

MALVERN HILLS CONSERVATORS

MEETING OF THE BOARD

11 September 2008 7pm

The Committee Room, The Council House, Malvern

Present:- Mrs S Adeney, Mr R Chamings, Mr C Cheeseman, Mr M Cordey, Mr R Hall-Jones, Dr T Hunt, Mr M Morgan, Mr A Myatt, Mr B Pilcher, Mr R Roberts (Chairman), Mr C Rouse, Mr C Smith, Mr J Smith, Mrs S Thetford, Mr R Thomas, Mr D Watkins, Mr J Webb, Mr B Wilcock.

In attendance:- The Director, Administrative Officer, Conservation Officer, 4 members of the public.

1. **APOLOGIES FOR ABSENCE.** Mrs J Kelly, Mr A Phillips, Dr B Smith, Mrs H Stace, Mr P Tuthill, Mr P Watson.

2. **CHAIRMAN'S ANNOUNCEMENTS.** None.

3. **PUBLIC QUESTIONS.** None.

4. **DECLARATIONS OF INTEREST.** None.

5. **CONFIRMATION OF MINUTES.** On the proposal of Mr Wilcock, seconded by Mr Hall-Jones, it was **AGREED** that the Minutes of the meeting held on the 10 July 2008 should be **CONFIRMED** and **SIGNED** as a true and correct record.

6. **MATTERS ARISING.**

6.1 6.1 Easement to the Old Railway Yard, Peachfield Road. The Director drew members' attention to an amended plan of the approach into the development, including flashing warning signs and the extension of the footpath by approximately two metres on the south west side of the access road. The amended application would shortly be considered by Malvern Hills District Council's Planning Committee and he asked for members' comments where it affected Conservators' land.

*On the proposal of Mr Hall-Jones, seconded by Mrs Thetford, it was **AGREED** to advise the Malvern Hills District Council that the Conservators would not permit flashing warning signs on common land.*

6.2 7.1.1 'Walkers are Welcome' Event. The Chairman reported that due to unforeseen circumstances the event had been postponed and would now be held in June 2009 to coincide with the Walking Festival. *This was **NOTED**.*

7. **COMMITTEE REPORTS.**

7.1 LAND MANAGEMENT. Mrs Thetford presented the report of the meeting held on the 7 August 2008 and moved its adoption. This was seconded by Mr C Smith.

LAND MANAGEMENT COMMITTEE

7 August 2008 4pm

Present:- Mr R Chamings, Mr C Cheeseman, Dr T Hunt, Mrs J Kelly, Mr A Phillips, 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, Mr P Watson and 4 members of the public.

1. APOLOGIES FOR ABSENCE. Mr W Watts.

2. DECLARATIONS OF INTEREST.

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| Mr C Rouse | - | Item 7 |
| Dr T Hunt | - | Item 9 |

3. CHAIRMAN'S COMMUNICATIONS.

3.1 On behalf of members the Chairman congratulated those Conservators, staff and volunteers who had made up the Malvern Hills Conservators' dragon boat team in the recent regatta at Worcester. Entering the competition for the first time they won a cup for coming first in the veteran mixed team race and fourth overall. The team had been coached by Volunteer, Ken Allcock.

4. MATTERS ARISING FROM THE MEETING HELD ON THE 5 JUNE 2008.

4.1 9. Grazing Rights and Stints on Common Land. As reported at the Board Meeting the Conservation Officer stated that in discussions with the farmer, he understood the farmer would be making good his fencing and moving his agricultural access to a position less damaging to the Common. This was **NOTED**.

4.2 6. Brown Signs. The Director reported that the Chase Road sign more in keeping with this rural location had been made and he would be meeting on site with the Herefordshire Highways to ensure that this was placed in as discreet a position as possible. This was **NOTED**.

4.3 14. 'Walkers are Welcome' Event. The Director reported that the Malvern Town Centre Co-ordinator, Mr Anthony Collis, had advised that most of the events would now be held in the town and not on the Hills. This was **NOTED**.

4.4 17.1 Visit by Cleeve Common Conservators. The Chairman of the Board reported on a very successful and enjoyable evening with representatives from Cleeve Common Conservators held on the 25 July.

5. MALVERN HILLS AONB DRAFT PROJECT BRIEF ON IDENTIFICATION OF KEY VIEWS TO AND FROM THE MALVERN HILLS AONB.

The Chairman drew attention to the report by the Director setting out the aim of the study which would be to identify and record key views from and to the Malvern Hills AONB from surrounding areas and invited the Malvern Hills AONB Manager, Paul Esrich, to talk members through this proposed initiative. Paul Esrich pointed out that although this initiative was still in its very early stages, the draft AONB Management Plan talked about views as an important feature and he pointed out the appreciation of views looked at from the Hills. As part of the Management Plan review he was consulting planners and he would be particularly pursuing this with them for their comments as to whether this aspect could be taken into account when determining planning applications. Although this was an experimental idea, he pointed out that English Heritage was preparing guidance notes on the importance of views by Scheduled Ancient Monuments and there was also work being done on protecting the setting of World Heritage Sites.

On the proposal of Mr Pilcher, seconded by Mrs Stace, it was **AGREED** to support the AONB Partnership in this project in principle and that the Director be asked to have a watching brief

where the issues affect the Hills and to consider whether a financial contribution to the project was appropriate. This was **CARRIED** by 9 votes in favour, 4 against and one abstention.

6. REQUEST FOR IMPROVEMENTS TO SURFACE OF TRACK ACROSS LINK. Prior to the meeting members had made a site visit. The request had been raised by Conservator, Peter Watson who drew attention to the potential danger to pedestrians walking the stretch of highway through the cutting. He asked members to consider constructing a solid path on the Common on the western side of the cutting where there was an existing grass track. This would give the public a safe all-weather clean surface for walking to the shops and station. Whilst on the site members noted a track on the eastern side of Cockshot Road. This track joined Cockshot Road just before the cutting, crossed the Common and joined the A449 immediately to the west of the railway bridge. The majority of the track had a firm surface but the final section had a tendency to be boggy. It was therefore proposed by Mr Smith, seconded by Dr Hunt, that the Director should be requested to look into the possibility of carrying out drainage work and slightly raising the boggy section of the path and report back to the Committee. This was **CARRIED** by 11 votes with one abstention.

7. DRAFT GRAZING CONTRACT AND APPLICATION PROCEDURE. The Conservation Officer presented his report and sought members' views. He advised that the application would be advertised in the Farmers Weekly, Farmers Guardian and local newspapers. Members considered the recommendations as follows:-

(a) **Application Procedure.** On the proposal of Mr Chamings, seconded by Mr Plant, it was **AGREED** that there should be more than one Board member on the interview panel. It was therefore **CARRIED** nem con that there should be an additional Board member on the panel and that Mr Pilcher should be the additional member.

(b) **Central Hills.** It was **AGREED** on the proposal of Mr Chamings, seconded by Mr Smith, that although there was already a grazier on the central Hills, the application procedure should be the same as that for the northern section. This was **CARRIED** by 11 votes.

8. PARK WOOD MANAGEMENT. In presenting his report the Conservation Officer reminded members that in 2005 the Board had agreed to management schemes for woodlands on MHC land. This work was not carried out at that time as Forestry Commission Grants ceased. However these grants were again available and the Conservation Officer therefore presented his report setting out proposals for the management of Park Wood. He advised that some work had already commenced on opening up the rides. This was **NOTED** and on the proposal of Mr Pilcher, seconded by Mrs Stace, it was **UNANIMOUSLY AGREED** to accept the Conservation Officer's proposals.

9. MANAGEMENT OF TREES IN UPPER COLWALL. In his report the Conservation Officer reminded members of the policy agreed in April 2008 where tree growth was causing loss of light and views from properties. When work to the trees, i.e. felling/coppicing/pollarding, was of mutual benefit the owner of the affected property was allowed to use an approved contractor to carry out the works in accordance with the instructions of an officer of the Board. Under this policy work had been carried out at Upper Colwall and he showed members pictures of this site and other sites with similar issues. This was **NOTED** and the Chairman asked the Conservation Officer to inform the Committee when such work was taking place.

Mr Smith left the meeting.

10. LEAF MINING DISEASE AFFECTING HORSE CHESTNUT TREES. The Conservation Officer presented his paper advising of the effects of the disease and in view of the concern of some local people recommended that members agreed to publicise the matter and involve interested residents in forming small working parties to collect the leaf fall in the autumn. The recommendation was **CARRIED**.

11. RESPONSE TO SOUTH WORCESTERSHIRE CORE STRATEGY ON HOUSING. Mr Phillips stated that he had requested this item to be considered in view of the effect of the strategy on MHC land at various locations. Although the Director had attended a meeting with planners and advised them of the limitations for the disposal of land under the Malvern Hills Acts, he felt that it was important for the Board to make a formal response so that the Conservators were consulted on further stages. This was **NOTED** and it was **AGREED** that at this stage the Director should write a general letter pointing out the Acts.

12. OAK TREE IN LAYTON AVENUE, MALVERN. Mr. Pilcher advised that he had been contacted by a resident from Pickersleigh Ward regarding a mature oak tree that appeared to have no body responsible for its management. He had made enquiries of all the local authorities and the Land Registry but had been unable to find the owners of the land. The Director stated that it was a fine tree but under the Conservators' remit they were unable to do work on land that was not under their jurisdiction. The Highways Authority did mow the grass around the tree and he felt therefore it would be County Council's responsibility to manage the tree. He had however contacted the Wildlife Trust that had a Veteran Tree Initiative and a request could be made for the tree to be on the register. This was noted and it was **AGREED** that an approach should be made to the Veteran Tree Initiative to adopt the tree.

13. WORCESTERSHIRE COUNTY COUNCIL'S POLICY ON HIGHWAY SIGNS. This was **NOTED**.

14. HIGHWAYS WORK ON BYE ROAD, POOLBROOK, MALVERN. The Director advised that Worcestershire County Council intended to carry out kerbing work in this location and advised of three options giving different types of kerbing and its effect on the Common. This was noted and it was **AGREED** on the proposal of Mr Phillips, seconded by Mr Cheeseman that members preference would be Option 2, i.e. replacement of channel blocks with bull nose kerbs.

Mr Chamings, Mrs Kelly, Mr Plant and Mr Webb left the meeting.

15. AREA OF COMMON LAND AT THE JUNCTION OF COURT ROAD/THIRLSTANE ROAD/ST ANDREWS ROAD, MALVERN. The Administrative Officer presented her report following notification from Worcestershire County Council of its intention to compulsorily purchase the land. The report gave the history of this small area of common land and in view of the fact that the Board did not have title, nor had they in living memory carried out any works of maintenance, recommended that no objection was made, subject to payment of the consideration previously agreed with QinetiQ's solicitors of £10,000.00, plus costs. The recommendation was **CARRIED** by six votes in favour, two against and one abstention.

The meeting closed at 7pm.

Arising.

7.1.1 4.2 Brown Signs. The Director reported that although the new road name sign was ready to be erected Herefordshire Council were delaying carrying out the work as the owner of The Kettle Sings was pursuing the matter of the brown sign to the Local Government Ombudsman. *This was **NOTED**.*

7.1.2 7. Draft Grazing Contract and Application Procedure. The Conservation Officer advised that to date 15 sets of particulars had been sent out and six applicants had accepted the invitation to attend the open day for the letting of the grazing on the northern Hills. To avoid confusion and for practical reasons the tender for the central Hills would be the subject of a separate application and would be advertised during the week commencing the 15 September.

With regard to the application for Higher Level Stewardship on the southern Hills and Castlemorton Common the closing date for applications was awaited from Natural England. A paper on the implications of this agreement would be considered at a future meeting of the Committee before the agreement was signed.

*This was **NOTED**.*

Concern was expressed that the decision at the Committee meeting to increase the interview panel by another Board member made the panel excessive.

It was therefore proposed by Mr Myatt, seconded by Mr Hall-Jones, that the panel should revert to the original number, i.e. Chairman of the Committee, Conservation Officer, Land Agent and Agricultural Consultant. However, on being put to the vote the motion was lost by 6 votes to 7.

7.1.3 12. Oak Tree in Layton Avenue, Malvern. The Director reported that the Veteran Tree Officer had visited the site and would be keeping an eye on the tree. This was **NOTED**.

*The report was **CARRIED**.*

7.2 ADMINISTRATION & RESOURCES. Mr Wilcock presented the report of the meeting held on the 21 August 2008 and moved its adoption. This was seconded by Mr Hall-Jones and apart from item 11 taken in committee the report was **CARRIED**. In presenting the report Mr Wilcock drew attention to the imminent retirement of Mrs Hazel Davis after ten years as the cheerful point of contact on the reception desk. Members joined Mr Wilcock in wishing Hazel a long and happy retirement.

ADMINISTRATION & RESOURCES COMMITTEE 21 August 2008 7pm Manor House Malvern

Present:- Mr R Hall-Jones, Mr M Morgan, Mr A Myatt, Mr R Roberts, Mr P Tuthill, Mr D Watkins, Mr P Watson, Mr P Watts, Mr B A Wilcock (Chairman).

In attendance:- The Director, Administrative Officer, Financial Assistant, Mrs S Thetford.

1. APOLOGIES FOR ABSENCE. Mr M Cordey, Dr B Smith, Mr M Soley, Mr R Thomas, Mrs C Gentry (Financial Consultant).

2. DECLARATIONS OF INTEREST.

Mr R Roberts declared a personal interest in Item 7

3. CHAIRMAN'S COMMUNICATIONS. None.

4. MATTERS ARISING FROM THE MEETING HELD ON THE 19 JUNE 2008.

4.1 5. The Role of Conservators appointed by MHDC on Planning Matters. A letter had been received from the Charity Commission noting the difficulties caused to members by certain provisions contained in the Local Government Act 2000 but as these issues were not with regard to charity law they were outside their jurisdiction. This was noted and as no reply had been received from the Minister for Local Government it was **AGREED** to send a copy of the letter to the local MP.

4.2 8. Requests for rights of access over MHC land. After taking into account the views of members, it was **AGREED** that the Director would prepare a report and e-mail it to members for their comments before presenting it to the next meeting of the Committee.

4.3 12.2 Land Registry Update. The Administrative Officer advised that the Land Registry had now given the Board absolute title in the areas of land at Newland Common and Malvern Wells. This was **NOTED**.

5. MANAGEMENT ACCOUNTS FOR THE THREE MONTHS ENDED 30 JUNE 2008. NOTED.

6. LEVY FROM LOCAL AUTHORITIES. NOTED.

7. CONSERVATORY AT 34 WYCHE ROAD, MALVERN. The Director reported that the porch at the property was in a poor state of repair and he had obtained a quotation for a replacement conservatory totalling £5,022.75. He therefore asked for the Committee's approval to this capital expenditure. Members felt that as this structure needed replacing it was the opportunity to construct something more in keeping with the property. It was therefore **AGREED** to defer a decision until the next meeting and in the meantime the Director would obtain further quotations.

8. REPRESENTATION ON THE BOARD. The Administrative Officer's report was noted and it was **UNANIMOUSLY AGREED** on the proposal of Mr Tuthill, seconded by Mr Hall-Jones, to advise those parishes that pay the levy of DEFRA's comments and to take no further action at this stage with regard to changes to the constitution.

9. ADDITIONAL FOOTBRIDGES ON MALVERN COMMON. On the proposal of Mr Morgan, seconded by Mr Watson, it was **UNANIMOUSLY AGREED** to approve expenditure of approximately £2,400.00 from the Gift Fund for the construction of three further bridges at the lower end of Malvern Common.

10. INFORMATION.

10.1 Astronomy event on Worcestershire Beacon. The Director reported that he had received notification from members of an astronomical society that they were planning to attempt to beat the world record for the number of telescopes in one place by placing approximately 1,000 telescopes on the approach to Worcestershire Beacon in January 2009. He had spoken to the organisers who were arranging to use parking facilities at the Three Counties Show Ground and bussing people and their portable equipment to the site. This was **NOTED** and the Director advised that he would continue to liaise with the organisers to minimise the effect of the event on the Hills.

10.2 Buses using MHC land. The Director advised that there were several locations on the Board's land used by bus companies to park and turn. Research had shown that up until the late 1970s Midland Red had paid a small annual fee for these facilities but this had lapsed. He had written to the bus companies involved but to date had received no response. He asked for members' views as to whether he should pursue the matter. It was **AGREED** that the Director should obtain an indemnity from the companies that they would be responsible for health and safety and that an annual rent should be charged as an acknowledgement of the use of MHC land.

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 8.45 pm.

8. REPORTS FROM REPRESENTATIVES ON OUTSIDE BODIES.

8.1 Malvern Spa Association. Mr Roberts advised that the latest edition of the newsletter had been published and an education pack produced which was in popular demand with local schools. The special guest at the 10th anniversary dinner would be Lord Sandys. This was **NOTED**.

8.2 Great Malvern Town Centre Partnership. Mr Roberts advised that there had still been no further meeting. This was **NOTED**.

8.3 Malvern Hills AONB Joint Advisory Committee. In the absence of Dr Smith, the Administrative Officer advised that the next meeting of the JAC would be held on the 19 September 2008. This was **NOTED**.

9. URGENT BUSINESS.

9.1 Tyres on the Common adjacent to The Homestead, Clevelode Lane, Guarlford. The Director reported that the house was now for sale and the mortgage company had cleared the tyres from the common in front of the house at their expense. However the buildings immediately adjacent were in different ownership and so the tyres on that area of the common remained. Malvern Hills District Council were under pressure to have all the tyres removed and were considering serving an Enforcement Notice on the Conservators as landowners to have them removed. The Conservators had three options:-

- (a) Pay for the removal of the tyres, the cost of which would be in the region of £2-6,000.00;
- (b) Take Court action against the owner of the buildings;
- (c) Wait for the Malvern Hills District Council to serve notice and seek legal advice.

*On the proposal of Mr Chamings, seconded by Mrs Thetford, it was **AGREED** to adopt option (c).*

9.2 Land Acquisition. Taken in committee.

10. INFORMATION.

10.1 Management Report. The Director presented his report which was **NOTED**. Mr Chamings asked that the total number of sheep and cattle grazing Conservators' land be included in the report.

MANAGEMENT REPORT

DATE: 11 SEPTEMBER 2008

DIRECTOR

- o Met with MHDC Solicitors and Planners regarding tyres at Clevelode.
- o Began staff annual appraisals.
- o Met with Herefordshire Council and Parish Council concerning Colwall Bridge
- o With Warden, Richard Vale, gave evening guided walk for Western Motorhome Group staying at Three Counties Showground.
- o Attended Worcestershire CC Parks and Countryside Task Group
- o Meeting with AONB, Worcestershire CC and Herefordshire Council over signs and waymarking rights of way on the Malvern Hills.
- o Met with the Editor of Malvern Gazette.

CONSERVATION OFFICER

- Preparation of grazing particulars for the Northern Hills.
- 4 meetings related to the letting of the grazing.
- 1 meeting with the Worcestershire Archaeology team with regard to the HLS application.
- Meeting with the representative of the Worcestershire Ancient Tree Forum.
- Attended Sheep 2008 Conference.
- 7 site visits for tree related works.
- Liaison with Local Landowners for the HLS application and Map generation.
- Attended a Worcestershire grassland forum meeting.
- Received a visit from a member of the National Black Poplar Forum.
- Meeting about proposal for geology promotion on the Hills.
- Meeting with the Editor of the Malvern Gazette.
- 1 talk for the Colwall Bird Group on the Plants of the Malvern Hills.

FIELD STAFF

- Continued grass cutting on Commons and roadside verges.
- Replaced various seats on the Hills.
- Repair and maintenance of path and repair of brick pillars at Pyx Steps, Malvern Wells.
- Ragwort clearing at various locations.
- Helped with sheep gathering for Blue Tongue vaccinations.
- Work experience student for one week.
- Moved cattle from North Hill to End Hill.
- Sheep numbers at 2 September 2008

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

CONTRACTORS

- Laurence Goodchap began groundwork preparation for Waste Storage Facility.
- Reg Collins constructed 9 bridges across Malvern Common
- Adrian Newman carried out repairs to the barge boarding at St Ann's Well toilets
- Hope & Seabright repainted St Ann's Well toilets

WARDENS

- Attended volunteer thank you event run by Worcestershire Wardens.
- Two free fishing events run at Mill Pond by Worcester Angling Academy.
- Talk to group of children on British Camp about the Conservators and management of the Hills.
- Guided walk – Western Motorhome show with Director.
- Four Conservation Days – Townsend Way.
Swinyard wet flush.
Worcestershire Beacon ephemeral ridge.
Old Hollow.
- One evening patrol – Motorbike on common and Hills at Castlemorton reported to Police (who attended).
- Camping in Gardiners car park.
- Byelaw incidents:

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| Contractors driving on common | 2 | |
| Unauthorised work by utility companies | 1 | |
| Encroachment (Hollybed) | | 1 |
| Camping | | 14 |
| Building materials on common | 4 | |
| Fires | | 2 |

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| Fly tipping (Garden Rubbish) | 3 |
| Travellers | 1 |
| Air Rifles | 3 |
| Digging on Common (BMX Track) | 1 |
| Met seats stolen from Blackhill Car Park3 | |

STAFF

- Josh Loader replaced Ben Mayo as the temporary member of the Field Staff for the summer months.

ADMINISTRATION

- ❖ 12 Planning Applications looked at.
- ❖ Arranged Annual Picnic.

11. ELECTION OF CHAIRMAN. On the proposal of Mr Wilcock, seconded by Mr C Smith, Mr Roberts was **ELECTED** Chairman for the year to 31 October 2009.

12. ELECTION OF VICE CHAIRMAN. On the proposal of the Chairman, seconded by Mrs Thetford, Mr Thomas was **ELECTED** Vice Chairman for the year to 31 October 2009.

On the proposal of the Chairman, seconded by Mr Wilcock, it was **AGREED** that the remainder of the meeting should be taken in committee as the matter to be discussed was confidential.

The meeting closed at 8.28.

At the close of the meeting members received a presentation from the Director on the Forward Strategy 2005-2015.