Malvern Hills Trust

Annual Meeting of the Board

Thursday 11 November 2021 7.00pm

The Council Chamber,
Malvern Hills District Council,
Avenue Road, WR14 3AF

Ordinary Meeting of the Board

Council Chamber, Avenue Road, WR14 3AF
Thursday 11 November 2021 7pm

Agenda

1. Election of Chair pages i, ii
2. Election of Vice-Chair pages iii, iv
3. Apologies for absence
4. Chair's Report for 2020/21
5. Chair's Announcements
   - Reminder to all trustees to answer the Governance Toolkit questions
   - Workshop Revised Business Plan (Zoom) 18 November 2021 7pm
   - Workshop on Governance Toolkit (Zoom) 25 November 20217pm
   - Land Management Committee 2 December, United Reform Church, Malvern Link
   - Finance Administration and Resources Committee 9 December, United Reform Church, Malvern Link
6. Declarations of Interest
7. Public Comments
8. Appointment of Committees

   Land Management
   Finance Administration and Resources
   Governance
   Staffing

   Appointment of Board members to other bodies

   4Cs (2 representative)
   Recreation Advisory Panel (4 representatives)
   Wildlife Panel (4 representatives)
   AONB
   Malvern Spa Association
9. To confirm the Minutes of the Board meetings held on 9 September and 7 October 2021 (May be dealt with in confidential part of the meeting if necessary)

   Pages 1 – 8
   Confidential pages 1 - 3

   Matters arising from the previous Board meetings not otherwise on the agenda
10. **Governance Committee**

    10.1 To confirm the accuracy of the minutes of the meeting held 21.10.2021
    Pages 9 - 13

    10.2 Chair of Committee to present the minutes and matters arising

    10.3 Board to adopt the minutes and the resolution set out below

    Item 6 Arrangements for approving Committee minutes
    That Standing Order 14.9.2 should be amended to read:
    The Chair of the relevant committee invites officers to provide any updates since the meeting and invites questions and comments from trustees on the minutes or the recommendations.

    Item 11 – see separate agenda item

11. Whether MHT should proceed with a s74 Charities Act 2011 application with a view to updating its Governing Acts using a Private Bill and how it should be funded — Paper A, Pages 14 - 17
12. Fernleigh easement application — Paper B, Pages 18 - 32
13. Hunting on MHT land — Paper C, Pages 33 - 45
14. Information

14.1	Update on Risk Management Schedule	Verbal update
14.2	Conservation Manager's Report	Verbal update
14.3	Malvern Spa Association	Verbal update
14.4	AONB Joint Advisory Committee	Papers to follow
14.5	Wildlife Panel	No meeting
14.6	Recreation Advisory Panel	No meeting
14.7	Management Report	Pages 46 - 48

15. Urgent business
16. Date of next meeting
    20 January 2022

If you or anyone in your household/bubble has experienced any Covid symptoms in the last 7 days, please do NOT attend this meeting. Delta variant symptoms for those who have been vaccinated are commonly runny nose, sore throat and headache, and not necessarily a cough, fever or loss of sense of taste or smell.

There are still high numbers of Covid cases and it is clear that notwithstanding vaccination, people can still catch the virus. Each venue is risk assessed by the Trust and is allocated a maximum capacity so that a minimum distance can be maintained between attendees. Once the capacity for the venue has been reached, in order to keep attendees safe, no further people will be admitted. If you attend the meeting you will still be asked to wear a face mask as a courtesy to other attendees.

Out of consideration for others, we ask all attendees to undertake a lateral flow test and not to attend if this shows positive result.

Anyone (other than trustees) who wishes to attend must apply in writing to cindy@malvernhills.org.uk (or write to Mrs L Parish at the Trust's office), giving their name, E-mail address and contact number. Places will be allocated on a first come first served basis. Cindy will confirm whether there is a place available.

If you turn up at the meeting without pre-booking you risk not being admitted.

Malvern Hills Trust

NOMINATION FORM: CHAIR OF THE BOARD

To be completed by nominator and seconder

We, the undersigned wish to nominate **MICK DAVIES** as Chair of the Board of Malvern Hills Trust for the year 2021/22. If the nominee is not elected as Chair, we wish/~~do not wish~~* to nominate him/~~her~~* as Vice-Chair.

	SIGNATURE	PRINT NAME
NOMINATED BY	J Raine	John W. RAINE
SECONDED BY	C M Palmer	CYNTHIA PALMER

TO BE COMPLETED BY NOMINEE

I agree to be nominated for the role of Chair of the Board of Malvern Hills Trust. I have read the role description. I understand the responsibilities of the role and have attached a statement in support of my nomination. If I am not elected as Chair, I agree/~~do not agree~~* to stand for election as Vice-Chair.

	SIGNATURE	PRINT NAME
NOMINEE	[signature]	MICK DAVIES

Please delete as appropriate

Please return this completed form to the office no later than 5pm Friday 29 October 2021

i

info@malvernhills.org.uk I www.malvernhills.org.uk I 01684 892002
Malvern Hills Trust, Manor House, Grange Road, Malvern, Worcestershire WR14 3EY

Statement in support of nomination to the role of Chair of the Board of Malvern Hills Trust

Name: MICK DAVIES

Without shame, I will repeat two paragraphs from my statement of last year that are as pertinent now as they were then. As I look out on the hills on this bright morning, I am encouraged to offer myself for nomination as Chair for a further year. There is much to do.

Today, our organisation carries out its tasks effectively but the world is changing and it is our duty to improve the Trust's fitness to fulfil its obligations and duties in the future, by improving how we work, by sharpening up our business processes, by empowering our fundraising potential and operational efficiency and by engaging positively with the public.

I would be delighted to commit the time and attention and whatever sparse skills I can bring to the task of chairing the board; you will have recognised that I still have a lot to learn and I remain grateful for your kind support during that learning. If you will have me again, I look forward to working with you towards that elusive clear and common purpose focussed on our reason for being here.

Nomination form: Vice-Chair of the Board

To be completed by nominator and seconder

We, the undersigned wish to nominate:

CYNTHIA PALMER as Vice-Chair of the Board of Malvern Hills Trust for the year 2021/22.

	SIGNATURE	PRINT NAME
NOMINATED BY	David R Fellows	DAVID R FELLOWS
SECONDED BY	[illegible]	MICK DAVIS

TO BE COMPLETED BY NOMINEE

I agree to be nominated for the role of Vice-Chair of the Board of Malvern Hills Trust. I have read the role description. I understand the responsibilities of the role and have attached a statement in support of my nomination.

	SIGNATURE	PRINT NAME
NOMINEE	CMPalmer	CYNTHIA PALMER

Please delete as appropriate

Please return this completed form to the office no later than 5pm Friday 29 October 2021

info@malvernhills.org.uk I www.malvernhills.org.uk I 01684 892002
Malvern Hills Trust, Manor House, Grange Road, Malvern, Worcestershire WR14 3EY

Statement in support of nomination to the role of Vice-Chair of the Board of Malvern Hills Trust

Name:

I have been a Trustee since November 2019 and sit on the Land Management, Governance and Staffing Committee, the latter of which I chair.

I am an ardent supporter of the Trust and consider that all the staff work extremely hard to protect and conserve the nature and diversity of the Malvern Hills.

I am keen to do everything I can to work together with the other Trustees to ensure that the Board works together to direct and support the Trust and takes it forward to achieve its aims and objectives.

Malvern Hills Trust

Meeting of the Board
The Council Chamber, Civic Centre, Pershore WR 10 1PT
Thursday 9 September 2021 7.00 pm

Present: Mr C Atkins, Mr R Bartholomew, Dr S Braim, Ms E Chowns, Mr D Core, Dr G Crisp, Mr M Davies (Chair), Mr D Fellows, Mr R Fowler, Dr T Parsons, Mr C Penn, Prof J Raine, Mrs G Rees, Mr C Rouse, Ms H Stace.

In attendance: CEO, Finance and Administration Manager (by telephone), Secretary to the Board, Conservation Manager, Community and Conservation Officer (CCO), Mr D Butler (Bishop Fleming), 9 members of the public.

Mr Davies welcomed everyone to the meeting.

1. **Apologies for absence**
Mr D Baldwin, Mr M Dyde, Mrs L Hodgson, Mrs H I'Anson, Mrs C Palmer, Ms S Rouse, Mr T Yapp.

2. **Chair's announcements**
    - There were no items of urgent business.
    - The Staffing Committee meeting would now be held on 4 November.
    - There would be a site visit in place of the Land Management Committee meeting scheduled for 14 October. The start time would be 4pm.

3. **Declarations of interest**
Mr Rouse – he had rights of common over Trust land

4. **Public Comments**
There were none.

5. **To review Key Issues for Discussion Document**
Mr Butler outlined purpose of the report and the main issues.
There had been a significant change since the audit was carried out, as it was now clear there was a dispute over the grant income which had been anticipated from the RPA and the sum had therefore been removed from the accounts.
Three Related Party Transaction forms had not been provided to the auditors and as a matter of good practice this procedure should be followed.
Mr Davies thanked Mr Butler for his report.

6. **To review the Letter of Representation addressed to Bishop Fleming and authorise the Chair of the Board to sign it**
On the proposal of Mr Core, seconded by Mrs Rees it was **RESOLVED** (with 2 abstentions) that the Chair should sign the letter of representation addressed to Bishop Fleming.

7. **To confirm to the Auditors that the charity is a going concern**

This matter had been discussed at the Finance Administration and Resources (FAR) Committee meeting.
On the proposal of Mr Core, seconded by Mr Bartholomew it was **RESOLVED** unanimously to confirm to the Auditors that the charity was a going concern.

8. **To authorise the Chair to sign the letter of engagement from the Auditors**
On the proposal of Mr Core, seconded by Mr Bartholomew it was **RESOLVED** unanimously that the Chair should sign the Auditors' letter of engagement on behalf of the Board.
The Chair thanked Mr Butler for attending and he left the meeting.

9. **To confirm the Minutes of the Board meeting held on 26 August 2021**
On the proposal of Dr Braim, seconded by Mr Penn it was **RESOLVED** (with 6 abstentions) to approve the minutes of the meeting held on 26 August 2021.

10. **Matters arising**
There were no matters arising from the meeting.

11. **Staffing Committee**
11.1 On the proposal of Prof Raine, seconded by Mr Penn it was **RESOLVED** by the committee members present to confirm the accuracy of the minutes of the meeting held 1 July 2021.
11.2 Matters arising
Mrs Rees went through the minutes.
11.3 Adoption of minutes
Mr Fowler said the issues of feedback, near-miss reporting and health and safety audit were not being addressed and this was a Board responsibility. The CEO said there was a health and safety report as a standing agenda item at each meeting of the Staffing Committee. He had discussed how to improve near-miss reporting with the Trust's external Health and Safety advisor.
On the proposal of Prof Raine, seconded by Richard Bartholomew it was **RESOLVED** (with 1 abstention) to adopt the minutes of the Staffing Committee meeting held on 1 April 2021, and to approve the revised Health and Safety Policy and the revised Safeguarding Policy.

12. **Governance Committee**
12.1 The date of the next meeting show in the draft minutes should have been 21 October 2021. With that amendment, on the proposal of Mr Atkins, seconded by Mr Core it was **RESOLVED** by the committee members present to confirm the accuracy of the minutes of the meeting held 29 July 2021.
12.2 Matters arising
Working Group 1 were hoping to bring their report on the costs and benefits of making Governance Changes by a Private Bill to the Governance Committee meeting

in October, followed by a workshop for all Board members prior to the November Board meeting.
At the meeting, the issue of whether all or some of the David Russell reports remained confidential had been raised. As there were elements of the reports which must remain confidential, if anyone wanted to discuss any aspect with someone other than trustees or staff, they should check with the Chief Executive or Secretary to the Board how best to deal with it.
12.3 Adoption of the minutes
On the proposal of Mr Core, seconded by Mr Atkins it was **RESOLVED** (with 1 vote against and 1 abstention) to adopt the minutes of the meeting held on 29 July 2021 and the revised Social Media Policy.

13. Meetings
On the proposal of Dr Braim, seconded by Mrs Rees it was **RESOLVED** (with 4 abstentions) to adopt the revised schedule of meetings for a trial period of 6 months

14. Update on progress of working group looking at the costs and benefits of a private bill
See above.

15. Review of progress on governance toolkit
Mr Atkins said that about 2/3 of trustees had returned the forms. It was hoped that the remainder would respond shortly. The results would be compiled and a workshop arranged to discuss the results.

16. Finance Administration and Resources Committee
16.1 To confirm the accuracy of the minutes
On the proposal of Mr Penn, seconded by Mr Bartholomew it was **RESOLVED** by the committee members present to confirm the accuracy of the minutes of the meeting held 12 August 2021.
16.2 Matters arising
Mr Core went through the minutes.
16.3 Adoption of the minutes
On the proposal of Mr Fellows, seconded by Mr Atkins it was **RESOLVED** unanimously to adopt the minutes of the meeting held on 12 August 2021 and recommendations set out below:

A) In relation to the Northern and Central Hills Countryside Stewardship Scheme that:

a) No further income accruals be made in relation to the Northern & Central Hills CS until the dispute with Rural Payments Agency was resolved

b) The balances on the grazing reserve, BPS and HLS Castlemorton Common funds be used to cover the shortfall at 30th June 2021 arising from the dispute,

c) £32,200 be made available from general fund reserves to fund grazing on the North & Central Hills from 1st July 2021 to 31st December 2021.

B) That the budget for the purchase of a fourth warden vehicle should be increased by £6,000

c) That the IT security system recommended in the paper for the FAR meeting of 12 August 2021 be installed at a cost of £1,620pa

17. To adopt the Risk Management Schedule

The CEO said that this was a live document which was amended throughout the year in response to events.

Since the workshop, the risk score had been increased at items 5.3.1 (reduction in grant funding) and 5.6 (Not meeting the conditions for grants).

Mr Fowler asked if the risk to the Trust of other members of the Worcestershire County Council Pension Scheme defaulting had been assessed? The CEO said he believed there was no cross liability within the Scheme as far as the Trust was concerned. The Finance and Administration Manager said this risk could be added to the Schedule. It was not possible for the Trust to insure against this risk.

Ms Chowns asked about the scoring system for risk in the Schedule. The CEO said the method used was the standard method recommended in the Charity Commission guidelines.

On the proposal of Mr Core, seconded by Mr Penn it was **RESOLVED** unanimously to adopt the Risk Management Schedule.

18. Trail hunting update

The CCO went through the paper. The outcome of a trial of the Director of the Masters of Foxhounds Association in relation to a webinar in which he was alleged to have encouraged others to commit offences under the Hunting Act was still awaited. It was not known whether local hunts attended that webinar. On the proposal of Mr Davies, seconded by Mr Fellows it was **RESOLVED** unanimously that the issuing of licences for trail hunts on Trust land be suspended until the outcome of the trial was known, when the matter could be reviewed at the next Board meeting following the disposal of the case.

19. Update on dispute with RPA

The Conservation Manager reported that the RPA were looking into the issues which the Trust had raised and were in dialogue with the Trust's consultant. They had acknowledged that approximately another £13,000 was due to the Trust but had given no explanation for that figure, nor of their overall position. The CEO had written to Natural England to request their help.

20. Invitation to participate in a trial of Defra's new ELM scheme.

The Trust had received an invitation to take part in a DEFRA trial for the ELM schemes which were based in the principle of "public money for public good". A trial was already being run for the Landscape Recovery grant scheme on upland commons. A trial was to be run on lowland commons and The New Forest and Malvern Hills had been put forward as possible sites. A project officer would run the trial and the Trust had been told it would involve 1 day per month of staff time for a period of 15 months, for which the Trust would receive a payment of £400 per month. The Conservation Manager felt it would be an excellent idea to get involved and hopefully shape how the scheme would work. Joining the trial did not mean committing to a future scheme. There was agreement that the Trust should take part.

Pollution incident

In early September Western Power had identified an oil leak from one of their underground cables on Swinyard Hill. The strategy for tackling the leak had been agreed with Western Power's consultants, the Trust and the Environment Agency. Roughly 75 tonnes of contaminated soil would be removed from site and replaced with clean soil which matched as closely as possible to the local bedrock pH. The area would be monitored to check that the leaked oil had not spread further. The streams and flushes had been checked and no oil had been detected to date. Swinyard Car Park would be closed to enable Western Power to use it as a work base. The Trust would be compensated for loss of income. Mr Fowler suggested contacting Western Power to see if they would replace the cable.

21. Urgent Business

There was none.

22. Information

22.1 Malvern Spa Association

The CEO thanked the Spa Association for agreeing to contribute towards work on the trough on Barnards Green and at St Ann's Well. The Spa Association had been carrying out divining surveys to try to determine sources of streams.

22.2 AONB Joint Advisory Committee

A written report had been provided.

22.3 Wildlife Panel

The Conservation Manager said a meeting had taken place in March. The agenda included a discussion on the Land Management Plan and the Trust's recent projects.

22.4 Recreation Advisory Panel

A meeting had been scheduled for 28 October.

22.5 4Cs

No meeting had taken place

22.6 Management Report

The recruitment process for a new warden had been completed and the CEO hoped to be able to announce who would be taking up the post within a few weeks. The new Operations Manager was going through his induction process. The field staff member who had been engaged on a 10 month contract had left as he had been offered a permanent post elsewhere. There was 7 months to run for that temporary post and it was not worth recruiting another member of staff for that short time. The CEO suggested carrying out some additional work using contractors.

The CEO said that Herefordshire Council was looking at putting double yellow lines in certain places on Jubilee Drive to cut congestion during busy periods.

23. Next meeting

11 November 2021

24. Confidential business

On the proposal of Mr Core, seconded by Mr Bartholomew, it was RESOLVED to exclude the public for discussion of items 25, 26, 27 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 advice/person information).

The meeting closed at 10.05pm

Malvern Hills Trust

Special Meeting of the Board
United Reformed Church, Malvern Link WR14 1SS
Thursday 7 October 2021 7.00 pm

Present: Mr C Atkins, Mr R Bartholomew, Dr S Braim, Mr D Core, Dr G Crisp, Mr M Davies (Chair), Mr M Dyde, Mr R Fowler, Mr J Michael, Dr T Parsons, Mr C Penn, Prof J Raine, Mr C Rouse.

In attendance: CEO, Secretary to the Board, Finance and Administration Manager, 1 member of the public.
Non-attendance: Mrs L Hodgson, Mrs H I'Anson

Mr Davies welcomed everyone to the meeting.

1. **Apologies for absence**
   Mr D Baldwin, Ms E Chowns, Mr D Fellows, Mrs C Palmer, Mrs G Rees, Ms S Rouse, Ms H Stace, Mr D Watkins, Mr T Yapp.

2. **Chair's announcements**
   - Mrs Rees had stepped down from Colwall Parish Council and had resigned from the Board with effect from 30 November 2021.
   - No urgent business.

3. **Declarations of interest**
   There were none.

4. **Public Comments**
   There were none.

5. **Urgent Business**
   There was none.

6. **Next meeting**
   11 November 2021

7. **Confidential business**
   On the proposal of Mr Davies, seconded by Mr Michael it was **RESOLVED** to exclude the public for discussion of items 8 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 (Legally privileged).

CONFIDENTIAL

Minutes released

12. **VAT reclaim – whether to appeal HMRC decision**

The Finance and Administration Manager introduced the paper.

The following points were made:

- How much input tax was recovered because of the Trust's s33 status? The Finance and Administration Manager said that in the last financial year the VAT reclaimed under s 33 amounted to £55,000. The total VAT input tax reclaimed was £70,000. She estimated that, if the appeal was successful, the VAT saved on car parking takings would be around £60,000.
- Malvern Hills Trust and country parks were established under completely separate legislation.
- It would not be advisable to publish the advice which was received in anticipation of litigation as it was not possible to predict whether the Trust might wish to rely upon it in the future.

In the proposal of Mr Core, seconded by Prof Raine it was RESOLVED (unanimously) not to appeal HMRC's decision on VAT on car park takings.

The meeting closed at 7.15pm

Malvern Hills Trust
Governance Committee
United Reformed Church, Malvern Link WR14 1SS
Thursday 21 October 2021 7.00pm

Present: Mr C Atkins, Mr R Bartholomew (Chair), Mr D Core (arrived during agenda item 6), Mr M Davies (non-voting), Mr D Fellows, Mrs C Palmer. Prof J Raine.

In attendance: CEO, Secretary to the Board, Dr G Crisp, Mr R Fowler, Mr C Penn, Mr C Rouse, Mr D Watkins, 5 members of the public.

Mr Bartholomew welcomed everyone to the meeting.

1. **Apologies for absence**
   Dr S Braim, Ms S Rouse.

2. **Chair's announcements**
   - Workshop 28 October 2021 for all Board members to discuss the report from the Working Group (Paper A)
   - Board meeting 11 November (MHDC Council Chamber).

3. **Declarations of interest**
   There were none.

4. **Public comments**
   Comments had been received from Mrs K Harris and were read by the Secretary to the Board (see Schedule for the comments and CEO's responses).

5. **Matters arising from previous meetings**
   There were none which were not on the agenda.
   Discussion of agenda item 6 was moved to the end of the agenda.

6. **Arrangements for approving Committee minutes** (agenda item 7)
   The Secretary to the Board introduced the paper.
   The following points were made:
   - The current process was unwieldy. If it were permitted, it would have been preferable for the committee members to agree the minutes by E-mail before the Board meeting.
   - Committee members should ensure they raise any issues on the minutes in advance of the meeting.

   On the proposal of Mr Atkins, seconded by Prof Raine it was **RESOLVED** unanimously to recommend to the Board that Standing order 14.9.2 should be amended to read:

   The Chair of the relevant committee invites officers to provide any updates since the meeting and invites questions and comments from trustees on the minutes or the recommendations.

7. **Policy on public information** (agenda item 8)
This would come to the next meeting. The Freedom of Information Act did not apply to the Trust but the Trust had policy dating back to 2011 stating that it would comply with the spirit of the Act. This now needed reviewing and the Officers had been unable to find any publication scheme. The Secretary to the Board wanted to give other staff the opportunity to consider the draft publication scheme prior to bringing it to the committee.

8. **Reponses to the Governance Toolkit questions 1 & 2** (agenda item 9)
Mr Atkins said there had been a significant level of response from trustees. Their comments had been compiled into a report but there was no space in the calendar for a workshop to discuss them until 25 November. He therefore suggested that the next set of questions was circulated to keep up the momentum.
He encouraged everyone to attend the workshop and to respond to the questions.

9. **Matters to be dealt with at future meetings** (agenda item 10)
Workshop on pensions
Review of Code of Conduct and trustee disciplinary process
Training: Being a good trustee

10. **Urgent business** (agenda item 11)
There was none.

11. **Report on the costs and benefits to be secured by amending the Trust's governing Acts by Private Bill** (agenda item 6)
The CEO introduced the report from the Working Group. The report covered the financial costs and benefits, although there were other proposed changes which had benefits which could not be quantified and some of these were listed at the end of the report.
Mr Davies added that the Working Group had started by making a detailed analysis of all the potential benefits that could result from the changes but it was an unusual exercise as it was evaluating opportunities which would exist, but which might not be exploited by future trustees. Some of the opportunities, if they were to be exploited, would require capital investment but it was felt inappropriate to build large scale capital investment into the evaluation. He felt it was a balanced evaluation and a reasonable representation of the potential value of proceeding with a private bill.
Other points made were:
    - Prof Raine said that the Working Group who lead on the development of the governance changes had talked through all of the impacts of the changes in qualitative terms. This was a valuable report and it provided a reassurance that the changes would provide a positive result. Opportunities provided had to be taken for the financial benefits to be realised. He thanked the members of the Working Group.
    - The evaluation outcomes could be misleading because they did not take account of the capital cost of realising them.

- Mr Davies said that there was recognition in the report of the capital cost of undertaking some of the projects. This was done by including in the evaluation only one third of the financial benefits flowing from those projects as a recognition of the cost of the capital required.
- The CEO said that some of the projects had not been included in the report. These might attract grant funding and would realise a management gain – for example securing the common. In such cases there would be no quantifiable net financial gain.
- It was impossible, for example, to evaluate the value of having a general power of competence. It was there to permit the Trust to deal with situations which currently could not be contemplated. The potential value to future trustees and the work of the Trust was existential. It would be an injustice to future trustees not to proceed to modernise the Trust.
- An example of the use of the general power of competence would be the installation of electric car charging points in the car parks which the Trust could not currently do. This was indicative of the way society was changing and the Trust needed flexibility to respond.
- The changes would open up the possibility of small-scale non-fossil fuel electricity generation.
- Mr Rouse said a lot of the costings in the paper were way out, but he would E-mail his views on those details.

Dr Crisp drew the committee's attention to a statement attributed to the Charity Commission, contained in an ICO decision notice dated 9 September 2021 that "there had not been a decision by the charity trustees [of MHT] on how or when to pursue either a more restricted s73 Scheme ... or whether to pursue a s74 consent application". He took this to mean that the Charity Commission regarded a more restricted s 73 scheme comprising non- contentious proposals as a viable course of action. He said that this had not been considered and before proceeding with a s74 application this should be analysed and explored with the Charity Commission. Mr Davies said that he was disappointed that Dr Crisp had not shared this information prior to this meeting, whilst the Working Group were spending many hours producing the report. The CEO pointed out that the DCMS and Charity Commission had made it clear that the changes which the Trust wished to make would need to be done by a private bill. The Secretary to the Board said she would investigate the matter with the Charity Commission.
Mr Fowler said he thought sufficient changes could be made under a s73 Scheme and the precept payers should be taken into account. Mr Core pointed out that the overall response to the changes which were consulted on was positive.

On the proposal of Prof Raine, seconded by Mr Core it was **RESOLVED** (4 votes in favour, with 2 abstentions) to recommend to the Board:

1. On the basis of the Working Group's report, the Board agree that it is expedient in the interests of the charity to proceed with a Parliamentary Bill to make the proposed governance changes (subject to a review as set out in 2 below).
2. Working Group 2 proceed to:

    a. Carry out further work identified in the Report of the CCS Working Group dated January 2020
    b. Consider any further issues that arose during the process
3. The Officers in conjunction with Working Group 2 carry out any further work required to apply for s74 consent.

12. **Date of next meetings**
3 February 2022

The meeting closed at 8.06pm.

Schedule

From Mrs K Harris.

Responses on red from the CEO.

Page numbers refer to Paper A for this meeting.

Page 3

'Analysis of the responses showed that a clear majority of respondents agreed with all, but two of the proposals'

I would like to make two points with respect to that statement:

1) 22 postcodes were 'blacklisted' and the weighting of their responses was adversely changed
   This was not true. There was no blacklisting. All the responses were included in the consultation and there was no weighting applied.

2) A number of aspects were not even addressed by the Consultation

Page 9

There is mention of a membership organisation.

I trust that all Levy Payers would have the same benefits that members of this organisation would have, without any further payment.

It was too early to talk about the details of any organisation and there was no point in formulating those details before the Trust knew it had the power to do it.

Page 2

Mention of a 'General Power of Competence'

I would like to draw your attention to a comment so eloquently made by Baroness Nicol in 1993(Hansard 1993) when a similar power was sought then. Such a power was deemed unnecessary and had to be removed before the 1995 Act came into being.

'I am quite sure that our heritage is safe in the hands of our present conservators: I have no reason at all to distrust them or their possible actions. But the conservators, even with the new clause if they succeed in getting it, will only be there for a maximum of four years. Who knows what future conservators may consider a reasonable action to take? We must act with that in mind'.

The comments by Baroness Nicol were made 28 years ago. Since then, a general power of competence was introduced by the Localism Act in 2011 for local authorities, who have adopted that wider ability to respond to changing times and as such it was a critical element for a statutory charity such as the Trust to include in any governance reforms.

Paper A
For decision

Annual meeting of the Board

Governance Changes by way of a private bill
11 November 2021

The Governance Committee resolved at its meeting on 21 October 2021 to recommend to the Board that:

1. On the basis of the Governance Committee Working Group's report, the Board agree that it is expedient in the interests of the charity to proceed with a Parliamentary Bill to make the proposed governance changes (subject to a review as set out in 2 below).
2. Governance Committee Working Group 2 proceed to:
   a. Carry out further work identified in the Report of the CCS Working Group dated January 2020
   b. Consider any further issues that arose during the process
3. The Officers in conjunction with Working Group 2 carry out any further work required to apply for s74 consent.

The Board has been working for a number of years on identifying changes that are required to make the Trust's governing Acts fit for purpose in the 21st Century. This includes a key aim of consolidating the existing Acts into one document, which was a point identified during the passage of what became the 1995 Act through the House of Lords.

A draft of all the changes envisaged was prepared and those changes were consulted on in 2019 and found broad approval.

A suggestion was made at the Governance Committee meeting that a "cut down" version of the changes might be enacted through a s 73 Scheme. The prospect of a cut down scheme was raised previously by the Trust with the Charity Commission and they responded "On the matter of revising your s.73 proposals ...... I am of the same view that it would not be advisable for Malvern Hills Trust to spend any further charity funds exploring this option given the narrow chance of being able to use s.73 to make governance changes. "

Whilst almost all of the proposals which were consulted on received broad support, it is hard to envisage that any meaningful changes could go forward with no risk of any objection being raised. Using a Private Bill would mean the current Acts could be fully repealed and replaced by a consolidated Act, and the issue of amending the regulations to permit the Trust to have access to the full electoral roll could be dealt with.

If the Governance Committee's recommendation is approved it is envisaged that Officers will begin the work of putting together a s74 application including obtaining detailed costs estimates from solicitors and parliamentary agents (working with the Chair and Governance Committee Working Group 2). Clearly if these are significantly out of line with the figures used in the Governance Committee Working Group 1 report the matter will need to be referred back to the Board.

Recommendation

This paper should be read in conjunction with the paper on funding the Bill. If the Governance Committee's recommendation is approved it is suggested that for clarity two other resolutions should be considered:

That:

a) The application for s 74 consent should be submitted to the charity commission (provided the estimates for legal costs are within 10 % of the figures contained in the report on Costs and Benefits)
b) The cost of funding the work on a Private Bill should be met from a loan from the Land Purchase Fund.

Susan Satchell
Secretary to the Board 2.11.21

Paper A2
For information

Annual meeting of the Board
Options for funding the cost of a Private Bill
9th November 2021

Scope of this paper

This paper is an update of the paper written for the Governance Committee meeting on 4th February 2021, which set out the options for funding the cost of a Private Bill. For the purposes of this update, it has been assumed that a maximum total budget of £350,000 would be needed.

The options as outlined in February were:

1. To make a loan from the Lands Purchase fund to the general fund to cover the cost of a Bill. This was done to cover part of the cost of the 1995 Bill, with the loan being repayable over 25 years,
2. To take the total cost from the 'free reserves',
3. To take out a bank loan.

The forecast balance on the Lands Purchase Fund at the year-end is £932,000.

Since February 2021, the charity has been hit by two significant financial uncertainties, being the cost of Ash Dieback and the dispute with the RPA over funding for grazing on the North & Central hills. Option 2 as originally considered is now ruled out as an option, as the free reserves may be needed to fund one or both of these.

Consideration of the detailed options

	Option	Advantages	Disadvantages	Estimated external cost or loss of income
1	To make a loan from the Lands Purchase fund to the general fund to cover the cost of the Bill, repayable over a set period of time. The general fund would pay 'interest' on the loan to reimburse the LP fund income lost.	i. There are adequate funds in the LP fund ii. Follows the precedent set in 1995 iii. Cost of lost income on the LP fund is likely to be less than the cost of commercial borrowing iv. Protects the level of free reserves v. Flexibility to repay early should free reserves position allow	i. Permission may need to be sought as trustees cannot rely on the advice given in 1995 ii. Funds would need to be disinvested from the portfolio. This would need to be carefully planned with Brewin Dolphin iii. If a significant piece of land (>£500k) came onto the market funds would not be available in the LP fund	Annual loss of income on the LP investment portfolio (net of fees) around £8-10,000
2	To pay for the bill from the unrestricted gift fund	i. No external permission needed ii. Negligible income loss given the current deposit interest rates	i. Depletes the free reserves in uncertain times – not recommended	Negligible at present
4	To take out a bank loan		i. Expensive ii. Security would be required which would tie up funds	Difficult to say without speaking to the bank, but online rates are around 4-6 % per annum, so up to £21,000 pa

Cheryl Gentry, Finance & Administration Manager
2nd November 2021

Annual meeting of the Board
Easement application for Fernleigh, Jubilee Drive
11 November 2021

Background
Fernleigh is a dwelling situated above the Wyche Free Church in Jubilee Drive. The property does not have any right of vehicular access. The property owners have applied for an easement to use an existing track.

History
In around January 1970 a path was widened to enable the Trust to have vehicular access to the Trust land above the house. According to the minutes, in 1980 and again in 1983 the previous owner of Fernleigh applied for vehicular access across the Trust's land but the applications were refused.

The current owners bought Fernleigh in 1984. They applied for vehicular access in 1984 and again in 1986/7 and the applications were refused. The 1987 minutes record the reasons for refusal of the application were that it would be undesirable to construct a roadway in this position because of the difficulty of the terrain and that it would allow vehicles to go close to the ridge of the hills. It was also recorded that Mr Hart had been driving to the property [without authorisation].

Later in 1987, the minutes record that Mr Hart was again taking a vehicle up to the property. The Trust wrote to him and a warden visited but he declined to stop using the access.

The issue escalated to the point where the Trust brought proceedings in the County Court for an injunction preventing Mr and Mrs Hart from using the Trust's land for vehicular access. The proceedings were concluded by Mr Hart giving a permanent undertaking to the Court not to drive across the Trust's land.

Current situation
The trackway has continued to be used on occasions by the current owner without authorisation.

The condition of the track which runs to the property is generally favourable, consisting of two wheelings of loose stone surface separated by a grass central strip. There is no alternative vehicular access to the property.

The property has space for parking one vehicle within its curtilage, to the left side of the front of house.

Checks for any archived material both in the office and through the Court Service have failed to provide copies of the court papers from 1987.

The legal position
The Trust has power under Malvern Hills Act 1930 as amended by the 1995 Act, to authorise overground and underground easements. (See Annex 1). Please note that in this context "The Malvern Hills" means the land within the Trust's jurisdiction.

In order to consider the application, the trustees need to be satisfied that:

i) The property Fernlieigh lies within or adjacent to The Malvern Hills. It is clear that it does lie adjacent to The Malvern Hills.

ii) The access would connect Fernleigh to the highway. It would do so.

iii) That the property lacks satisfactory access. In the context of this application for vehicular access, the property has no other available vehicular access.

Therefore, the Board may consider the application and may grant the right subject to any conditions it sees fit.

The Board MUST "have regard to the effect of the works so authorised on the natural aspect of The Malvern Hills." The meanings of the terms are discussed in the Easement Guidelines.

The effect on the natural aspect
The track relating to this easement application is already present and in use. However, for fullness, its impact on various topics are considered here.

Status
The track is located on Perseverance Hill in the centre of the Malvern Hills AONB. Government mapping shows that it is also within the Malvern Hills Site of Special Scientific Interest (SSSI). The track's presence is recorded on the Nature Conservancy Council's 1987 SSSI renotification paperwork meaning that as a pre-existing feature neither the track, nor its upkeep require SSSI consent.
Both designations make this location of national importance.

Landscape
The location, form and materials of this track help it blend into the surroundings with little impact on landscape character. It is immediately adjacent to existing suburban structures – housing, road, and the church.
The materials and design are particularly favourable aesthetically being comprised of loose stone wheelings that are similar to Malvern stone and a grass/herb strip in the middle. No other structures or signage are present which furthers its fitting into the landscape without harm.

Habitats
n/a

Species
n/a

Cultural heritage
n/a

Access
The track is open to the public under the Malvern Hills Acts. It is not a Public Right of Way but the OS map show an informal path leading to the Wyche Cutting.
The lower part of the track is occasionally used by staff or agents of the Trust.

Application of the easement policy
Access is sought to an existing property. The access would be granted for the use of the property as a single dwelling house. The requirements in the Guidelines for easements granted in connection with a proposed development therefore do not apply.

The Trust's standard conditions which are applied to the granting an easement are set out in annex 2.

The dimensions and construction of the trackway would be specified in any deed of grant and would reflect the current dimensions of the pre-existing track. The track is approximately 55m long and varies between 2.7 and2.4 metres wide, with gravel wheelings each approx 500mm wide.

A public consultation was carried out in accordance with the Trust's easement guidelines. Three responses were received which all registered no objection.

Valuation of the easement
A valuation has been obtained from Mr P Kirby MRICS, which is attached.

RECOMMENDATION
There is a legal requirement to consider the impact on the natural aspect of granting this easement and any supplemental conditions which might be applied to mitigate the impact. Given that there is a pre-existing track, there would be very little impact on the natural aspect of The Malvern Hills as a result of granting the easement. A valuer has specified an appropriate sum by way of consideration and it is suggested that the rights, if granted, should be subject to the conditions set out in Annex 2.

The Board resolve that The conditions set out in s 7 MHA 1930 having been met and after having considered the impact on the natural aspect of granting the easement, the board agreed to grant an easement providing vehicular access to Fernleigh subject to the conditions set out in Annex 2 in consideration of the sum of £20,000:

Duncan Bridges
CEO
21.10.21

Annex 1

Section 7 Malvern Hills Act 1930 as amended:

7A (1) Subject to subsection (2) below, the Conservators may on such terms and conditions as they think fit (including terms and conditions as to the provision and maintenance of cattle grids and other works) authorise in writing any person to construct, maintain, alter or improve roads or ways over the Malvern Hills affording vehicular or other access from any highway to land being land lying within or adjacent to any part of the Malvern Hills and appearing to the Conservators to lack
satisfactory access.
(2) In granting authorisation under subsection (1) above the Conservators shall have
regard to the effect of the works being so authorised on the natural aspect of the Malvern Hills and shall impose such terms and conditions as are necessary to ensure that any adverse effect is minimised.
(3) The Conservators may, on such terms and conditions as they think fit, for the purpose of or in connection with the provision of roads or ways, grant licence to use
and grant easements and rights in, under or over lands forming part of the Malvern
Hills and on which roads or ways are authorised to be constructed pursuant to subsection (1) above.

Annex 2 Standard conditions

Below are set out the standard conditions applicable to this application:

- The applicant will pay Malvern Hills Trust's (MHT) application fee, together with legal and other professional costs and disbursements associated with granting the easement together with any VAT thereon.
- The easement will be granted for use of the property as a single dwelling house
- The width of the easement to be specified in the deed.
- The easement will be over the pre-existing track. Future maintenance will be the responsibility of, and at the expense of, the easement holder. Re-surfacing must be carried out using the same type of material as the existing surface. No work to be carried out on the easement without the prior written consent of MHT
- Liability for installation and maintenance of any culverts required to accommodate the easement will be the responsibility of the easement holder.
- The easement holder will indemnify MHT against any injury, damage or loss arising from the grant of the easement.
- Contractors working on land under MHT's jurisdiction re-surface easements must provide MHT with a method statement for approval and evidence of their public liability insurance prior to work commencing. Any damage caused to MHT land must be repaired to the satisfaction of MHT and MHT reserve the right to require a bond to enable reinstatement work to be carried out by MHT in the event of the easement holder failing to do so.
- The use of house signs, kerbs, posts or stones to delineate the easement will not be permitted.
- Parking or storage of materials on, or adjacent to, easements will not be permitted.
- Easement holders must not do anything on their easement which interferes with the public's right of access across the land over which the easement passes.

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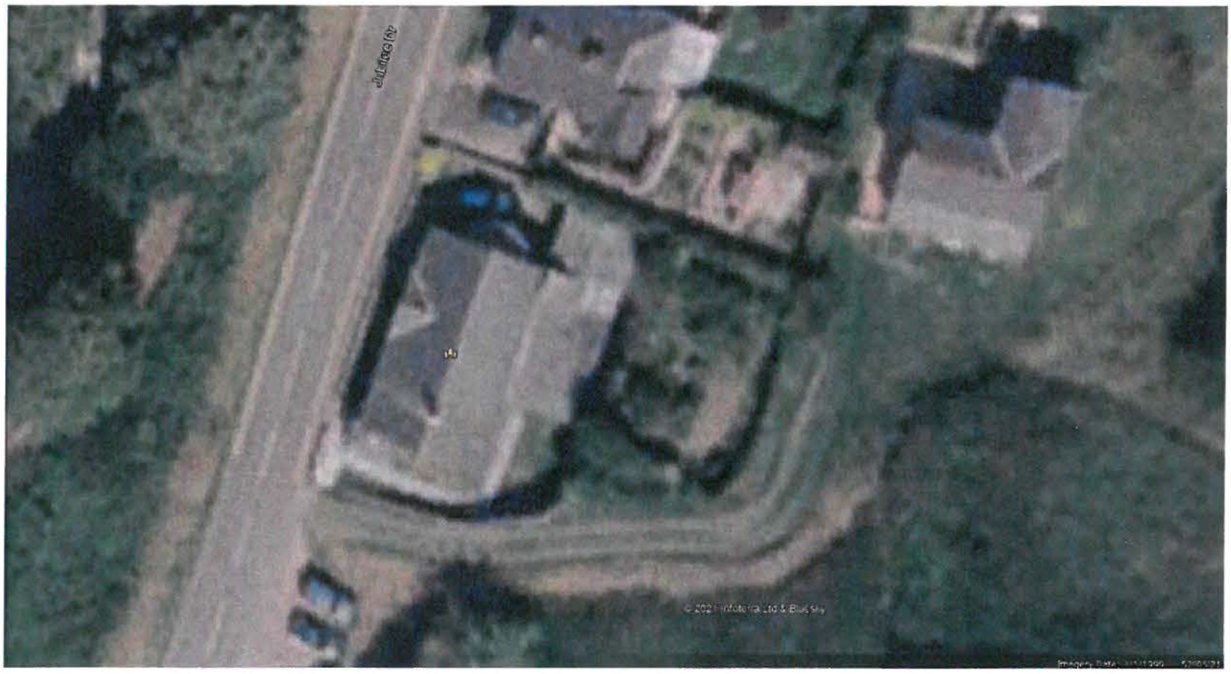
2018 Aerial photo

1999 Aerial Photo




Lodge
Lyndhurst
B 4232
Glenview
1a 1b
2
Fernleigh
Wyche
Free Church
JUBILEE DRIVE

Malvern Hills Trust

Application for a new or amended right of way over land under the jurisdiction of the Malvern Hills Trust

Please note: Easement applications are considered at meetings of the Board's Land Management Committee. The Committee meets on the second Thursday in January, April, July and October. Applications must be received at least four weeks prior to the next meeting to be considered at that meeting.

Name of applicant/~~agent~~	LYNNE - ROY HART.
Address of applicant/ ~~agent~~	'FERNLEIGH,' JUBILEE DRIVE, UPPER COLWALL, MALVERN, WORCS. WR13 6DQ
Telephone number	[redacted]
Email address	[redacted]
Address of property to which the application relates (please also attach map showing location)	'FERNLEIGH,' JUBILEE DRIVE.
Is the application for a new easement or a change of use of an existing easement?	NEW EASEMENT.

2[illegible]5

Malvern Hills Trust

Number of properties for which the easement is requested	ONE
Proposed use of easement (residential, business or agricultural)	RESIDENTIAL.
Description of easement being requested e.g. length, width, type of surfacing Please note MHT will not usually allow easements to be surfaced with tarmac and would normally limit the width of easements to 2.75 metres	LENGTH. 75 yds. WIDTH. 2.2 metres. SURFACE. GRANITE CHIPPINGS TRACKS WITH GRASS CENTRE.
Has this route been used previously for vehicle access? If yes, please state the type and length of use	PRIOR TO PURCHASING THE PROPERTY IN 1984, MAINLY FOR DELIVERIES. SINCE 1985 WITH AUTHORISATION INITIALLY.
Have you contacted any of the neighbouring property owners regarding your plans? If yes please state which properties	[redacted] 1, CHURCH COTTAGE, JUBILEE DRIVE.

Malvern Hills Trust

CHEQUE FOR THE APPLICATION FEE (PLUS VAT AT 20%) See Appendix 1 for table of fees	✓
Map showing location of property to which the easement relates	✓
Map showing route of proposed easement	✓
Photographs showing the location of the proposed easement	✓
If the easement relates to a new development, any plans/drawings of the development	

Signature of applicant	[redacted]
Date	7th June 2019.

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Google Maps

Imagery ©2019 DigitalGlobe, Getmapping plc, Infoterra Ltd & Bluesky 20 m

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23369 UPPER COLWALL - JUDGES LTD.

Name	Address	Comments	Date
Chris Englefield	Broadview, Jubilee Drive, WR14 6DQ	I have no objection to the easement, and am more than happy for permission to be granted and the works completed.	16/07/2021
Mr R P and Mrs E D Fish	Church Cottage, Jubilee Drive, WR13 6DQ	The rear of Our Property adjoins 'Fernleigh,' We have been resident since 1985 and it becomes apparent that an Easement for Vehicle access to this 3 Bed. detached Residence is paramount, not only for the present and future Owners, to provide them with the benefit of being able to convey basic goods, necessary for daily existence to and from the Prperty, notwithstanding the most important requirement for the access of Emergency and Trade Vehicles efficiently and at all times for the Welfare of the Owners and the Dwelling. We understand that Fernleigh was constructed possibly in 1886/87, being a small, very basic 2 bed.Dwelling, the requirement for access at this time was purely pedestrian but times have moved forward and the Property has been extended, with Full Planning Permission on tow occasions, to provide its present 3 Bed. and very much improved Family accommodation, which should now benefit with the Vehicle access for the reasons stated. We have no objections to the possible granting of an Easement in these circumstances, in fact, it would be welcome.	17/07/2021
Simon Cole	Lyndhurst, Jubilee Drive, WR14 6DQ	No objection	19/07/2021

Sunderlands
Residential Rural Commercial

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Hay On Wye
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Our Ref: PDK/CFW

18 August 2021

19 AUG 2021

Mrs Susan Satchell
Malvern Hills Trust
Manor House
Grange Road
Malvern
WR14 3EY

Dear Susan

Malvern Hills Trust – Fernleigh, Jubilee Drive, Upper Colwall

Thank you for your email dated 6 July together with a copy of the application from Fernleigh for the granting of an easement for a vehicular access to Fernleigh.

The Trust has asked me to provide my opinion of fair consideration to seek from the owners of the property for such an easement.

I inspected the proposed right of way on 12 July and enclose three photographs of it together with a copy of the Application with accompanying plan for ease of reference.

Obviously, I have not viewed inside the property but Fernleigh is a detached dwelling of family size in an elevated location with significant views to the south which are likely to be enhanced when leaves are off the trees. From viewing a Land Registry plan of the property, there is no garden to the front of the house nor on the eastern side against the hill but with an extended garden to the rear.

There is no existing vehicular right of way to the property and there would appear to be no realistic alternative across third party property. The proposed access is approximately 75 metres of usual vehicle width with an agreed hard surface with a grass centre.

The proposed access would connect Fernleigh with the B4232 (Jubilee Drive) with West Malvern to the north and Little Malvern/Ledbury to the south. The proposed drive is fairly steep and west facing with a near right angled bend midway.

In considering my opinion of the fair consideration, I am having regard to the additional value to the potential sale price of Fernleigh in having the easement that is requested as well as the costs relating to its acquisition and implementation.

It is my opinion that fair consideration for the access easement is the sum of £20,000 (twenty thousand pounds).

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Sunderlands
Residential Rural Commercial

Should you have any queries relating to the above then please do not hesitate to contact me.

With kind regards.

Yours sincerely

P.L.K.

P D Kirby, BSc(Hons) MRICS FAAV
On behalf of Sunderlands LLP

Encs:
Photographs
Application with plan

Paper C to follow

11 November 2021

MANAGEMENT REPORT

CEO

1. Induction of new Operations Manager
2. Working on draft business plan
3. Liaison with contractors re works at British Camp, St Anne's Well and Barnards Green Trough
4. Attending meetings with AONB staff
5. Liaison with neighbours over easement issues Brockhill Road, Stowe Lane, Guarlford Road, Poolbrook, Pound Bank, North End Lane, Mayfield Road, Fossil Bank, Westminster Bank, The Pleck and others.
6. Work on boundary issues at Evendine Lane, West Malvern and Moat Pond
7. Submission of comments on various planning applications
8. Undertaking work on specification, tender and grant application for Donkey Shed works
9. Work on Cost Benefit Analysis
10. Liaison with utility companies (gas, telecoms and power) over various project works
11. Liaison with IT support company over online backup installation and planned installation of new security system

Secretary to the Board (SttB)

1. Induction sessions with new Board members and staff members
2. Covering some of CEO's responsibilities whilst he was on leave
3. Dealing with Board member queries
4. Preparing committee/Board agendas and papers, attending meetings and preparing minutes
5. Working with other staff on arrangements for meetings
6. Working on review of HMRC decision on VAT (car parks) attending conference with counsel, remit additional papers
7. Reviewing planning applications
8. Easements and wayleaves – dealing with in excess of 15 ongoing easement and wayleave applications
9. Responding to public queries
10. Attend webinar on Governance Disputes
11. Work on Governance Toolkit
12. Checking drafts of a number of agreements with third parties

Conservation Manager (CM)

1. Ongoing liaison with the RPA and consultant over underpayment on N&C CS agreement.
2. Digesting tree safety report and planning delivery with CCO and Operations Manager.
3. Overseen contractor flailing and hedge-cutting on Castlemorton Common.
4. Produced and shared the 'Winter Works Programme'.
5. Attended online meeting on 'ELM funding on common land' by Foundation for Common Land.
6. Met with arboriculturalist to discuss trees along Foley Terrace, chiefly ash.
7. Accepted the offer of £23,000 grant for our successful Urban Tree Challenge Fund bid which will see 56 trees planted in Malvern town this winter plus public events. Planning delivery.
8. Accepted the offer of £11,231 for our successful 'Farming in Protected Landscape' bid which will see new hedgerows and trees planted in several areas of in-bye land near Colwall.
9. Produced an Ash Dieback plan and met with the MHDC tree officer to discuss it.
10. Attended a CIEEM online event on wood pasture.

11. Attended the AONB's first 'Nature Recovery Plan' meeting with other landowners in Colwall.
12. Liaised with Western Power over their contaminated land clean-up operation on Swinyard Hill. Site vacated and final site check done on 24 September.
13. Renewed tenancy documents with tenant at Old Hollow Land.
14. Made interim funding offers to all active graziers on Castlemorton Common to support their ongoing work. Produced Agreements with graziers to cover this.
15. Attended site meeting on visitor numbers and tackling erosion with Natural England.
16. Attended site meeting on SSSI management and climate change with Natural England.
17. Overseen works by robocut on the Hills.
18. Assessed the Fernleigh easement application.

Community and Conservation Officer
1. Published the 2021 Annual Review
2. Assisted with planning the delivery of a large tree planting project following a successful bid to the Urban Tree Challenge Fund.
3. Assisted with the ash dieback safety work including meeting MHDC tree officer to discuss works and raising public awareness of the issue.
4. Reviewed results following routine winter tree inspection and undertook site visits to prepare contracts for tender
5. Oversaw a second phase of access improvement works at the Community Woodland.
6. Attended the Land Management Committee outdoor meeting to discuss public interpretation and ash dieback
7. Attended a meeting with Natural England to discuss climate change impacts on the SSSI and a second meeting to discuss visitor recreation pressures and erosion.
8. Published 5 press releases including articles relating to ash dieback disease and Community Woodland path improvements.
9. Dealt with a number of public enquiries relating to trees and tree safety.
10. Made presentations at Malvern College assembly and to Bredon School.

Conservation Officer (part time)
1. Participated in the trustees walk
2. Led task volunteer task days- cutting scrub at Hurst Bank, clearing willow off Swinyard Mire, weeding the new trees at Thirds wood, and cutting bracken and scrub at the Purlieu fields
3. Met with Phil Hopkinson to plan cutting Coupe 6 at Park wood
4. Met with Peter Garner to survey the new Purlieu Field
5. Continuing to control non-native invasives.
6. Monitoring the ponds covered with polythene at Berrow Downs and Morton Green to eradicate *Crassula helmsii*, New Zealand Pygmyweed. Removal of small amounts of the plant off the surface of the larger Berrow Downs pond.
7. Monitoring ponds at Old Hills to see if the floating water fern *Azolla filiculoides* has been totally eradicated after the introduction of an Azolla eating weevil.
8. Identification of other non-native plant problems, Chinese knotweed at Wells Road, more *Azolla filiculoides* at Castlemorton common, and Virginia creeper at West Malvern.
9. Working on clearing land behind the garden at the Holywell to control Japanese Knotweed. Liaised with the manger and staff of the Holywell water company to manually control their Japanese knotweed.
10. Continue to monitor the grazing on the hills and commons, including working directly with the grazers at the Old Hills.

- Stem injected sycamore at the Old Hills, continue to stem inject cherry laurel across the hills.
- Contributed to the Farming in Protected Landscapes grant application.

Field Staff

September 2021

- Flailing grass and bracken at Broad Down
- Removal of ivy on trees due for safety inspection
- Strimming areas that are not reachable by flail (i.e., posts and car park stones)
- Clearing ivy from animal pound and stocks at Kendalls Common
- Clearing hung up branches and fallen trees from Newlands and Link Commons
- Clearing the treated laurel and ivy from the Clock Tower and North Quarry car park
- Lifting lower branches on trees on track from Wells Road to Malvern Common to allow access for hay trailers
- Flailing grass areas on Guarlford straight
- Pollarding willows adjacent to sheds at Malvern Common
- Cut and collect grass and bracken from various sites including Blackhill, Link Common and Malvern Common – hauling material back to top shed for composting
- Removal of diseased Ash from Gardiners and Earnslaw car parks
- Clearing encroaching vegetation on pavements by Colwall railway bridge
- Repair to stock fencing in-bye grazing land at Old Hollow land
- Flailing vegetation to allow erection of temporary stock fencing at St Ann's Well and Pinnacle Hill
- At request of Highways, removal of low branches at Lodge Drive
- Maintain track side drains and grips above St Ann's Well
- Emptying of septic tank at British Camp Toilets
- Litter collecting and bins emptying

October 2021

- Continue with removal of diseased Ash trees at Earnslaw car park
- Removal of cut material to top shed
- Continuation of cut and collect at various sites to include Townsend Way, Community Orchard and Malvern Common
- Removal of damaged railings from Earnslaw lake viewing platform and replace with new wooden railings
- Reduction of Broom and burning of cut material in accordance with Land Management Plan at End Hill
- Continuation of cut, collect and hauling material to top shed for composting
- Undertake tree safety inspections at various locations
- Strimming vegetation around benches located at Westminster Bank
- Flail hedges at Community Orchard
- Clear fallen leaves at St Ann's Road
- Preparation for erection of new quarry fence line on the east side of Earnslaw quarry
- Emptying of septic tank at British Camp Toilets
- Litter collecting and bins emptying.

11 November 2021

Contractors
September 2021
Hay collection on Guarlford Road and Malvern Common

October 2021
Removal of diseased Ash at Wyche Road, British Camp layby and Blackhill
Drain and track maintenance on the Purlieu, The Hacketts and St Ann's Road, Culvert at Geraldine Road and Guarlford Road.