

MALVERN HILLS CONSERVATORS

MEETING OF THE BOARD

10 July 2008 7 pm

The Committee Room, The Council House, Malvern

Present:- Mr R Chamings, Mr C Cheeseman, Mr R Hall-Jones, Mrs J Kelly, Mr M Morgan, Mr A Myatt, Mr A Phillips, Mr J Plant, Mr C Rouse, Dr B Smith, Mrs H Stace, Mr R Roberts (Chairman), Mr C Rouse, Mrs S Thetford, Mr R Thomas, Mr P Tuthill, Mr D Watkins, Mr P Watson, Mr W Watts, Mr B Wilcock.

In attendance:- Administrative Officer, Conservation Officer, Financial Consultant, 8 members of staff and one member of the public.

The meeting began with a presentation to Mr Ken Cadwallader who had recently retired from the Field Staff after nearly 20 years service.

1. APOLOGIES. Mrs S Adeney, Mr M Cordey, Mr B Pilcher, Mr C Smith, Mr M Soley, Mr J Webb and the Director.

2. CHAIRMAN'S ANNOUNCEMENTS.

2.1 Mr P Tapply. It was reported that Mr Peter Tapply had recently retired as editor of the Beacon Newsletter. The Chairman thanked Mr Tapply for all his efforts over a number of years and wished him well. The editorship was being taken over by Warden, Richard Vale.

3. PUBLIC QUESTIONS. None.

4. DECLARATIONS OF INTEREST. None.

5. CONFIRMATION OF MINUTES. On the proposal of Mr Wilcock, seconded by Mrs Thetford, it was **AGREED** that the Minutes of the meeting held on the 8 May 2008 should be **CONFIRMED** and **SIGNED** as a true and correct record.

6. MATTERS ARISING.

6.1 7.1.1 Easement to the Old Railway Yard, Peachfield Road. Mr Hall-Jones asked that this matter be carried forward so that he could address the Board at the next meeting. This was **AGREED**.

6.2 7.1.2 Castlemorton Common. The Conservation Officer reported that in discussions with the farmer, the farmer had agreed to make good his fencing and to move his agricultural access to a position less damaging to the Common. This was **NOTED**.

7. COMMITTEE REPORTS.

7.1 LAND MANAGEMENT. Mrs Thetford presented the report of the meeting held on the 5 June 2008 and moved its adoption. This was seconded by Mr Plant.

LAND MANAGEMENT COMMITTEE

5 June 2008 at 4 pm

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

In attendance:- The Director, Administrative Officer, Conservation Officer, Mr P Watson and 8 members of the public.

1. APOLOGIES FOR ABSENCE. Mr A Phillips, Mr J Plant, Mr R Thomas.

2. DECLARATIONS OF INTEREST.

Mrs H Stace and Mr C Smith declared a personal interest in Item 6

3. CHAIRMAN'S COMMUNICATIONS. None.

4. EASEMENT TO FACILITATE DEVELOPMENT OF LAND AT THE OLD RAILWAY YARD, PEACHFIELD ROAD. The report was NOTED.

5. MATTERS ARISING FROM THE MEETING HELD ON THE 3 APRIL 2008.

5.1 10. Castlemorton Common. The Conservation Officer advised that a meeting had been arranged with the commoner concerned to discuss matters in the report. This was **NOTED**.

5.2 11. Grazing Tender Costs. The Conservation Officer reported that he was awaiting the contract from the Land Agents for the grazing of the northern and central Hills.

6. BROWN SIGNS. The Director presented his report which had been prepared as a result of a complaint from the new owner of The Kettle Sings to the new sign erected by Herefordshire Council at the junction of Jubilee Drive and Chase Road. The Chairman permitted the owner of The Kettle Sings, Mr Fahey, to speak of his concerns which he felt was directing the public away from his business. During discussion it was considered that although a naming sign and brown sign would be useful, the design and siting of the current sign was inappropriate in an area of open common. In the circumstances Mrs Stace moved an amendment to the report as follows:-

The Highway Authorities were advised that the Board's permission would be required prior to any brown signs being erected on Malvern Hills Conservators' land and a request was made to Herefordshire Council to move the sign at the Jubilee Drive/Chase Road junction further down Chase Road adjacent to Ballard Land and that the Chase Road sign be replaced for one of a more sensitive design more in keeping with the environment and other signs in the area.

This was seconded by Mr Pilcher and **CARRIED** with one abstention.

7. REQUEST FOR SHARED ACCESS AT THE HERMITAGE, WESTMINSTER BANK, WEST MALVERN. A site visit had been made prior to the meeting. It was noted that the route of the track was a bridleway used extensively by horse riders, walkers and cyclists and additional traffic as well as being hazardous would be detrimental to the recreational enjoyment of the area. Mr Webb therefore proposed that the Board should not accede to the request. This was seconded by Mr Smith and **CARRIED** with one abstention.

In view of the number of applications for easements received by the Board prior to the applicants obtaining local authority planning consent, it was **AGREED** to request the Administration & Resources Committee to consider making a charge.

8. REQUEST FOR VEHICULAR ACCESS TO THE REAR OF 201 WEST MALVERN ROAD. A site visit had been made prior to the meeting when it was noted that this access would be immediately off an existing track and a similar construction had been made at another property in the row. On the proposal of Mr Pilcher, seconded by Mr Smith, it was therefore **AGREED** to grant an easement, subject to the usual conditions. This was **CARRIED** with one abstention.

9. GRAZING RIGHTS AND STINTS ON COMMON LAND. In presenting his report the Conservation Officer advised that in view of the variation in stintages, information on each individual case should be obtained from the Commons Register which was held by Unitary or County Councils for the area as the Commons Registration Authority. A copy of the Worcestershire County Council's register covering MHC land was available in the office. This was **NOTED**.

10. MALVERN HILLS AONB MANAGEMENT PLAN. As it was within the consultation period and to enable members to read the whole document, it was **AGREED** that any comments should be communicated to the Director before the end of June. It was **FURTHER AGREED** to include this as an item on the Administration & Resources Agenda for the meeting on the 19th June.

11. DOG FOULING ON MHC LAND. In presenting his report the Conservation Officer stressed that the majority of dog owners using MHC land were responsible. In the report he had given a summary of initiatives previously carried out and recommended that members agreed to the officers and wardens co-ordinating press coverage and training alongside the Kennel Club. Members had a full discussion on other methods, i.e. provision of more dog bins and prosecution under the Byelaws. However it was **UNANIMOUSLY AGREED** on the proposal of Mr Smith, seconded by Mr Roberts to accept the recommendation.

12. SURFACED PATH ACROSS LINK COMMON ADJACENT TO COCKSHOT ROAD. It was **UNANIMOUSLY AGREED** to defer making a decision on this proposal so that members could make a site visit prior to the next meeting of the Committee.

Mr Pilcher left the meeting.

13. BLACKHILL CAR PARK BARRIERS. Mr Watts advised that he had asked the Director to bring this matter to the attention of the Committee as the occupier of Blackhill House from time to time experienced anti-social behaviour with noisy groups late at night having barbecues and doing handbrake turns in the car park. He had himself observed such behaviour in other car parks around the Hills and felt that where problems were experienced barriers should be erected. During discussion members noted that the car parks needed to be open until 11 pm and opened at 6 am. It could not be expected therefore for staff to be responsible or local residents relied upon to operate the barriers at such unsocial hours. However there was sympathy for the residents involved and Mr Smith moved the recommendation that a barrier was erected at both entrances to Blackhill car park. This was seconded by Mr Watts, but on being put to the vote the motion was lost by 4 votes to 6.

Mr Webb left the meeting.

14. 'WALKERS ARE WELCOME' EVENT. Members were reminded of the presentation given by Mr Anthony Collis, Malvern Town Centre Co-ordinator, in January 2008 on making Malvern a 'Walkers are Welcome' town which he hoped to launch in September 2008. Mr Collis had now advised that the launch was planned for Saturday, 13 September 2008. To mark the occasion he wished to have a number of events on MHC land at Worcestershire Beacon and St Ann's Well and to have the Board's painting of the *Fair Field Full of Folk* displayed in Malvern Theatre. It was **AGREED** to give permission, subject to obtaining the consent of Natural England for the events on the Worcestershire Beacon and confirmation that the Council would have public liability insurance for the events. With regard to loaning the painting *Fair Field Full of Folk* to Malvern Theatre, this would be subject to the agreement of the Board's insurers.

15. GUIDELINES FOR COMMENTS ON PLANNING APPLICATIONS AND THEIR IMPACT ON MHC LAND. The policy guidelines for commenting on Local Authority planning applications were **NOTED**.

16. SPECIALLY MANAGED AREAS. In noting the Conservation Officer's report the Chairman expressed her gratitude for the very good work carried out by the volunteers.

17. INFORMATION.

17.1 Visit by Cleeve Common Conservators. The Director advised that following the successful evening visiting the Cleeve Common Conservators, MHC had invited them to visit the Malvern Hills. This invitation had been accepted and would take place on Friday 25 July meeting at Hollybush car park at 6.45 pm for a walk to look at the proposed site for cattle grids at Chase End followed by a buffet supper at the Malvern Hills Hotel. He asked members to advise him if they were able to attend as soon as possible so that he can advise the Hotel of numbers.

The meeting closed at 6.04 pm.

Arising.

7.1.1 14. 'Walkers are Welcome' Event. The Chairman of the Board advised members that the plans submitted at the meeting had been altered considerably and most of the events were now planned to be held in the town. This was **NOTED**.

The report was **CARRIED**.

7.2 **ADMINISTRATION & RESOURCES**. Mr Wilcock presented the report of the meeting held on the 19 June 2008 and moved its adoption. This was seconded by Mr Morgan.

ADMINISTRATION & RESOURCES COMMITTEE

19 June 2008 7pm

Present:- Mr M Morgan, Mr A Myatt, Mr R Roberts, Dr B Smith, Mr J Smith, Mr R Thomas, Mr P Watson, Mr B Wilcock (Chairman).

In attendance:- The Director, Administrative Officer, Financial Consultant, Financial Assistant, Mrs S Thefford and 9 members of the public.

1. APOLOGIES FOR ABSENCE. Mrs S Adeney, Mr M Cordey, Mr R Hall-Jones, Mr M Soley, Mr P Tuthill, Mr D Watkins.

2. DECLARATIONS OF INTEREST. None.

3. CHAIRMAN'S COMMUNICATIONS. None.

4. MATTERS ARISING FROM THE MEETING HELD ON THE 24 APRIL 2008.

4.1 7. Waste Storage Facility. The Director reported that planning permission had been obtained for the facility and the building contract had been awarded. This was **NOTED**.

5. THE ROLE OF CONSERVATORS APPOINTED BY MALVERN HILLS DISTRICT COUNCIL ON PLANNING MATTERS. The Chairman advised that this had been placed on the Agenda as a result of a recent MHDC planning committee meeting when under new Codes of Conduct for Councillors applicable from June 2007 those members who were also Conservators were unable to vote on an application for development of the Old Railway Yard at Malvern Wells as it was considered that as the Board would financially benefit if the development went ahead, this was a prejudicial interest.

The Chairman stated that this highlighted his view that the anomaly of representation set out in the 1924 Malvern Hills Act should be corrected in view of the changes in administrative areas and the creation of new parishes of Malvern Wells, West Malvern and Malvern Town in recent times. He further stated that although several initiatives with parishes had been undertaken since the omission in the 1995 Malvern Hills Act of the power to change representation no firm proposals had been forthcoming. He felt that the Board was now in a position where something needed to be done.

The Chairman permitted two members of the public to speak who expressed their displeasure that the MHDC appointed members were unable to vote at the MHDC Planning Committee meeting.

Following a full discussion it was **AGREED** that whilst this was a problem for the District Council, the Board should make representations to the relevant government department for local government and a draft letter prepared and circulated to MHDC appointed members prior to posting, with a copy to the Standards Board for England if appropriate. Enquiries would also be made of other Boards of Conservators with similar constitutions and the Charity Commission.

6. TRUSTEES ANNUAL REPORT AND ACCOUNTS FOR THE YEAR TO 31 MARCH 2008. The Financial Consultant presented the Annual Report and Accounts prepared in accordance with the Charities' SORP (Statement of Recommended Accounting Practice) and her supplementary report. During discussion several members queried the criteria for setting the levy and it was agreed that an explanation should be given to members before considering the budget for 2009/10.

On the proposal of Mr Morgan, seconded by Dr Smith, it was **AGREED** that the Committee recommend to the Board that the Trustees' Annual Report and Accounts should be adopted.

7. MANAGEMENT ACCOUNTS FOR THE YEAR ENDED 31 MARCH 2008. NOTED.

8. REQUESTS FOR RIGHTS OF ACCESS OVER MHC LAND. In presenting his report the Director advised that he had prepared this paper in view of the problems experienced recently where the Board had granted an easement in principle and the developer had subsequently submitted a planning application for a higher density of properties. This was likely to have an adverse impact on the Board's land in view of the need for increased highway infrastructure required. If the Board considered applications only after planning permission had been granted, this information would be available. This was noted. However the view was expressed that the Board should look at the merits of each application purely as to the impact on MHC land and not wait for planning permission to be granted. It was suggested that perhaps a two-tier system could be implemented where an in principle decision was given initially and finalised when detailed plans were available. Following discussion it was **AGREED** to defer making a decision for officers to carry out further investigations, including consultation with local authority staff.

It was further agreed in principle that when the new system was implemented a reasonable application charge should be made. This was **CARRIED** with one abstention.

9. GIFT FUND – USE OF FUNDS. On the proposal of Mr Morgan, seconded by Dr Smith, it was **UNANIMOUSLY AGREED** that £4,480.00 from the Gift Fund should be used to finance the construction of six bridges on Malvern Common suitable for disabled access.

10. 125 YEAR CELEBRATIONS WORKING PARTY. The report of the meeting of the Working Party was noted. Members were advised that since the meeting further information was available as follows:-

- The Director advised that he had recently had a meeting with representatives from the Boys Brigade who were celebrating the 125 year anniversary of the Brigade in 2009 and were keen to have an event on Castlemorton Common. Ideas had been discussed which could be to the mutual benefit of both organisations. This was noted and it was agreed that this should be pursued.
- Mr Roberts reported that he had discussed with Pamela Hurle the suggestion of an Addendum to her book *The Malvern Hills – A Hundred Years of Conservation* who felt it was not historically long enough but was prepared to do a factual account of changes over the last 25 years. However she was doubtful that this would have general public appeal. This was noted and it was agreed not to pursue this idea.
- It was agreed to pursue two further ideas, i.e. a Treasure Hunt and to tie-in with the launch of the new website a tie line should be included with milestones in the 125 history.

11. POLICY FOR EMPLOYEES AND VOLUNTEERS WORKING ALONE. The Director presented the existing policy and it was **AGREED** that this should be updated to include 'Voluntary Site Wardens'.

12. INFORMATION

12.1 Malvern Hills AONB Management Plan. The Chairman advised that the Land Management Committee had asked that this be brought to the attention of this Committee and reminded members that any comments should be sent to the Director by the end of the month. This was **NOTED**.

12.2 Land Registry Update. The Administrative Officer reported that in addition to the two areas at Castlemorton and the area at the top of the Worcestershire Beacon previously reported, the Board had recently obtained absolute title to land at North Hill adjacent to the Tank Quarry. Two further applications were with the Land Registry for land at Newland and Malvern Wells which included the Pyx Steps and decisions were awaited. In addition, the Board's legal adviser was about to complete the transfer of five small parcels of land on the Hills from Herefordshire Council, i.e. Daisy Cottages site and Ballard Memorial, Jubilee Drive; Radnor Villa site, Windy Ridge/Valley View and Sunset Cottage, off Beacon Road. This was **NOTED**.

On the proposal of the Chairman, seconded by Mr Roberts, 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 8.35pm.

Arising.

7.2.1 8. Requests for Rights of Access over MHC Land. In answer to an objection raised by one member on implementing a charge for lodging applications, it was pointed out that this would be a reasonable charge to cover staff time for work required to bring an application to the committee stage.

The report, including items 13 and 14 taken in committee, was **CARRIED**.

8. REPORTS FROM REPRESENTATIVES ON OUTSIDE BODIES.

8.1 Malvern Spa Association. Mr Roberts reported that the Malvern in Bloom competition had recently taken place when the Temperance Fountain on Link Common had been dressed by members of the Spa Association as well as two further wells in the town. Wells Trail Guides and the new Newsletter was in production and a 10th anniversary dinner was to take place at the Bear & Ragged Staff on the 12 September 2008. This was **NOTED**.

8.2 Great Malvern Town Centre Partnership. Mr Roberts advised that there had been no meeting since his last report and a date had not yet been set for the next meeting. This was **NOTED**.

8.3 Malvern Hills AONB Joint Advisory Committee. Dr Smith advised members that:-

- The Malvern Hills AONB joined forces with Wye Valley AONB to acquaint the newly appointed Director of Environment for Herefordshire Council of the issues of the AONBs and the priority afforded to them, which could have implications for MHC.
- There was a visit to the Forest of Bowland AONB in Lancashire to look at the important work they were doing in partnership with Lancashire County Council on the sustainable economic regeneration of the area funded by national and European money.
- During the National Association of AONBs Conference held in Shropshire delegates made a visit to the Malvern Hills which included a walk from Bromesberrow to the Wyche Cutting.

Matters discussed at the Joint Advisory Committee meeting held on the 16 May 2008 included:-

- A presentation on the development of woodfuel in the region and the potential for activity in the AONB.
- To consider issues raised during the review of the Management Plan.
- Planning activity in the AONB for 2007/08.
- Developing LEADER in the Malvern Hills AONB – part of the new Rural Development Programme for England jointly funded by the European Union through the European Agricultural Fund for Rural Development and the UK Government.
- Partnership Action Planning and Monitoring.
- Verbal reports from partners on action they had taken to further the objectives of the AONB.

9. THREE COUNTIES SHOW REPORT. The Chairman presented his report that had been previously circulated. On behalf of members Mr Wilcock thanked the Chairman for such a full report and for all his work in producing a very successful stand. Mrs Stace also recorded a vote of thanks to Mr Nigel Hand who had been present on all three days of the show and had added greatly to the attraction with his collection of live snakes and reptiles. The report was **NOTED**.

10. INFORMATION.

10.1 Management Report. The report was **NOTED** and in view of the fact that the majority of the Field Staff were present at the meeting, the opportunity was taken to record the thanks of the Board for the work that they do.

BOARD MEETING

FOR INFORMATION

MANAGEMENT REPORT

DATE: 10 JULY 2008

DIRECTOR

- Meeting with Community Police and Beat Managers
- Met with Environment Agency to improve understanding of Drainage Acts and MHC responsibilities
- Appointed KC3 as Web designers
- Participated in MHDC Comprehensive Performance Assessment
- Gave a talk to Malvern Link Probus Club
- Guided walk for 41 Club
- Met with Manager of Malvern Spa Hotel
- Met with Herefordshire Rights of Way team to discuss public footpath signs
- Attended Open Spaces AGM in London

CONSERVATION OFFICER

- Meeting with FWAG advisor about Stewardship application
- Website management training
- 3 meetings with Tree surveyor and completion of tree safety survey
- Presentation and guided walk to Natural England National Environmental Stewardship Scheme Team
- Meeting with various bookshops about sales of Breeding bird book
- 2 days training on GIS map systems
- Updated whole GIS data system
- Meeting with Biological Records Centre about wildlife recording on the Hills
- AONB Conference (talk and tour)
- Meeting with Natural England Grassland Specialists to look at performance of grazing on the SSSI

FIELD STAFF

- Grass Cutting on commons and roadside verges
- Strimming and mowing hill paths
- Repairs to eroded runnels on British Camp
- Moved cattle on northern and central Hills
- Bracken rolling various locations
- Clearing fallen boughs various locations
- Setting up and taking down stand at Three Counties Show
- Meeting with Browns of Wem re waste disposal units

Sheep numbers at 2 July 2008

Ewes	134
Lambs	130
Last year's lambs	42
Wethers	18
Rams	4

WARDENS

- Strimmed all hills car parks
- Beacon Newsletter produced (June edition)
- 6 monthly + 2 monthly Conservation Day lists produced

- Together with Conservation Officer met with all Voluntary Site Wardens on their sites for 6 monthly review
- 6 Conservation Days held
- Working with Worcestershire Wardens partnership on training opportunities and annual 'thank you' event
- Group 'Community Champions' did 2 days supervised conservation work
- Helped Police at unofficial event at Castlemorton
- Fishing event at Mill Pond
- Police liaison meeting with the Director
- Byelaw offences:

Encroachments	5
Unauthorised parking on common	13
Mountain bikers not on bridleways	12
Driving on common	4
Flytipping	7
Fires	3
Digging on common	1
Dog foulers advised	2
Motor bikes on common	2
Unauthorised signs removed	5
Untaxed vehicle on MHC land	1
Cars for sale on common	5
Boundary issues	3
Amplified music (Electric guitars & drums)	1
Camping	6
BBQs	Numerous
Mini Motos	1
Vandalism	1

CONTRACTORS

- Sheep shorn by Blandford Brothers
- Laurence Goodchap repaired culvert in Hayes Bank Road

STAFF

- Ben Mayo from Hartpury College has joined the Field Staff on a temporary basis during the summer.
- Ken Cadwallader retired on 9 June 2008

ADMINISTRATION

- 10 Planning applications looked at and comments made on 1.
- The Board's seal was attached to Transfers of 5 small parcels of land off Jubilee Drive and Beacon Road from Herefordshire Council
- The Board's seal attached to a Deed of Grant for a right of access to 107 Guarlford Road, Malvern
- Web site training

The meeting closed at 7.55 pm.

At the close of the meeting members received a presentation from Cheryl Gentry, Financial Consultant, on the Board's finances.