

## **LAND MANAGEMENT COMMITTEE**

**Manor House, Grange Road, Malvern**

**Thursday 14 April 2016, 4:00 pm**

Present: Mr D Baldwin, Dr S Braim, Mrs P Cumming, Dr P Forster, Mr S Freeman, Mr A Golightly, Mr R Hall-Jones, Mrs C O'Donnell, Mr C Rouse (Chairman), Ms H Stace.

In attendance: Director, Conservation Officer, Secretary to the Board, Operations Manager, Mr M Gardner (Grazier), Mr R Madden, Mr P Watsons.

Mr Rouse welcomed everyone to the meeting.

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

Apologies had been received from Ms Bovey, Mr Hawkins, Mrs Rees and Mr Yapp.

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

Mr Rouse declared an interest in matters relating to the HLS scheme.

Mr Freeman declared an interest in item 6 on the agenda – Lake House easement application.

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

The Chairman suggested it might be necessary to review the Easement Policy.

The Conservation Officer confirmed that there would be a visit for Board members to Thirds Wood on 24 May 2016 at 4pm (meeting in Gardner's Quarry car park).

### **4. MATTERS ARISING FROM THE MEETINGS OF 21 AND 28 JANUARY 2016**

There were none.

### **5. APPLICATION TO CONVERT AGRICULTURAL ACCESS TO RESIDENTIAL USE: MONTANA, JUBILEE DRIVE.**

A number of Committee members had been on a site visit to Montana before the meeting. During that visit, Mr Thornton, the owner of Montana, had offered to remove his existing driveway and grass the area over if MHC agreed to his application. The Director outlined the information contained in the paper and confirmed that a licence had been given by MHC in 2010 to allow construction traffic to use the agricultural access when the house was built. The Secretary to the Board had taken advice from Halls and had circulated their letter valuing the change of use of the easement.

Mr Freeman asked for clarification on how the word "satisfactory" should be interpreted by the Committee (contained in s8 Malvern Hills Act 1995 "appearing to the Conservators to lack satisfactory access"). The Secretary to the Board said that the test was what would be satisfactory to a "reasonable person." Mr Freeman

questioned whether or not the current access could be considered “satisfactory”. The Committee were reminded that the application had to be judged on its own merits.

Other points made included that the existing access through the grounds of Perrycroft was lengthy and involved negotiating a stable block where there was restricted width, the current driveway from the boundary between Montana and Perrycroft was visible from the hills whereas the proposed route would be sheltered from view by trees and the proposed route was already surfaced (although it was thought that some of the surfaced area had been created during the construction works and not fully removed).

On the proposal of Mr Hall-Jones, seconded by Mrs O'Donnell it was **RESOLVED** (with one vote against and one abstention) to recommend to the Board to grant the application for a change of use of the existing agricultural access to Montana to residential subject to the following conditions (details to be confirmed with the Chairman and Vice- Chairman of Land Management Committee and Ms Stace/Mr Braim once agreed):

1. Consideration to be paid in accordance with the advice of Halls, acting on behalf of MHC
2. Application of the standard conditions set out in the easement policy
3. A covenant on the part of the owner to contribute to the maintenance of the accessway in so far as it was shared with the car park (percentage to be advised)
4. A new plan to be prepared to show the route of the easement
5. Mr Thornton to covenant to remove his existing driveway and grass the area over once the new access was in place
6. Mr Thornton to repair the existing tarmac section of the access to the lower car park at Gardener's Quarry
7. Mr Thornton covenants to keep the car park barrier closed when MHC direct.

It was suggested that a sign or other indication might be required in the car park to ensure that cars did not block the right of way. It was also suggested that MHC might prefer the gate to be changed.

## **6. APPLICATION FOR EASEMENT LAKE HOUSE**

A number of Committee members had been on a site visit to Lake House before the meeting. A valuation of the change of use of the access had been prepared by Halls and circulated before the meeting.

The question of whether permission was ever given for the various accesses to be tarmaced and edged was debated and the Director was asked to investigate. It was pointed out that part of the difficulty for the landowner was the design of the on-site lay out. The Secretary to the Board said that what Mr Frost might chose to do in relation to planning matters was not a consideration for MHC, but the Committee had to weigh up what was in the interest of MHC and their duty to protect the

common. Any right that might be granted by MHC should to be limited to the use of the various dwelling units as ancillary accommodation to Lake House and not as separate units.

On the proposal of Ms Stace, seconded by Mr Braim it was **RESOLVED** (with one vote against and one abstention) to recommend to the Board to refuse the application. However the Committee would be prepared to reconsider the application if the landowner was prepared to give up one of the other tarmaced vehicular accesses, on the basis that there would then be no net loss of common.

## 7. SECURING THE COMMONS

The Conservation Officer went through the paper. John Day's report on securing the common had been circulated before the meeting. The options for securing each exit route from the common needed to be investigated. Any plans would need extensive consultation.

Mr Madden asked what it was hoped to achieve before the end of the year. The Conservation Officer said that the Land Management Plan outlined actions in relation to the grazing:

1. To make the grazing more viable by scrub removal and investigation of providing a water source.
2. To begin investigating the options to secure the common.

The Conservation Officer suggested that for the time being, until further work had been carried out, the response of Board members and staff to questions from the public should be to say that MHC were aware of the importance of livestock grazing and of its decline and that MHC were actively looking into options to improve the viability of future grazing and would be consulting with partners and the public throughout.

The proposals would be brought back to the Committee and the Board as they evolved.

On the proposal of Ms Stace, seconded by Mrs O'Donnell, it was **RESOLVED** (with one abstention) that the Conservation Officer should carry out the following actions:

- Begin writing the evidence-based 'case' in support of work to secure the Castlemorton and Hollybed commons
- Continue to liaise with Birtsmorton PC in developing their plans for Coombegreen
- Take legal advice on the options for securing the common and how they sit with MHC's statutory constraints
- Continue to investigate 'invisible fencing'

If Birtsmorton PC gained public support for securing Coombegreen, the following steps should be taken:

- Begin the public consultation and application process as outlined in 'A Common Purpose'. Ensure key partners were on-board (Open Spaces Society,

Castlemorton Common Association, Worcestershire County Council, Natural England, local groups etc.)

- Seek sources of funding for the works and associated planning and legal costs (new physical assets could be funded by the Parliamentary Fund)
- Finalise and cost a schedule of works
- Make a joint application(s) with Nigel Dawes / Birtsmorton PC to Highways and/or the Planning Inspectorate to seek permissions

## **8. GRAZIER'S REPORT**

Mr Gardner said that the situation with stock on the roads was the same – Roy Shale had lost sheep over the past few months at Hollybush and Coombegreen and he had had cattle involved in accidents over the winter whilst they were free ranging. One of the major issues for the graziers was keeping stock off the roads – cattle grids on the highway would not stop the road deaths. There had also been some dog worrying. He had 53 cattle out on the common at the moment and expected to increase numbers to over 60 shortly.

## **9. CONSERVATION OFFICER'S REPORT**

The Conservation Officer reported that he had had 7 people express interest in taking up the Central Hills grazing. He hoped to have the area grazed again in June. The payment system would be revised to hold back part of the payments until the end of the term to try to ensure that the grazier did not leave again part way through the term. It was agreed that Mr Golightly would be invited to join the interview panel if there were multiple applicants. (Because of a possible conflict of interest for the Chair of the Land Management Committee).

The Conservation Officer had now received a draft plan for management of Thirds Wood from the forestry consultant, Jim Unwin. He would provide more detail at the site visit.

Operations over the next few months included an increase in mowing and bin emptying and the first bracken roll would take place in July. The Hacketts was being re-fenced. Some of the roadside fencing at British Camp needed replacing. Monitoring work was due to start.

The options were out for the new Countryside Stewardship scheme. It was clear that the eligible area would be reduced as, for example footpaths were being excluded. The Conservation Officer also warned that funding could be reduced if the UK left the EU because part of the funding came from Europe.

## **10. MATTERS FOR FUTURE CONSIDERATION**

There were none.

## **11. URGENT BUSINESS**

There was none.

**The meeting closed at 5.50pm.**