FOR ABSENCE. Mr M Cordey, Mr A J Phillips, Mr R Stockton, Mr D Watkins, Mr W Watts.

2. CHAIRMAN'S ANNOUNCEMENTS.

2.1 It was with deep regret the Chairman reported the death of Mr Jim McArthur and on behalf of members had sent his condolences to Mr McArthur's wife and family at this sad time. Mr McArthur had been associated with the Conservators since the 1980s, being one of the first Voluntary Wardens regularly patrolling the northern Hills. His enthusiasm for the Hills led to further involvement giving guided walks and talks to organisations and schools. The one project he would be remembered for was his idea for marking the year 2000 by naming an unnamed peak south of British Camp *Millennium Hill*. Jim also carried out the mammoth task of organising the naming ceremony involving local schools and groups which culminated in a flag raising ceremony. He would be sadly missed.

2.2 The Chairman drew members' attention to various events taking place in the next few months, i.e. the visit to Bromesberrow Estate on the 10 June, the annual picnic on the 14 August and the Three Counties Show 13-15 June. A request had already been circulated for helpers on the stand at the show and the Chairman hoped that as many Conservators as possible would be able to participate.

3. PUBLIC QUESTIONS. None.

4. DECLARATIONS OF INTEREST. None.

5. CONFIRMATION OF MINUTES. On the proposal of Mr Wilcock, seconded by Mr C Smith, it was **AGREED** that the Minutes of the meeting held on the 13 March 2008 should be **CONFIRMED** and **SIGNED** as a true and correct record.

6. MATTERS ARISING. None.

7. COMMITTEE REPORTS. Mrs Thetford presented the report of the meeting held on the 3 April 2008 and moved its adoption. This was seconded by Mr Chamings.

LAND MANAGEMENT COMMITTEE

Thursday, 3 April 2008 at 4 pm

Present:- Mr R Chamings, Mr C Cheeseman, Dr T R Hunt, Mrs J Kelly, Mr A J Phillips, Mr B Pilcher, Mr J Plant, Mr R Roberts, Mr C Rouse, Mr C Smith, Mrs S Thetford (Chairman), Mr R Thomas, Mr W Watts, Mr J Webb.

In attendance:- The Director, Administrative Officer, Conservation Officer and 22 members of the public.

1. APOLOGIES FOR ABSENCE. Mrs H Stace.

2. DECLARATIONS OF INTEREST.

Mr Rouse declared a personal interest in Item 10

Mr Cheeseman, Mrs Kelly and Mr Pilcher declared a non-prejudicial interest in item 4

3. EASEMENTS. As requested at the last meeting of the Board, the Administrative Officer presented a report setting out the procedure for considering requests for easements over land under the Board's jurisdiction. This was **NOTED**.

4. EASEMENT TO THE OLD RAILWAY YARD, PEACHFIELD ROAD. The Administrative Officer presented the report advising members of the history of this matter. In 2003 the Board had agreed in principle to the upgrading of the access into the old railway yard to permit residential development of the site which was proposed at that time to be a development of 14 bungalows. This was subject to the land's inclusion in the updating of Malvern Hills District Council's Local Plan as development land. In July 2006 the Board's Valuer was contacted by developers, Landmarque, who wished to begin negotiations over access into the site. Subsequently in 2007 a planning application was submitted to Malvern Hills District Council for 42 dwellings to which the Board objected. This led to the recent revised application for 33 dwellings. During the local authority planning process for this application the Highway Authority had recommended refusal of the access proposals. The developers, Landmarque, had therefore requested permission from the Board to make a new access across the common off Peachfield Road between Peachfield Close and the railway line and as part of the work would reinstate the existing access into the yard to common. Members were advised that six letters objecting to the proposal and one in support had been received by the office. The Chairman advised that she had also received 14 letters of objection.

The Administrative Officer reported that shortly before the meeting Landmarque had withdrawn this application. It was decided however to continue to discuss the matter as alternative proposals had not been produced and members could give guidance to Landmarque as to what would be acceptable. During discussion it was felt that any new access from Peachfield Close to the railway line would be an unacceptable intrusion onto the common as well as damaging several mature trees and on the proposal of Mr Smith, seconded by Mr Pilcher, it was **UNANIMOUSLY AGREED** to recommend to the Board not to permit the creation of a new access across the common between Peachfield Close and the roadway to the old station yard.

5. CHAIRMAN'S COMMUNICATIONS. None.

6. MATTERS ARISING FROM THE MEETING HELD ON THE 31 JANUARY 2008.

6.1 **5. Waste Management.** The Director reported that the contract for replacing the fencing at the Wells Road compound had been awarded to Adrian Byton and the work was due to commence on the 1 May 2008. This was **NOTED**.

7. PRESENTATION ON SCRUB CLEARANCE 2007/08 WINTER. The Conservation Officer gave an illustrated presentation on the results of the scrub clearance work on the Hills carried out during the winter months. This was **NOTED**.

8. RECREATIONAL ADVISORY PANEL. Following the decision at the last Board meeting, the Director presented his report and draft constitution for discussion. In view of his concerns that the Panel would not fulfil its purpose, Mr Chamings, seconded by Mr Plant, proposed that the Board should have a series of meetings each one devoted to one particular user group. However on being put to the vote the motion was lost by 4 votes to 7 against, with 2 abstentions. Whilst accepting that there was still a lot of work to be done to obtain a fair representative body from users, it was **AGREED** on the proposal of Mr Pilcher, seconded by Mr Roberts and **CARRIED** by 9 votes with four abstentions that the Director's suggestions contained in the paper should form the basis for the Panel. It was **FURTHER AGREED** that:-

- the number of Board members on the Panel should be increased to 4 and nominated from all 29 members;

- although an article on the Panel had appeared in the local press an advertisement would be placed in the Malvern Gazette inviting interested bodies to put forward a representative;
- the draft constitution would be discussed at the first meeting of the Panel.

9. PATH MAINTENANCE. The Director presented his report setting out the current policy for maintenance of approximately one hundred miles of paths on the Hills and Commons. He felt that the use of imported material was not satisfactory and he would continue to explore new ideas. Members shared this view and during discussion it was agreed that fresh approaches should be made to the County Council asking for reconsideration of their previous decision not to permit the use of existing quarried material on the Hills. On the proposal of Mr Smith, seconded by Mr Rouse, it was **UNANIMOUSLY AGREED** to move the Director's recommendation that although not entirely satisfactory, path maintenance would continue as before, paying particular attention to channelling water off the paths and with limited resurfacing each year.

At this point Mr Smith left the meeting.

10. CASTLEMORTON COMMON. In presenting his report the Director advised that he had been asked to place this item on the Agenda by Mr Chamings and Mr Plant who were concerned at the state of Castlemorton Common. Both members, whilst accepting the rights of the farms to graze, expressed their concern at the number of cattle being turned out onto the common in the winter months with the resultant damage to the common and animal welfare issues. The Director reminded members of the report by Land Use Consultants that took into account the views of residents who wished to see it remain a working common and this was why the 4Cs committee was formed. The Conservation Officer stated that if the Higher Level Stewardship application was successful it would provide an incentive and guidelines for grazing. The report was **NOTED** and the Director agreed to obtain a legal definition of grazing rights and stints.

11. GRAZING TENDER COSTS. In presenting his report the Conservation Officer reminded members of the decision of the Committee in November 2007 to put the grazing of the northern and central Hills out to tender. He felt that in order that this was handled in a professional and transparent manner it was important that this work was carried out by an independent land agent with experience in such matters. Following enquiries the brief had been sent to Knight Frank, Strutt & Parker and Cumulus Consultants. Although only Cumulus Consultants tendered for the work this was an experienced team in tenancy selection and therefore he recommended that members agree to the tender and that officers start the process with Cumulus Consultants in April for a total of £12,000.00, plus VAT and expenses expected to be in the region of £600.00. The work will be financed by the Higher Level Stewardship Fund. On the proposal of Mr Roberts, seconded by Mr Thomas, this was **CARRIED** by 8 votes to 2, with 2 abstentions.

12. TREE MANAGEMENT POLICY. The Conservation Officer presented his report setting out the current management practice, together with the policy guidelines and recommended that the current policy was endorsed by members. On the proposal of Mr Thomas, seconded by Mr Plant, this was **UNANIMOUSLY AGREED**.

13. TREE PLANTING AND MEMORIALS. It was **UNANIMOUSLY AGREED** on the proposal of Mr Thomas, seconded by Mr Plant, to adopt the Conservation Officer's recommendation that he created a plan for the memorial orchard off Townsend Way where people wishing to donate trees as a memorial could be encouraged to plant traditional varieties of fruit trees.

With regard to memorial seats, it was proposed by Mr Thomas, seconded by Mr Rouse and **UNANIMOUSLY AGREED** that where a memorial seat had fallen into disrepair and the donor could not be replaced, it should be replaced with an oak bench seat.

14. WILDLIFE PANEL. NOTED.

15. CASTLEMORTON COMMON CO-ORDINATING COMMITTEE (4CS). NOTED.

16. INFORMATION.

16.1 Well Dressing Weekend. Notification had been received from Malvern Spa Association requesting permission to dress 16 wells/springs on MHC land over the May Bank Holiday weekend. This was **NOTED**.

16.2 Sewage Gas Vent. A letter had been received from English Heritage stating that they had received an application to assess the sewer gas vent situated at Westminster Bank (SO 7657345658) for listing. This was **NOTED**.

16.3 Sheep track from St Ann's Well to Earnslaw. The Director advised that he had sought the opinion of the Field Staff on the upgrading of this path who felt that this should remain a sheep track in view of the 100 miles of paths already on the Hills. This was **NOTED**.

The meeting closed at 6.22 pm.

Arising.

7.1.1 4. Easement to the Old Railway Yard, Peachfield Road. In view of a fresh application submitted to Malvern Hills District Council for 24 houses to be erected on the site and a request from Mr Hall-Jones for provision to be made within the site for stopping place for trains, it was **AGREED** that the Committee should discuss these matters at their next meeting.

7.1.2 10. Castlemorton Common. The Conservation Officer reported that he had spoken to the commoner concerned who had agreed to make good the fencing around his property and limit the number of cattle on the common to his stintage rights and will follow this up with a site visit. This was **NOTED**.

7.1.3 13. Tree Planting and Memorials. In answer to a question, the Conservation Officer advised that the fruit from the orchard would be left on the trees over the winter for the birds and for local people. This was **NOTED**.

The report was **CARRIED**.

7.2 ADMINISTRATION & RESOURCES. Mr Wilcock presented the report of the meeting held on the 24 April 2008 and moved its adoption. This was seconded by Mr Hall-Jones.

ADMINISTRATION & RESOURCES COMMITTEE **24 April 2008 7 pm**

Present:- Mrs S Adeney, Mr M K Cordey, Mr R F Hall-Jones, Mr A Myatt, Mr R Roberts, Mr J Smith, Mr M Soley, Mr D Watkins, Mr P Watson, Mr B A Wilcock (Chairman).

In attendance:- The Director, Administrative Officer, Financial Consultant, Financial Assistant, Mr C Rouse, Mrs S Thetford.

1. APOLOGIES FOR ABSENCE. Mr M Morgan, Mr R Thomas, Mr P Tuthill, Mr P Watts.

2. DECLARATIONS OF INTEREST. None.

3. CHAIRMAN'S COMMUNICATIONS. None.

4. MATTERS ARISING FROM THE MEETING HELD ON THE 7 FEBRUARY 2008.

4.1 6. Representation on the Board of Conservators. The solicitor dealing with the matter had recently changed offices which had caused a delay but he would now be taking the matter further with DEFRA. The estimated cost for the work was £500.00. This was **NOTED**.

4.2 8. Public Conveniences at the Wyche Cutting. The Director reported that the refurbishment work was going well and should be completed on time. This was **NOTED**.

4.3 12. Byelaw Offence. Taken in committee.

5. RISK ASSESSMENTS 2008/09. In presenting his report the Director advised that under the Charities SORP (Statement of Recommended Practice) the Board was required annually to confirm that the major risks to which the charity was exposed, as identified by the trustees, had been reviewed and systems had been established to manage those risks. It was therefore the practice at this meeting to identify issues the organisation might face in the coming year.

Operation Risk. For clarification the Director advised that the commoners referred to were those who might come forward to take over the grazing of the Hills under the Higher Level Stewardship Scheme which was administered by the Board but financed and overseen by DEFRA.

Governance and Management. Members felt that with the potential risk of pressure on Conservators' land by local housing and infrastructure requirements, it was important that working with the Malvern Hills AONB the Board should be pro-active during the consultation process on local plans to ensure that planners were aware that apart from very limited circumstances, the Board's land was inalienable.

Environmental Law & Compliance. The habitat legislation changes referred to the EU Habitat Directive.

Financial Risk Assessment. The Director advised that the Board was fortunate in having a retired drainage engineer, Mr Tony Skelsey, who volunteered his services free of charge and had been very useful since the summer 2007 floods in identifying problem areas and explaining to property owners their responsibilities and possible remedies. However, in cases that might lead to litigation it was of course necessary to employ someone with professional indemnity insurance. Members expressed their gratitude to Mr Skelsey.

It was agreed to include the general financial risk from loss of revenue that could be mitigated by cutting costs.

The recommendation to accept the report, together with the additions as stated above, was **CARRIED**,

6. PENSION FUND ACTUARIAL VALUATION. The Financial Consultant's report was **NOTED** and although the staged increases were at a manageable level at present these would be monitored each year during the budgeting process.

7. WASTE STORAGE FACILITY. The Director presented the costings for this facility which had been prepared by a Building Surveyor and recommended that the project was financed by the Parliamentary Fund. The total cost to date was £37,950.00 but as the site was on 'made up' land there could be a further sum for ground works which he would bring to members' attention if necessary. The recommendation was **CARRIED**.

8. 125 YEAR CELEBRATIONS WORKING PARTY. It was **AGREED** that the working party would consist of Mr Roberts, Mrs Thetford, Mr Watson and Mr Wilcock.

9. DISCIPLINARY & GRIEVANCE PROCEDURE. This was **NOTED**. The Director would bring to the next meeting the composition of the Appeals Panel.

10. INFORMATION

10.1 Levy 2008/09. For the information of members, the Financial Consultant set out the split of the total levy for 2008/09 between the parishes. This was **NOTED**.

10.2 Easements. Taken in committee.

On the proposal of the Chairman 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 8.12 pm

Arising.

7.2.1 5. Risk Assessments 2008/09. In answer to a question regarding a possible financial liability from the Stewardship Scheme, the Conservation Officer confirmed that as was reported to the Land Management Committee professional advice had already been sought to make sure that any risk to the Conservators was minimised.

7.2.2 7. Waste Storage Facility. The Director advised that it would be necessary for additional groundworks to be undertaken at the site amounting to £9,000.00 and asked members to sanction this expenditure. On the proposal of Mr Wilcock, seconded by Mr Hall-Jones, this was **AGREED**.

The report was **CARRIED**.

8. REPORTS FROM REPRESENTATIVES ON OUTSIDE BODIES.

8.1 Malvern Spa Association. Mr Roberts reported on the very successful Well Dressing Weekend with a record 43 Wells dressed, including 5 child entries. The winning entry was the West Malvern Tap.

8.2 Great Malvern Town Centre Partnership. The work to the forecourt of the Library was progressing well and should shortly be completed. A meeting took place between High Street UK and the Heritage Lottery on the 3 April regarding a bid for funding for the restoration of Rose Bank Gardens.

8.3 Malvern Hills AONB Joint Advisory Committee. Dr Smith reported that the next meeting would be held on the Friday, 16 May 2008.

9. RECREATIONAL PANEL – APPOINTMENT OF 4 REPRESENTATIVES. It was **AGREED** that Mr Chamings, Mr Pilcher, Mrs Thetford and Mr Roberts should be the Board's representatives on the panel. The first meeting of the panel would be held on the 4 September 2008.

10. URGENT BUSINESS. None.

11. INFORMATION.

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

MANAGEMENT REPORT

8 MAY 2008

DIRECTOR

- Attended St Ann's Residents AGM
- Attended Europarc Seminar on Protected Landscapes in Cardiff.
- Advised FWAG (Farming and Wildlife Advisory Group) on Business Plan
- Attended Jim McArthur's funeral on behalf of MHC with the Chairman
- Agreed with owners of Bradford Farm the removal of caravans from the common.
- Gave a guided walk to pupils at St James Primary School West Malvern
- Attended the launch of Gt Malvern Access Book
- Gave a talk to the Ledbury 41 Club
- Gave a talk to University of Third Age

- Visited Croome Park to look at wood chip burner and visitor issues
- With the Chairman met with Coca Cola Enterprise over planning application
- Attended Colwall Parish Council AGM
- Met with Colwall resident to start planning Information Board for Colwall Green
- Attended meeting of the AONB Steering Group
- Presented Well Dressing Competition Prizes

CONSERVATION OFFICER

- Meeting with forestry contractor to plan woodland work for 2008/09
- Meeting with local moth recorders to identify important plant sites on Castlemorton Common
- Several meetings with printers about the Breeding Bird book including visit to press for final run (now completed).
- 6 Site warden meetings to plan work for 2008.
- Bi-Annual Voluntary Site Warden meeting.
- Meeting with Natural England on Castlemorton Common re: HLS/Scrub management.
- Meeting with Worcestershire Wildlife Trust about Mill Pond habitat restoration.
- Meeting with Herefordshire Nature Trust to look at Linking our woodland habitats.
- Grazing contract process started with Cumulus consultants (start up meeting and follow up site visit).
- Site visit with MHC staff to assess the grazing compartments on the Hills.
- Meeting with Colwall Parish Council Clerk about grass cutting in Colwall.
- Meeting with firewood processor to explore sustainable uses for MHC timber.
- 2008 Single Payment Scheme application completed.
- Existing North and Central Hills HLS Claim form completed.

FIELD STAFF

- Cattle TB tested and moved to east side of Worcestershire Beacon
- Gathered sheep off the hill for lambing
- Lifted overhanging boughs from roadside trees at Hollybush Roughs
- Checked quarry fences
- Completed hedge laying at Brockhill Road
- Repairs to the contour path above the British Camp reservoir
- Ditching at various locations
- Tree/scrub clearance along bridleway off West Malvern Road
- Replaced a few plank benches various locations

Sheep numbers at 28 April 2008

134 ewes

42 last year's lambs

18 wethers

4 tups

130 this year's lambs

WARDENS

- Conservation Days: Friday group 3
Saturday " 1
- Attended Voluntary Site Wardens Group meeting
- Attended Voluntary Wardens meeting
- Attended 2 Wardens meetings
- Planned two months conservation programme
- Prepared leaflet for Dawn Chorus Walk
- Attended Worcestershire Wardens Partnership meeting
- Organised parking passes for regular volunteers
- Met contractors regarding changing fence at Wynds Point
- Met with teacher from Bredon School re some pupils attending Friday Conservation Days
- Byelaw incidents:-
2 horse riders on a "No Horse Riders" path
Concrete put down on a verge
Unauthorised signs 3

Parking on common	4
Motorbikes on common	2
Litter	1
Cyclists not on bridleways	3
Flytipping	7
4 x 4s on common	5
Metal detectors	2
Rabbiting	1
Quad bikes	2
Loose dogs	2
Caravans on common	1
Boundary fence issues	1

TRAINING

Admin Officer and Financial Assistant attended 2 day course on Sage 50 Payroll

ADMINISTRATION

- ❖ 8 Planning applications looked at and comments made on 1.
- ❖ Degree student Rebecca Sumner spent a day for work experience.

Arising.

11.1.1 Wardens - Castlemorton Common. The Director advised that he and the Wardens had met with the police and residents regarding an advertisement on the internet of a music event at a property on Hancocks Lane and offering parking on the Common. The action of the police by limiting numbers by setting up roadblocks and stopping music by 1 am, as well as the Wardens managing the parking, averted what could have been very damaging for the Common and distressing for local residents. This was **NOTED** and it was **AGREED** that a letter should be sent from the Board to the police thanking them for their action.

The meeting closed at 8.01 pm.

At the close of the meeting the Malvern Hills AONB Manager, Paul Esrich, gave an introduction to the AONB designation and an overview of the work of the AONB Partnership.