

Malvern Hills Trust

Special Meeting of the Board

The Cube, Albert Road North, Malvern

Thursday 26 August 2021 7.00 pm

Present: Mr C Atkins, Dr S Braim, Dr E Chowns, Mr D Core, Dr G Crisp, Mr M Davies (Chair), Mr R Fowler, Mr J Michael, Mrs C Palmer, Mr C Penn, Prof J Raine, Mrs G Rees, Mr C Rouse, Mr D Watkins, Mr T Yapp.

In attendance: CEO, Secretary to the Board, Conservation Manager, 3 members of the public.

Mr Davies welcomed everyone to the meeting.

1. Apologies for absence

Mr D Baldwin, Mr R Bartholomew, Mr M Dyde, Mr D Fellows, Mrs L Hodgson, Mrs H I'Anson, Dr T Parsons, Ms S Rouse, Ms H Stace.

2. Chair's announcements

- a) There had been no progress with the application for easements to serve land adjacent to Mill Lane. Despite reminders, the applicant had not made arrangements to pay the cost of the Trust's valuation of the rights requested.
- b) The Trust was awaiting production of paperwork from the County Court, relating to a case brought by the Trust over use of the access at Fernleigh in the 1980s. Once that had arrived, a meeting to decide the current application would be scheduled.
- c) The Chair reminded trustees to complete and return the "Governance Toolkit" document which had been circulated.
- d) The Chair thanked staff for organising the Stroll. He felt it had been very beneficial and he hoped another similar event could be arranged.

3. Declarations of interest

Mr Rouse – He had rights of common over Trust land

4. Public Comments

Mrs K Harris read a statement. (See Schedule). The Chair responded that in the current difficult circumstances the staff were having difficulty finding suitable venues for meetings.

5. To appoint David Watkins to Finance Administration and Resources Committee

The Chair welcomed Mr Watkins to the meeting.

On the proposal of Mr Penn, seconded by Mr Core it was **RESOLVED** (with one abstention) that Mr Watkins be appointed to the Finance Administration and Resources Committee.

6. To approve the minutes of the Board meetings held on 11 March and 5 May 2021

On the proposal of Dr Crisp, seconded by Mr Fowler, it was **RESOLVED** (with one abstention) to approve the minutes of the meetings held on 11 March and 5 May 2021.

7. Staffing Committee

7.1 On the proposal of Mrs Rees, seconded by Mrs Palmer it was **RESOLVED** unanimously by the Committee members present to approve the minutes of the meeting of the meeting on 1 April 2021.

7.2 Matters arising

There were none.

7.3 Adoption of minutes and recommendations

On the proposal of Mrs Palmer, seconded by Mr Davies it was **RESOLVED** (with 1 abstention) to adopt the Staff at Confidential Meetings Policy.

On the proposal of Mrs Palmer, seconded by Mr Davies it was **RESOLVED** (with 1 abstention) to adopt the Equality and Diversity Policy.

On the proposal of Mrs Palmer, seconded by Mr Davies it was **RESOLVED** (with 1 abstention) to adopt the minutes of the Staffing Committee meeting of 1 April 2021.

8. Land Management Committee

8.1 The Secretary to the Board said that she would add to the minutes the name of the property to which item 8 related. On the proposal of Mr Yapp, seconded by Dr Braim it was **RESOLVED** unanimously by the Committee members present to confirm the accuracy of the minutes of the meeting on 8 April 2021.

8.2 Matters arising

Mrs Rees went through the minutes. The Conservation Manager gave an update on the two Stewardship Agreements. The Southern Hills agreement was up and running, the grazing licence had been granted and Trust and its partner, Eastnor Estate, were working together to deliver the agreement. The Trust's application for a Countryside Stewardship Agreement for Castlemorton Common (to start in 2022) was being processed by the RPA. An offer was expected towards the end of the year. Whether that offer would be accepted by the Trust would depend to some extent on the resolution of current financial/mapping issues with the RPA over the Northern and Central Hills Agreement.

8.3 Adoption of minutes and recommendations

On the proposal of Mrs Palmer, seconded by Mr Penn it was **RESOLVED** (with one abstention) to adopt the minutes of the meeting held on 8 April 2021 and to make the following resolutions:

Item 6 (Model aircraft and drone policy)

To adopt the revised Model Aircraft and Drone Policy.

Item 8 (Easement - The High Ground)

That permission be granted for the hard surfacing of 30 metres of the wheelings of this easement, subject to the following conditions:

1. The use of concrete of a natural grey colour. (The use of blocks is not approved).
2. The permitted maximum dimensions of the concrete be limited to 2 parallel 600mm wide wheelings with a central gap of 1300mm, for a total length not exceeding 30m.

3. The concrete can either be:
 - a) combed horizontally with an outside angle to provide traction and throw water to the outside of the track, (not the centre) or
 - b) surfaced with a stone mix in accordance with the Trust's normal specification for easements, to provide traction and a colour/visual appearance similar to normal loose stone tracks.
4. The applicant must obtain any consent required under the Commons Act

9. Governance Committee

9.1 On the proposal of Mr Atkins, seconded by Mr Core it was **RESOLVED** unanimously by the Committee members present to approve the accuracy of the minutes of the meeting of the meeting on 29 April 2021.

9.2 Matters arising

Mr Atkins went through the minutes. Mr Core gave an update on progress of Working Group 1. He said the economic model was in good shape and the group had gone on to look at the non-financial benefits and risks. He hoped a report would be finalised in the next two weeks. The Committee had asked Mrs Rees and Mrs Palmer to "road test" the report once the Working Group had finalised the draft.

9.3 Adoption of minutes

On the proposal of Mr Core, seconded by Mrs Rees it was **RESOLVED** (with 1 abstention) to adopt the minutes of the Governance Committee meeting of 29 April 2021.

10. Finance Administration and Resources Committee

10.1 On the proposal of Prof Raine, seconded by Mr Davies, it was **RESOLVED** by the committee members present to approve the accuracy of the minutes of the meeting held on 6 May 2021.

10.2 Matters arising

Mr Core went through the minutes.

10.3 Adoption of minutes and recommendations

On the proposal of Prof Raine, seconded by Mr Davies it was **RESOLVED** (with 2 abstention) to adopt the minutes of the meeting held on 6 May 2021 and to **RESOLVE** that £5,000 budgeted for car park repairs in the financial year ending 31 March 2021 be transferred to a designated fund to be spent in 2021/22.

11. To consider the recommendations of the Tree Safety Costs Working Group

The Conservation Manager went through the report.

The following points were made:

- Public engagement was important.
- This was a dynamic situation. The Board needed to be kept up to date and the situation regularly reviewed.
- Could the work be carried out "in house"? The Conservation Manager explained that for safety reasons the work required multiple personnel with suitable machinery and for the Trust to carry out the work would not be cost effective.
- Would the ash dieback work have a timescale? The Conservation Manager said that the Forestry Commission prediction was that the wave of ash dieback (that was to say trees reaching a state where they had to be felled) would be

over in 5 – 10 years. The disease was spread by airborne spores and all ash trees would be infected. Any work to the trees had to be done before they deteriorated to a point where working on them became unsafe. The guidance was not to remove the trees which did not pose a risk as a small number would be resistant.

- Why had the costs of general tree safety work risen? The Conservation Manager said there were more trees on the estate reaching an age where they became dangerous. Contractor costs were also increasing partly as a result of more complex health and safety requirements.
- The Conservation Manager confirmed that the normal tree safety surveys were carried out on a triennial basis and ash in the survey areas would be dealt with at the same time the other tree safety work was carried out. However ash specific work would be carried out across the whole estate. Part of the tender process was to ascertain the rate which contractors would pay for the timber produced.
- This would be a significant increase in the CEO's delegated authority but the work required would be significant and the Trust needed to be able to move swiftly when dealing with these issues.
- Would trees which were felled in woodlands but not removed pose a fire risk? The Conservation Manager said forestry research¹ indicated that this was not likely in the UK, where there was a very different ecosystem to countries where forest fires occurred.
- From 2022/23, the Board would need to decide how it would fund the money to be transferred into the Ash Dieback Designated Fund each year.

On the proposal of Mr Davies, seconded by Mrs Rees it was **RESOLVED** unanimously that:-

- a) The annual, existing tree safety budget be increased by £5k to £25,000.
- b) A ring-fenced Ash Dieback designated fund is set up specifically for tackling Ash Dieback. Expenditure from this fund is to be authorised by the CEO in addition to his current delegated authority to spend.
- c) Each year a sum of £68,000 will be transferred to the designated fund.
- d) The Ash Dieback balance in year one is to be taken from part of the excess car park takings accrued in 2020/21 and set up in the accounts for the year ended 31st March 2022.
- e) An Ash Dieback PR and fundraising campaign on replacement trees should begin and may use £5,000 from this year's existing PR budget of £10,000.

12. Authorisation for payments for be made from Gift Fund

On the proposal of Mr Michael, seconded by Mr Penn it was **RESOLVED** unanimously to approve expenditure of £11,000 from the Gift fund for the three projects set out in below:

Community Woodland pathways	£4,360
Barnards Green water trough	£4,000
St Ann's Well bowl	£2,640

13. Update on appeal against RPA decision to withhold payments

¹ Rackham O.2006 Woodlands

The Conservation Manager reminded trustees that the RPA took over the administration of the Trust's Countryside Stewardship Scheme for the Northern and Central Hills in 2018. They made changes to the classification of some Trust's land, rendering these areas ineligible for the grant, but the Trust was only informed in 2021. The Trust had tried to make a challenge through the RPA's internal procedure without success. The Trust had now engaged a consultant to assist. Until there was some response from the RPA it was impossible to predict how successful the challenge might be. The CEO said the AONBs, Wildlife Trusts and Foundation for Common Land were aware of similar cases and had offered to assist at a strategic level. The Consultant was trying to get to the bottom of the reasons why these parcels had been discounted. It was clear that the matter could take 6 months to a year to resolve. The Trust, through Harriet Baldwin MP, had contacted Victoria Prentice, Under Secretary of State at DEFRA. Her response indicated that she was under the impression that information would have been provided to the Trust which was not the case. The Trust had written back to correct her impression and to ask her to appoint a named person within the RPA for the Trust to engage with. The grazier was being kept informed. Arrears to date were £151,000.

14. Urgent Business

There was none.

15. Date of next meeting

9 September 2021.

16. Confidential business

On the proposal of Mr Core, seconded by Mr Penn it was **RESOLVED** unanimously to exclude the public for discussion of item 17 on the agenda on the grounds that publicity would be prejudicial to the public interest by reason of the exempt or confidential nature of the business to be transacted (Legal matter).

The meeting closed at 8.35pm

Schedule

Statement from Katharine Harris

1. With respect to the forthcoming levy payers Meeting next month,
 - a) The holding of a Public Meeting so far from the local area with no public transport available and people understandably reluctant to share lifts; expecting and encouraging attendees to use their own transport increases the carbon footprint, at a time when we are being asked to seriously consider reducing CO2 emissions. Neither does it set a good example when convened by an organisation whose focus should be on conservation and thereby mindful of such matters.
 - b) Some levy payers will automatically be discriminated against as they have no online access, others will be unable to travel through ill health, age or both.

2. When Residents contribute almost £600 000 per annum to MHT, it is not unreasonable to expect that their meetings are held locally, in Malvern and are open to everyone of any age or infirmity to attend in person if they so wish.