Malvern Hills Trust

Addendum Papers – Open

Annual Meeting of the Board

Thursday 14 November 2024 at 7.00 pm

The Council Chamber,
Avenue Road
Malvern, WR14 3AF

Ordinary meeting of the Board

Request for the siting of an electric substation on MHT land
14 November 2024

BACKGROUND PAPERS

The Malvern Hills Acts 1884-1995

BACKGROUND

The National Grid plc is an energy company operating in the UK and US. It delivers electricity and gas to business and domestic properties via its own infrastructure network.

In 2022 the National Grid approached landowners along Jubilee Drive with the news that the existing substation that provides electricity to around ten properties along Jubilee Drive, including the Kettle Sings cafe, was no longer fit-for-purpose and the site it occupies is unusable for modern demands. Should the current substation stop working, a large generator would need to be placed somewhere along Jubilee Drive to ensure continued supply of electricity to those ten properties. National Grid also attempted to find a local landowner who would permit a new substation on their land.

National Grid did approach MHT with a proposal for a new substation to go on the Central Hills together with a concrete bunker to protect the substation from errant cars off Jubilee Drive. The then CEO and Conservation Manager assessed that proposal and rejected it. This was due to its non-compliance with the Malvern Hills Acts, the impact on the AONB and Malvern Hills SSSI and the visual impact for the public.

Following that, National Grid nearly reached an agreement with a private landowner to host the substation but this recently fell through for unknown reason.

National Grid have now re-approached MHT saying our land is their only hope of securing power to these properties for the future. National Grid state:

The current transformer that feeds 10 properties within the WR13 6DN Perrycroft area is at end of life, this cannot be replaced/repaired in situ due to terrain, access and up to date regulations. Over the last two years we have tried to find a suitable location both from an engineering perspective and locations available to us. Obviously the terrain within the area has limited suitable locations along with engineering constraints. We have tried to find solutions within private land unfortunately we have not been successful and therefore coming back to the MHT for a possible solution.

The proposed site [Lower Gardeners Common] offers access, achievable cable routes and meets the engineering requirements needed. With the location near two of the MHT car parks it gives potential options in the future should the requirement for Electric Vehicle Charging Points arise.

We have so far exhausted all of the available options to us and should the current transformer fail the residents would be without power.

NATIONAL GRID'S PROPOSAL

National Grid have met staff on site and provided drawings of the proposed building, see Appendix 1. In summary, they would require: construction of a footing of 4m x 4.2m. This would site a cubic building of 2.3m high x 3.3m x 2.4m. This would be housed within wooden fencing of ~2m. This could be planted up with site-appropriate shrubs for screening. A very similar existing structure is shown in Appendix 2.

National Grid's preference would be to purchase the land footprint but they will lease, especially given the fact that MHT land is inalienable.

Maintenance of the structure would be done by National Grid and they would require a vehicular right of access through Lower Gardner's car park for annual maintenance.

The substation would not require planning permission as National Grid have their own powers to install their apparatus. National Grid also have a power of compulsory purchase although this is used as a 'last resort'.

SUBSTATIONS ON MHT LAND

Electric substations are small, secure buildings that house electrical apparatus. They are maintained by the relevant utility company. At least five electrical substations are already present on, or wholly surrounded by, MHT land. Examples are given in Appendix 2.

CONSIDERATION OF A NEW SUBSTATION PER SE

1. The Malvern Hills Acts state that we have a duty to '*to preserve the natural aspect of the Hills and Commons and to keep them unenclosed and unbuilt on as an open space for the enjoyment of the public'*. The construction of a small building would be contrary to both elements of this objective.
2. Public access – the footprint of a substation, although small, would no longer be accessible to the public. It presents a net loss in land open to the public therefore. It would also degrade the visitor experience to some extent.

CONSIDERATION OF A SUBSTATION AT LOWER GARDNERS CAR PARK

3. Landscape impact – a site has been chosen that, within the relevant area, minimises the landscape impact. Having said that, it is still a built structure of unnatural materials being located on a currently 'natural' site within the National Landscape (AONB). The mitigation options will certainly help minimise the impact but will not remove it entirely. The MHT land from which the structure would be visible is presented in Appendix 3.
4. Designations – the site is not within the SSSI. It is not on or near any archaeology/Scheduled Monument/listed building.
5. Habitats and species – the habitat present is of low conservation importance and the size of the area is small thus the impact on natural heritage is minimal. No protected species are known of here. Any vegetation clearance would need to be outside of the bird breeding season (March-August inclusive).
6. Land management – a substation at this location will not cause any issues for our land management delivery.
7. Car park and private property access - the substation would be located so as to not impact the car park spaces available nor the easement to adjacent property 'Montana'.
8. Common land – the site is registered common land and as such National Grid would be required to apply to the Secretary of State concerning any permission required to build on common land, as per the Commons Act. An equivalent area of land may be required as replacement at the discretion of the Planning Inspectorate.
9. Payment to MHT. For the use of our land and exclusion of the landowner there is normally a one-off payment involved. MHT land agent Sunderlands have suggested a figure of £10,000 would be 'normal'. National Grid have stated: *Without Prejudice & Subject to Contract, yes we would ideally look to secure the substation site as a purchase (obviously subject to Common Land procedures). With the use and potential use of the land being taken in to account also the benefit to the MHT and local residents we would offer a consideration of £1500.*

CONSIDERATION OF ANOTHER SITE

Another nearby site has been considered by staff as more suitable for the substation, should Board choose to house one at all. This alternative site is in the Kettle Sings Fields, see Appendix 4. This site holds many advantages over the proposed site: it is not open common land; it is very little visited by the public meaning a lower impact on public access and visual amenity; it is set adjacent to fencing and a private dwelling (but would not obscure their views) and so would better fit in an area already accommodating modern infrastructure.

This field is currently used as one of three in-bye fields, occasionally holding sheep or cattle temporarily. It is rented out to the Northern and Central Hills grazier as part of a larger tenancy due to expire on 30 November 2024.

However, it is not known whether this is a viable alternative site for National Grid.

MHT OFFICER VIEW

The Malvern Hills Acts certainly guard against building on the Hills and Commons and they do so to help conserve this landscape as an asset for everyone. This substation would, to some extent, degrade that landscape although it would bring an essential commodity to a handful of local residences.

The financial value placed on MHT's land by National Grid is far too low.

Mitigation measures will certainly help reduce the impact. This would count as muting the visual rather than making it invisible.

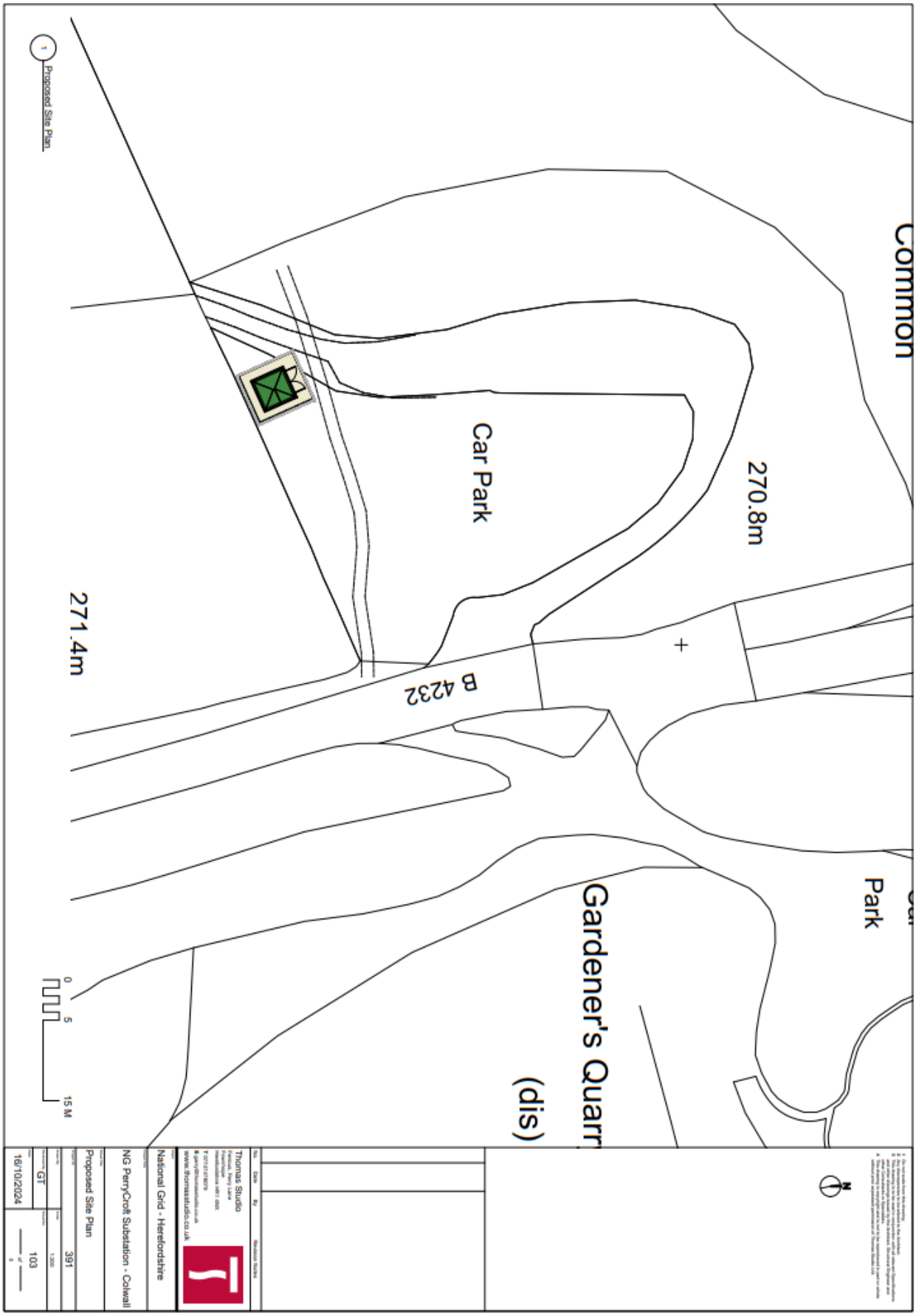
Given the national importance of common land, it should be attempted to avoid building on it if an alternative is available.

RECOMMENDATION

That Trustees consider:

1. If they are prepared to permit a substation at all on MHT land.
2. Pending 1, to then decide if either location is acceptable and, if so, what conditions would be required.

APPENDIX 1: National Grid's photo-montage and technical drawings


Common
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Car Park
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Park
Gardener's Quarr
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1 Proposed Site Plan
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Thomas Studio
National Grid - Herefordshire
NG PerryCroft Substation - Colwall
Proposed Site Plan
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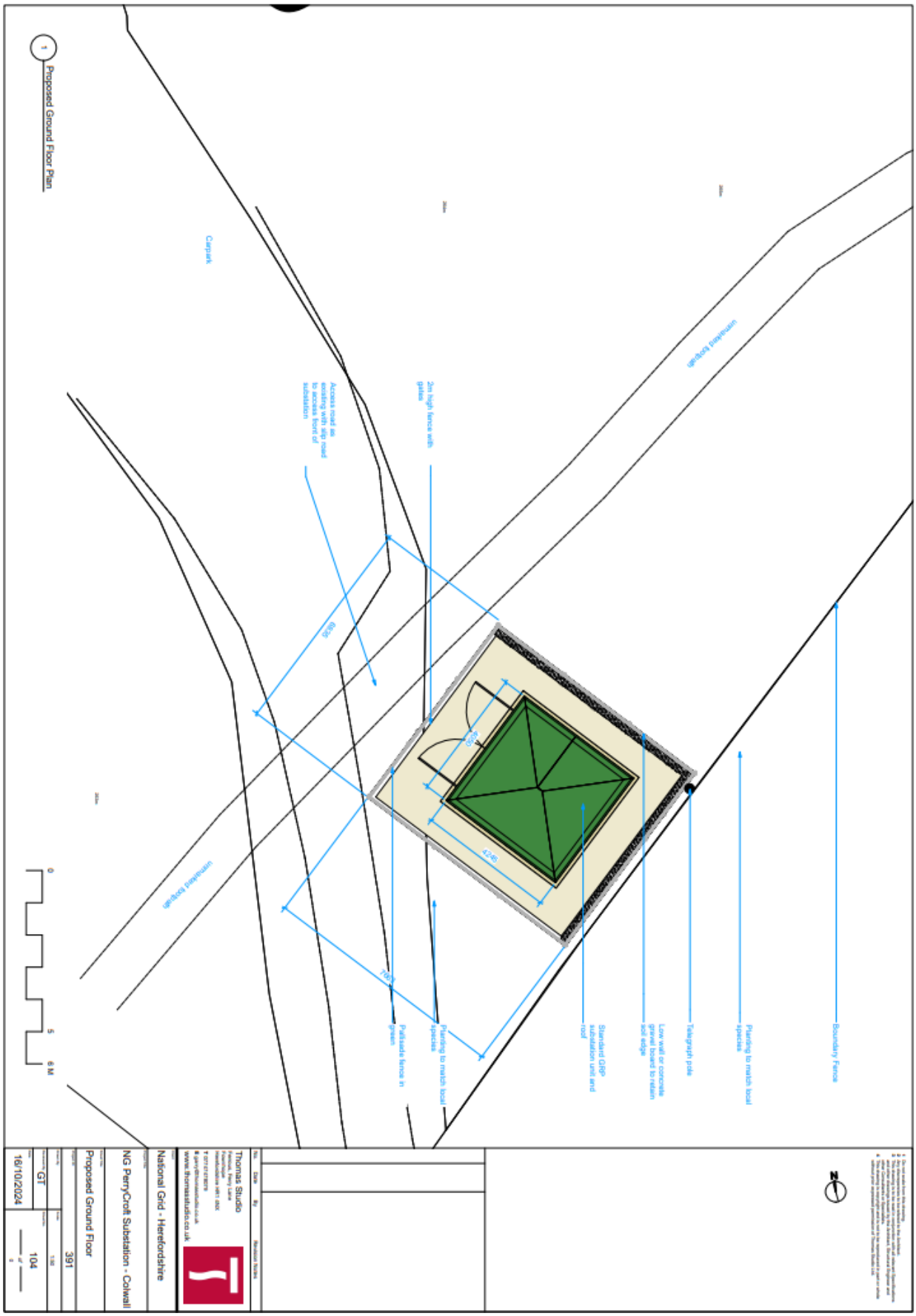
1 Proposed Ground Floor Plan
Carpark
Access road as existing with slip road to access front of substation
2m high fence with gates
gin-ditch Riparian
gin-ditch Riparian
6039
6039
4245
7082
Pallisade fence in green
Planting to match local species
Standard GRP substation unit and roof
Low wall or concrete gravel board to retain soil edge
Telegraph pole
Planting to match local species
Boundary Fence
0
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Thomas Studio
National Grid - Herefordshire
NG PerryCroft Substation - Colwall
Proposed Ground Floor
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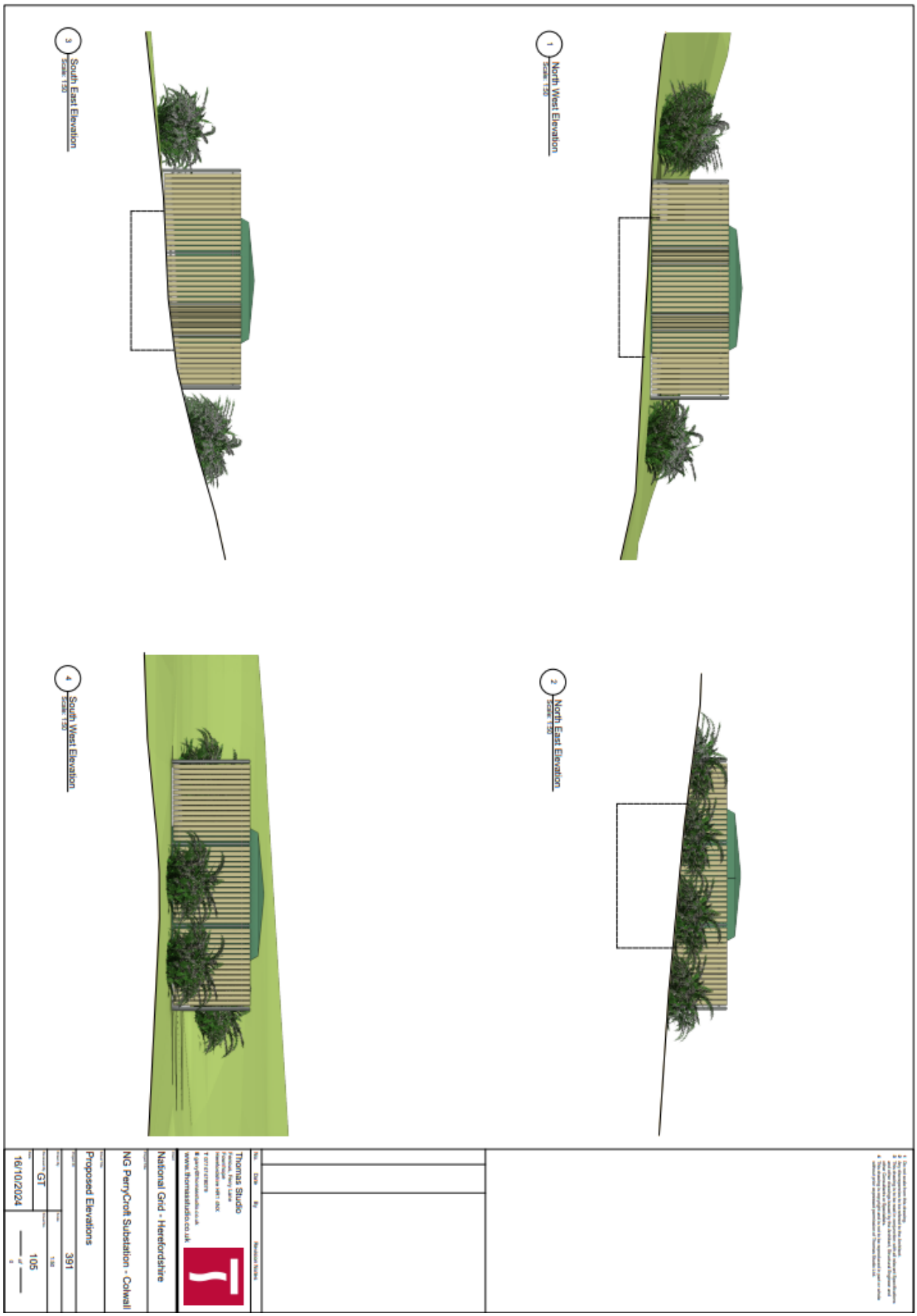
16/10/2024


1 North West Elevation
Scale 1:50
2 North East Elevation
Scale 1:50
3 South East Elevation
Scale 1:50
4 South West Elevation
Scale 1:50
Thomas Studio
National Grid - Herefordshire
ING PerryCroft Substation - Colwall
Proposed Elevations
391
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16/10/2024

APPENDIX 2: EXISTING SUBSTATIONS ON MHT LAND

Electric substation on MHT land at Malvern Common.

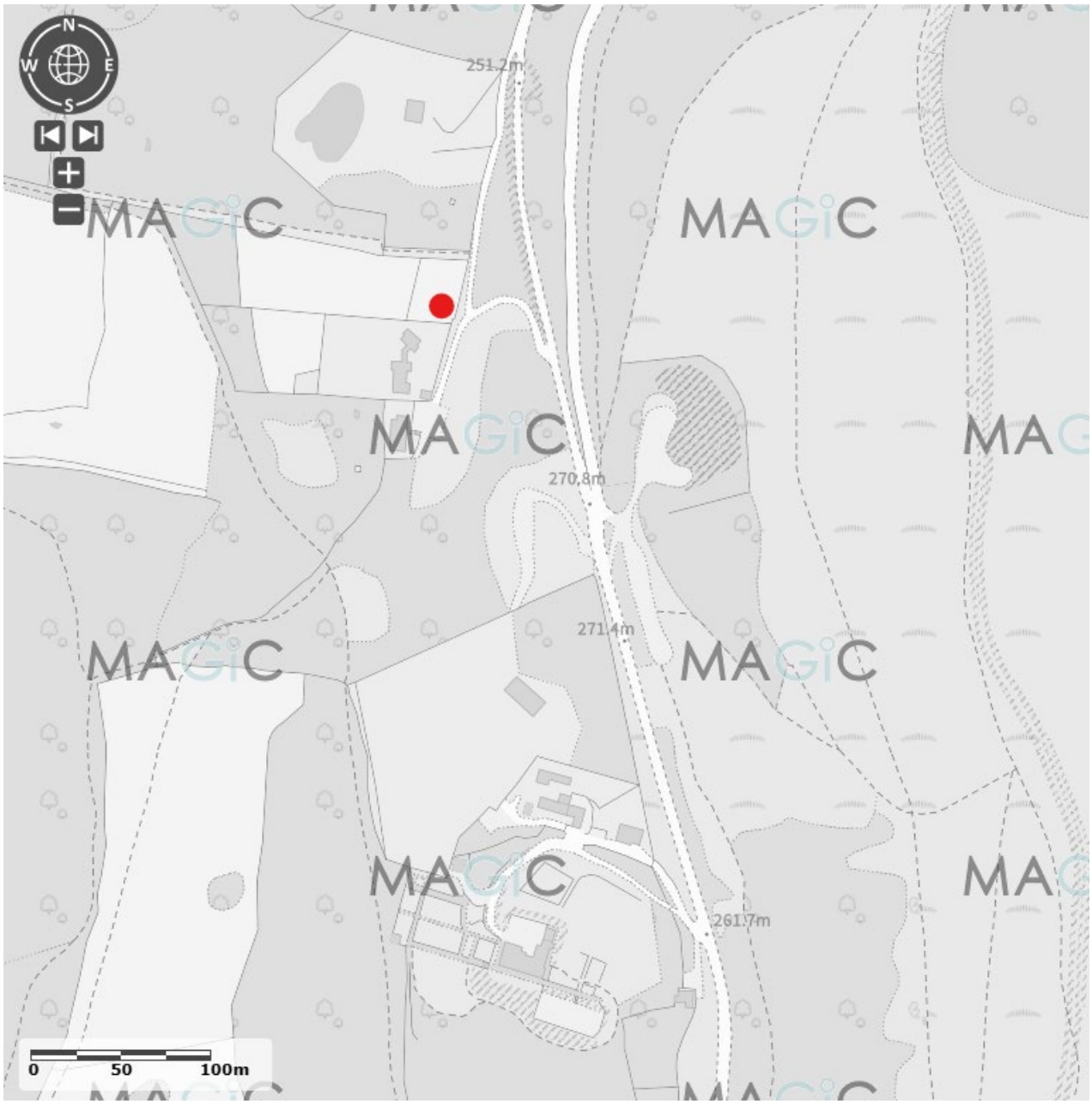
Electric substation on MHT land by Holywell Road

Electric substations can all be found on MHT land at: Walwyn Road, Malvern Common, Tank Quarry, Wells Road, Holywell Road.

APPENDIX 3: MHT land at which the substation would be visible.

APPENDIX 4: Alternative location

Kettle Sings Fields, Jubilee Drive, Upper Colwall WR13 6DN
https://w3w.co/prepare.defected.baseless



Alternative substation location at red dot.

Alternative substation location at red dot.

END.

Ordinary meeting of the Board
Title: Easement application, Brooklands, Mayfield Rd.
Date: 14 November 2024

BACKGROUND PAPERS
MHT Easement Policy & Guidelines
Malvern Hills Acts 1884-1995

BACKGROUND
Staff have received an easement application from a private resident on Mayfield Road, Malvern WR13 5AE.

The Trust has a power under the Malvern Hills Act 1930, as amended by the 1995 Act, to authorise overground and underground easements. 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 APPLICATION
The application is provided with this paper. It requests a new easement for business purposes in order to facilitate a new, five-pitch caravan park on their adjacent land that will charge ~£20/night and also to house their own motorhome.

The request is for easement dimensions of 9m by 3.6m and surfacing with loose stone of an appropriate type/grade. In a follow-up email the applicant has also requested an additional surfaced splay of 4 square metres to allow larger vehicles/caravans to turn in.

The application includes two 'statements of truth' from previous occupants who testify to their own access over MHT land at this same location for agricultural purposes. The two statements add up to 17 years of continuous use.

The Conservation Manager has met the applicant on site and discussed the easement application.

REFLECTION ON THE APPLICATION
To acquire a "prescriptive" right the use has to have been for a minimum period of 20 years which the property owners haven't quite reached yet. So technically at present there is no official easement of any type into the applicant's field and so their request for a new easement is correct.

Access and egress over the easement by the public to camp in the applicant's private land would qualify as a business use of the easement.

Solicitor's advice - Any new easement granted should be carefully worded to ensure that it only provides for the existing agricultural use and for the caravanning purposes specifically. This is to ensure that this widened use could not be interpreted as covering use for any further future development of the land (e.g. housing).

As there is no confirmed easement on paper, there are no agreed dimensions. MHT's standard width for a new easement is 2.75m, this is 85cm narrower than the requested width. The applicant has also indicated that a splay will be required in order to accommodate the large vehicles (motorhomes and car plus caravan) that would be using the easement.

The surfacing requested is compatible with MHT's standard prescription.

There are two aspects to consider therefore:

1. The granting of a new easement for restricted business purposes, to then include dimensions/surfacing.
2. The confirmation of the agricultural easement on 17 years evidence (not requested by the applicant but the Board may wish to consider this).

ASSESSING THE IMPACT

The following assessment is based on the larger, requested easement footprint with splay.

Location and size

The strip of land in question is on the eastern verge of Mayfield Road, Malvern. See map in Appendix 1 and photos in Appendix 2. It is grass at present.

The size of the requested easement would be 32.4 square metres. However, a double splay would also be required which would bring the area up to 36.4 square metres.

It is thought that, for certain vehicles to make the turn, that land on the western verge may also be driven over potentially causing damage on this MHT verge.

Status

The land in question is owned by the Malvern Hills Trust and therefore protected by the Malvern Hills Acts. It is not within the Malvern Hills National Landscape (AONB) nor is it part of a Site of Special Scientific Interest (SSSI).

It does form part of registered common land unit 18 'Malvern Common and verges'. As such, the land is protected from certain works, including hard surfacing, by the Commons Act.

Landscape

The land is near-flat and makes up a small part of the network of large grass verges that form a characteristic feature of many roads of Sherrards Green and the nearby area.

Mayfield Road is half suburban and half rural in nature, with much housing including the new Nightingale Road estate to the west in contrast to the arable fields and new woodlands on the east side. Along its length there are around ten driveways of either loose stone or tarmac surface (not necessarily all easements over MHT land). So, a surfaced easement would not be unique in the area.

However, surfacing the easement would suburbanise this verge taking it further from the 'natural aspect' and the verge's rural history as a common.

In taking account of the views from MHT land, the Board should also consider the effect of the caravans themselves. Potentially, the caravans could be visible from MHT land at Madresfield Road, Mayfield Road and from the Hills. The site lies 2.7km to the east of North Hill. Although the distance is significant, this would be offset by the high visibility of caravans, i.e. white rectangles in the landscape.

Thought could be given to mitigation measures such as hedge height and tree planting.

Habitats

The vegetation of the verge is short mown grass and herbs. It is mown multiple times through a year by neighbours, MHT and possibly Highways as well.

This regular mowing without collection of the cuttings has developed a plant community of commonplace plants including dandelion, broad-leaved plantain, meadow buttercup, white clover, broad-leaved dock with minor knapweed and a hawkbit sp. This sward matches the National Vegetation Community called MG7 *Lolium perene* leys' (as identified in the 2013 NVC survey). This plant community is of low conservation value and is commonplace throughout the UK. It does have the potential to be improved floristically with a change in management.

Species

No protected or notable species are known about, nor records held, for this area of land.

Cultural Heritage / Archaeology

The area in question is registered common land and therefore has significant cultural value (see Status). There are no active commoners at present.

The conversion from grass to stone would decrease the available land of use to those with commoner's rights, albeit by a small amount.

Public access

The land is open to the public as granted by the Malvern Hills Acts. This area receives a lower level of visitor numbers as compared to other parts of the MHT estate, with use mainly being by local commuters and dog walkers.

No Public Rights of Way are present here.

Even with an easement in place, the area would still be open and useable by the public as it is now. There would be more traffic on the verge for users to negotiate.

No comment has been received from Highways on the safety of this increase in vehicular traffic emerging from Brooklands. It is recommended that any permission is given on the proviso that this is first obtained by the applicant.

Land management

Management activities here include mowing by MHT and boundary maintenance by other parties. The confirmation and surfacing of an easement would not significantly affect MHT's land management.

FINANCE

In recognition that a business easement would have a value that MHT, as a charity, cannot give away, an independent valuation has been obtained to ascertain the premium that should be charged by MHT for the grant of a new easement.

Sunderlands' valuation is £10,000 and their report is provided in Appendix 3. This has been shared with the applicant.

The cost of drawing up the deed of grant by solicitors would also be paid for by the applicant should permission be granted.

CONCLUSION

In terms of the scale of this proposal and the sensitivity of the receptor site, the impact would be fairly low.

Factors that Trustees should focus on include the suburbanising impact on the common verges of the surfaced easement, the visual impact of the caravans, the likelihood of turning caravans using/damaging more than the proposed surface area, and future scenarios whereby the subsequent resident holds a permanent easement for business and how this might manifest.

Normally easements are a request for permanent access e.g. to a new home. This, however, is a request for access for a certain land use that will be time-limited.

OFFICER RECOMMENDATION

That the Board permit the use and surfacing on a temporary basis, linked to the use of the land as a small caravan site with conditions detailing how the business easement will cease when the current owners stop their caravanning business or move house and also conditions on vegetation screening requirement. Subject to an acceptable report from Highways relating to traffic/road safety.

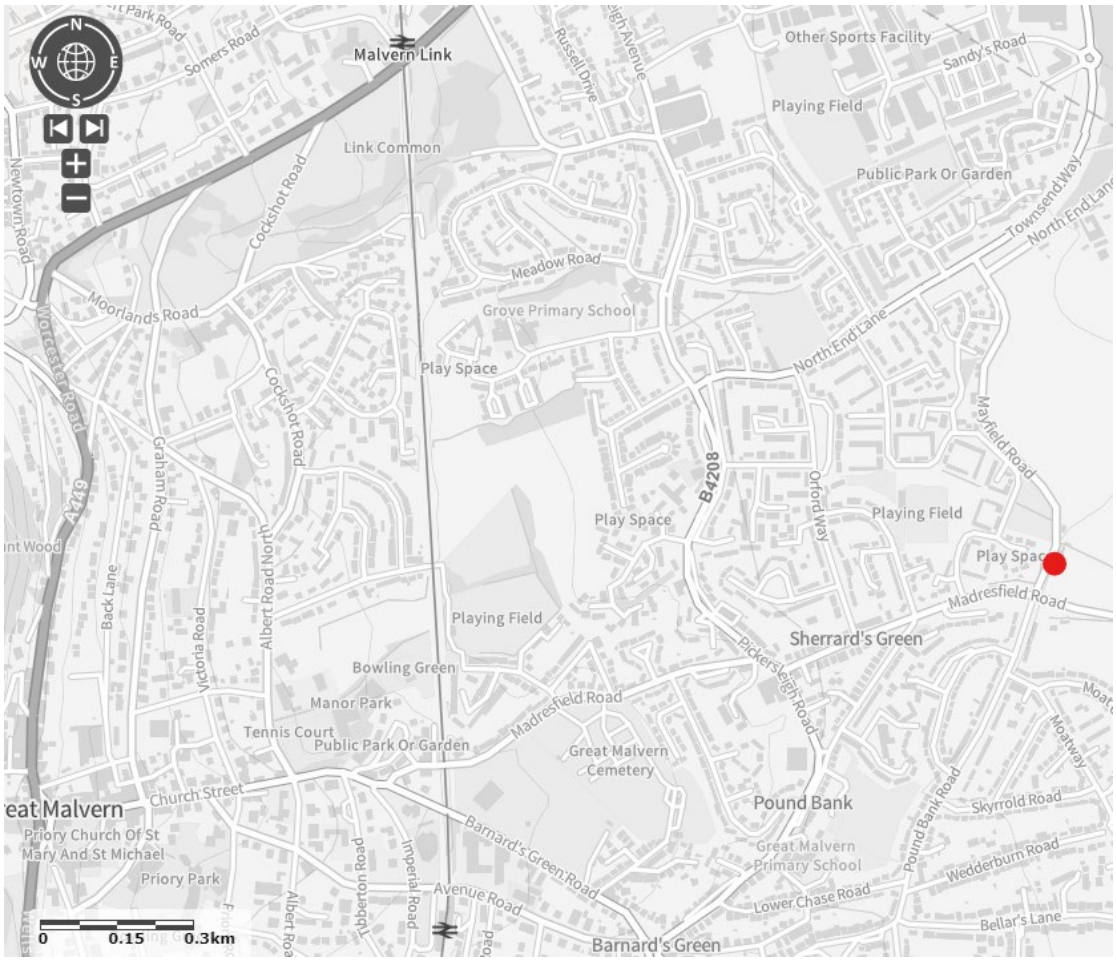
This may have to take the form of a licence rather than a deed of grant. Further legal advice and valuation would be required.

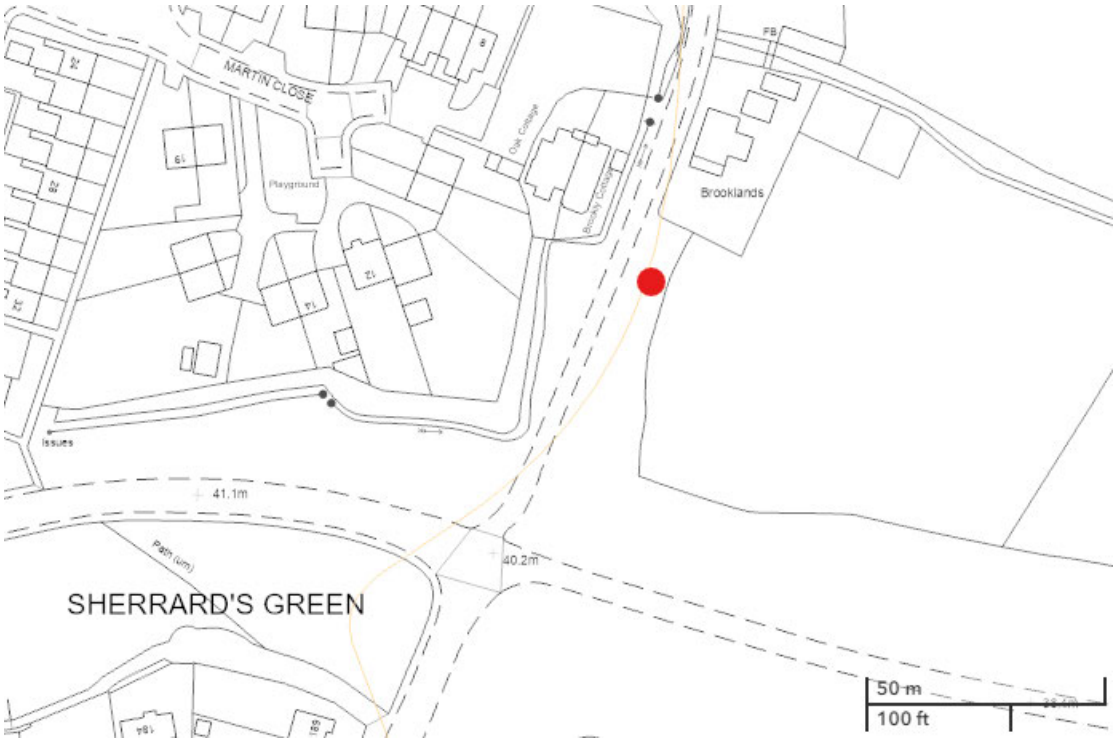
RECOMMENDATION:

That the trustees consider the above application and permit a temporary permission.

Jonathan Bills
Conservation Manager

Appendix 1; location maps





Appendix 2; photographs

18 JUN 2024

Appendix 2 - Application

Brooklands
Mayfield Road
Madresfield
Malvern
Worcestershire
WR13 5AE

Malvern Hills Trust
Manor House
Grange Road
Malvern
Worcestershire
WR14 3EY

14 June 2024

Dear Sirs

Re Easement application for land adjacent to Brooklands, WR13 5AE

Please find enclosed our easement application as discussed with Jonathan Bills. I will call on Tuesday 18 June to make the required £240 payment.

Please come back to me if you have any questions.

Regards

Gary Steele
Director of Malvern Meadows Limited

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	Gary and Carol Steele on behalf of our company Malvern Meadows Limited.
Address of applicant/ agent	Brooklands Mayfield Road Madresfield Malvern Worcestershire WR13 5AE
Telephone number	[redacted]
Email address	[redacted]
Address of property to which the application relates (please also attach map showing location)	Existing field adjacent to the applicant's address. Please see plan.
Is the application for a new easement or a change of use of an existing easement?	New

Number of properties for which the easement is requested	Only access to pasture fields.
Proposed use of easement (residential, business or agricultural)	Business The current use of our land is agricultural. A Planning Officer at the Malvern District Council Planning Department has confirmed that we don't require planning permission for change of use from agricultural use to business use as under the relevant legislation the Caravan & Motorhome Club (CAMC) Certified Location (CL) licence exempts us from this requirement.
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	The proposed required easement is nine metres long from the gateway to Mayfield Road. It needs to be 3.6m wide as required by the CAMC to facilitate access for Caravans and Motorhomes to our proposed CAMC CL. The surface will be loose stone of an appropriate grade.
Has this route been used previously for vehicle access? If yes, please state the type and length of use	Yes, as it is the only access to the pasture fields. The previous owner Victoria Prichard accessed the fields during her ownership from 30 April 2018 until 14 March 2024. Please find enclosed a Statement of Truth that she provided on sale confirming that this was the case. Her predecessor Arthur Arnold also accessed the fields during his ownership from 21 November 2007 until 30 April 2018. Please find enclosed a Statutory Declaration that he provided on sale confirming that this was the case.

Have you contacted any of the neighbouring property owners regarding your plans? If yes please state which properties	Yes, we have discussed our plans with Graham and Louise Martin who live at Brooklyn Cottage, WR13 5AE whose house is opposite the gateway. Verbally they had no issues with our plans. As part of the application process to set up a CAMC CL the club ran a 21 day consultation period after which they confirmed to us that they were prepared to offer us a CL licence subject to our meeting their facilities requirements. They told us that Malvern Hills District Council responded to CAMC's enquiries during their consultation period and explicitly did not object to our plans.

If the easement relates to a new development or a change of use, please give as much detail as possible regarding the new development/new use in the box below (continue on separate sheet if necessary).

My wife Carol and I completed the purchase of Brooklands on Mayfield Road on Thursday 14 March 2024. Brooklands comprises a house and three acres of land where sole vehicular access to the land is from separate access and gateway off Mayfield Road. We bought the house in our own names and the land, which is the subject of this application, through our company Malvern Meadows Limited (where we are the only shareholders).

Following completion we applied to the Caravan and Motorhome Club (CAMC) to set up a Certified Location (CL) for five caravan/ motorhome camping pitches with limited facilities (excluding a facilities block). After a 21 day consultation period CAMC have now approved our application and they will grant us a license subject to us meeting their facilities requirements. We do not anticipate any problems in being able to meet these requirements. As part of the consultation process CAMC contacted Malvern Hill District Council directly and they have responded to CAMC to say they had no objections to our proposed CL. Access to the land is over Malvern Hills Trust (MHT) land (please see enclosed photos). As you can see the MHT land is in a poor state and we regularly litter pick and mow the grass to try to keep it presentable. The previous owners of house and land Victoria Prichard and Arthur "Archie" Arnold used this MHT verge to access the land with no easement in place with no historic issues over their respective six and eleven years of ownership. Please see enclosed their legal statements formally confirming these statements (both include the Land Registry Plan for the land with title WR149338 with the access from Mayfield Road marked in green).

To be able to develop and operate our CL we will need appropriate access to our land in the form of an access road over the MHT verge. We also own our own 3.5 tonne motorhome which is currently being stored with Ridgeway Storage near Powick (at a cost of circa £500 per annum) that we would also like to park on our the land which is the subject of this application

The current use of the land is agricultural. A Planning Officer at the Malvern District Council Planning Department has confirmed that we don't require planning permission for change of use from agricultural use to business use as under the relevant legislation the CAMC CL licence exempts us from this requirement.

As part of the development of the CL we are required to provide a water supply. Please find enclosed a plan indicating the location of the existing water meter for the house on the boundary of the land and the pipe supplying the house (marked in blue). We intend to install an additional meter at the same location for a new separate supply to the CL.

Please tick to confirm that you have enclosed the following:

Malvern Hills Trust

CHEQUE FOR THE APPLICATION FEE (PLUS VAT AT 20%) See Appendix 1 for table of fees	Please find enclosed.
Map showing location of property to which the easement relates	Please see attached HM Land Registry map which is annotated to show the location of the required easement access to the fields off Mayfield Road (marked in green).
Map showing route of proposed easement	As above.
Photographs showing the location of the proposed easement	Please find enclosed.
If the easement relates to a new development, any plans/drawings of the development	Not applicable.

Signature of applicant	 Gary Steele, Director of Malvern Meadows Limited
Date	14 June 2024

Malvern Hills Trust

Appendix 1
Easement application fees

N.B. The application fee is required to cover the costs incurred by MHT in processing the application. If an easement is granted, applicants will also be required to pay (a) the legal and professional fees incurred in drawing up the Deed of Grant and any fee required for the grant of the easement.

The figures given below are the minimum fee. If legal or other professional advice is required in order to properly consider the application, the cost of this advice must be met by the applicant. Applications will not be considered by MHT until the application fee and any other costs have been paid by the applicant.

If you are uncertain which fee category your application falls into please contact us on 01684 892002.

Type of overground easement requested	Minimum application fee
Amendment to route of existing easement	£100 (plus VAT & legal/other costs)
Confirmatory grant of prescriptive easement	£75 (plus VAT & legal/other costs)
New agricultural easement	£100 (plus VAT & legal/other costs)
New easement for single dwelling	£200 (plus VAT & legal/other costs)
Change of use of existing easement	£200 (plus VAT & legal/other costs)
New easement for small commercial development	£200 (plus VAT & legal/other costs)
New easement for >1 and <10 dwellings	£400 (plus VAT & legal/other costs)
New easement for >10 dwellings	£750 (plus VAT & legal/other costs)
New easement for >50 dwellings	£1,000 (plus VAT & legal/other costs)
New easement for large commercial development	£1,000 (plus VAT & legal/other costs)

£240

Data Protection
The personal information provided on this form will be securely held and is subject to the provisions of the General Data Protection Regulations. The information is confidential and will only be used in connection with this application. This will include sharing the information with MHT's legal advisors. For further information on Malvern Hills Trust's privacy policy please see the website www.malvernhills.org.uk

HM Land Registry
Official copy of title plan

Title number **WR149338**
Ordnance Survey map reference **SO7946SE**
Scale **1:2500**
Administrative area **Worcestershire : Malvern Hills**

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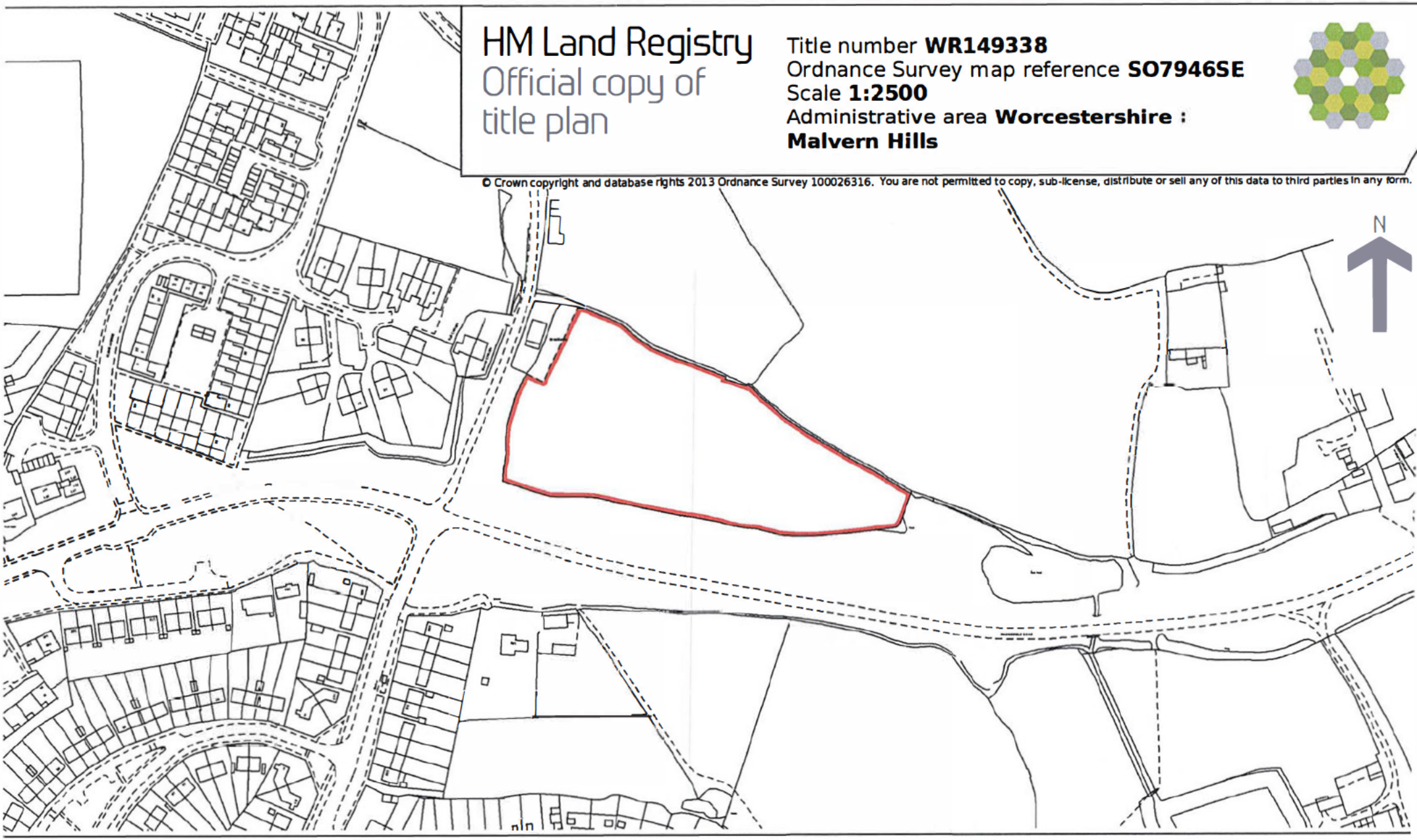

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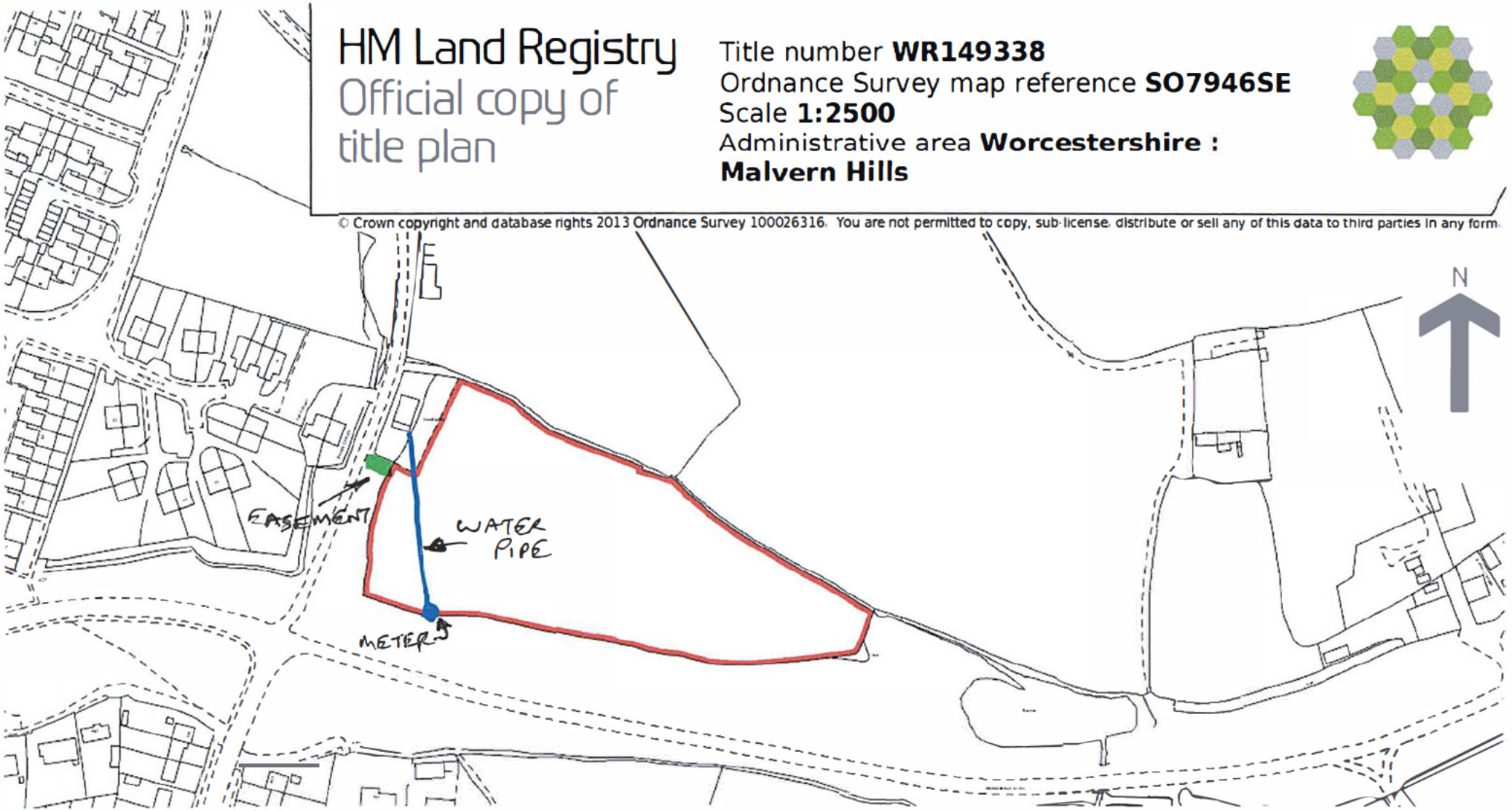

HM Land Registry Official copy of title plan

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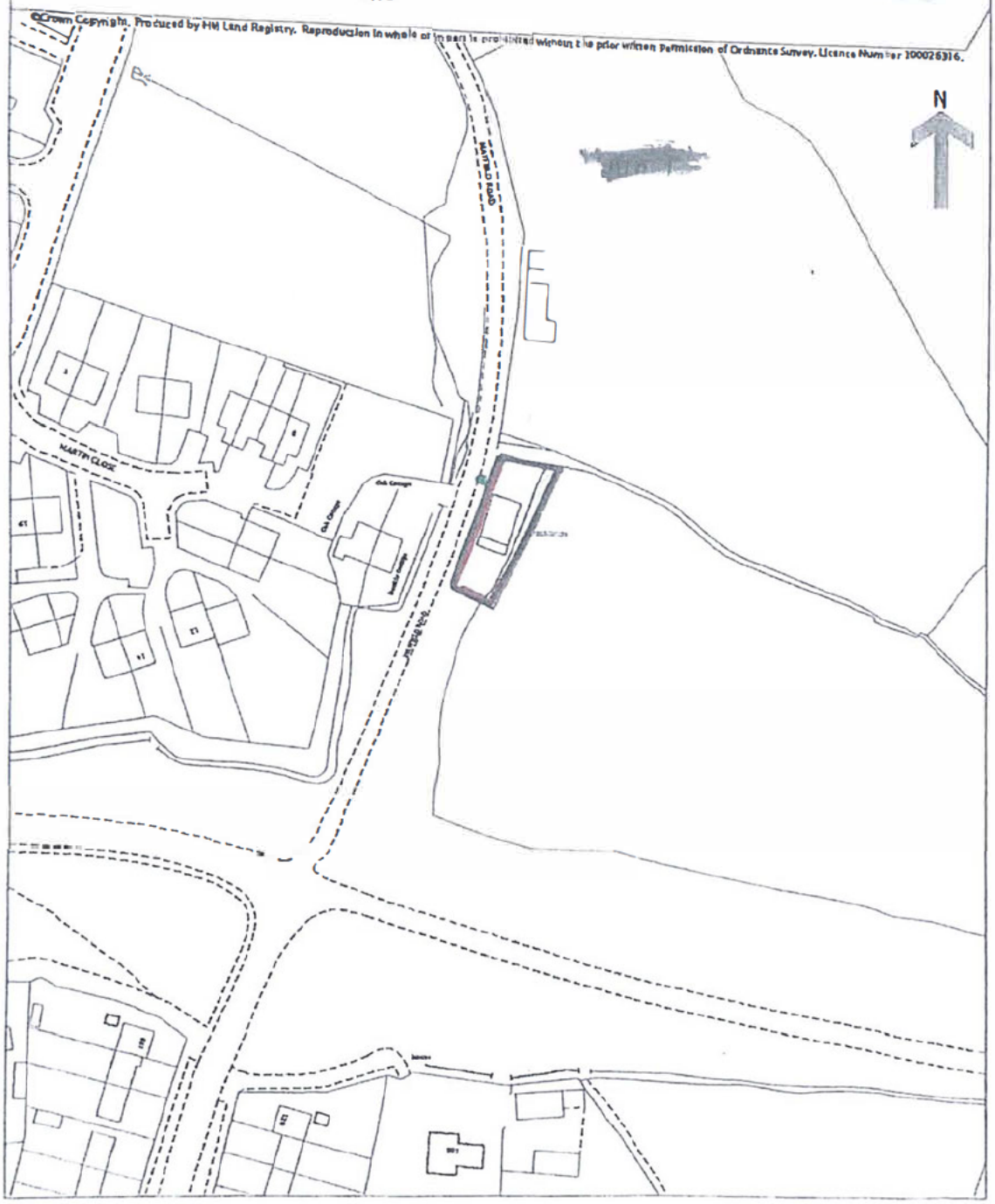
Administrative area **Worcestershire : Malvern Hills**



VAMP 1

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Administrative area **Worcestershire : Malvern Hills**

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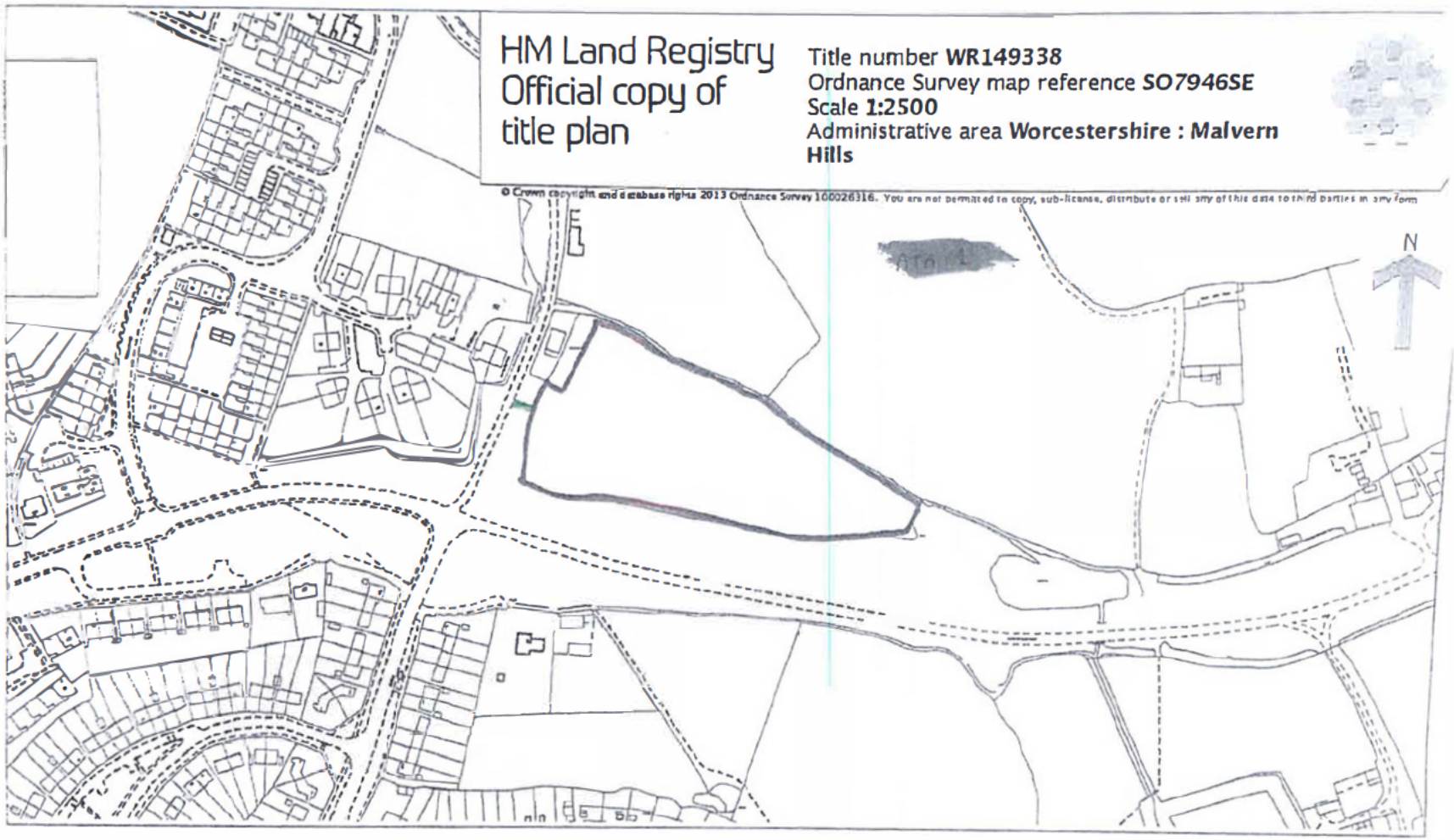

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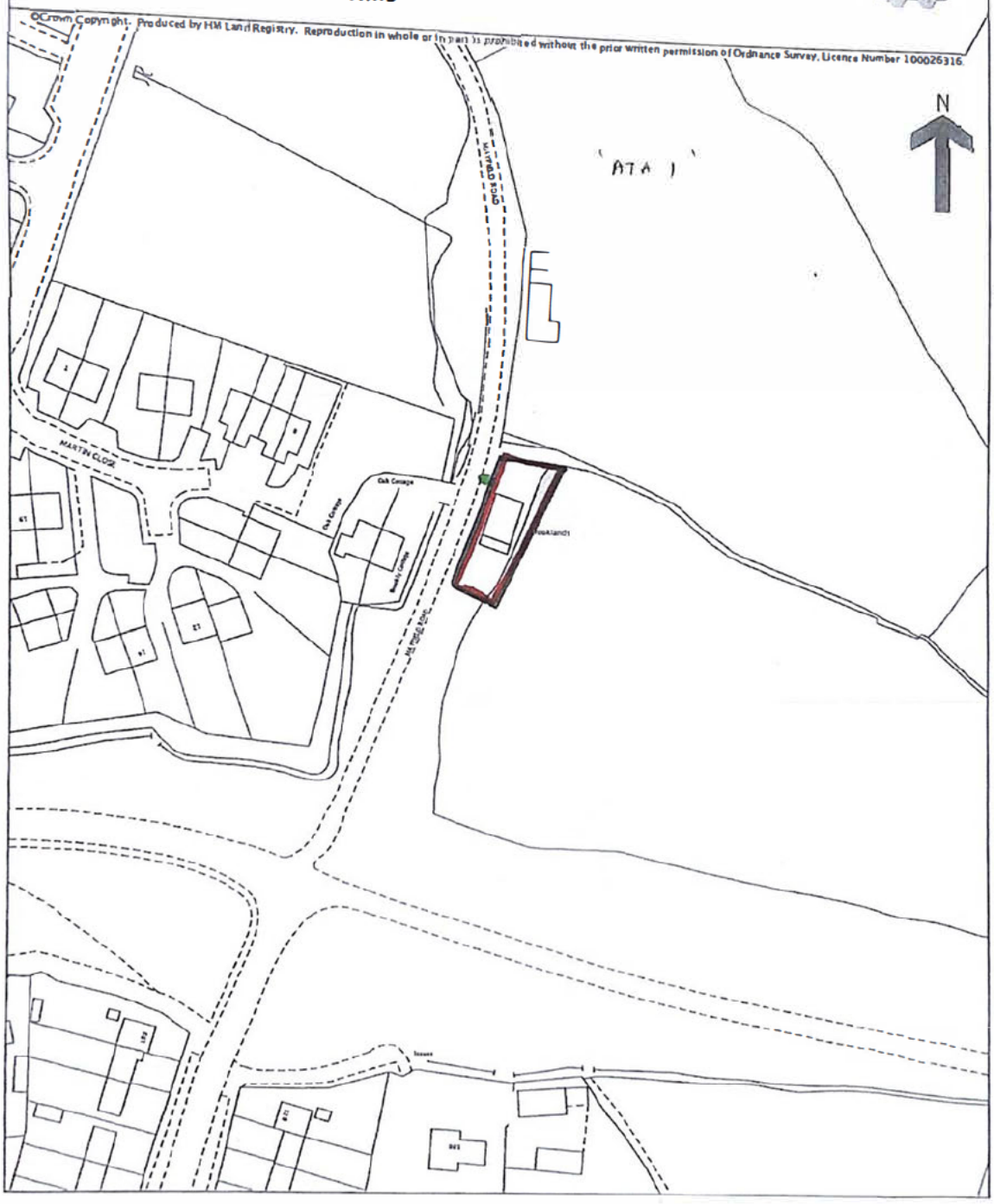
HM Land Registry Official copy of title plan

Title number **WR114373**
Ordnance Survey map reference **SO7946SE**
Scale **1:1250**
Administrative area **Worcestershire : Malvern Hills**



This official copy is incomplete without the preceding notes page.

HM Land Registry Official copy of title plan

Title number **WR149338**
Ordnance Survey map reference **SO7946SE**
Scale **1:2500**
Administrative area **Worcestershire : Malvern Hills**

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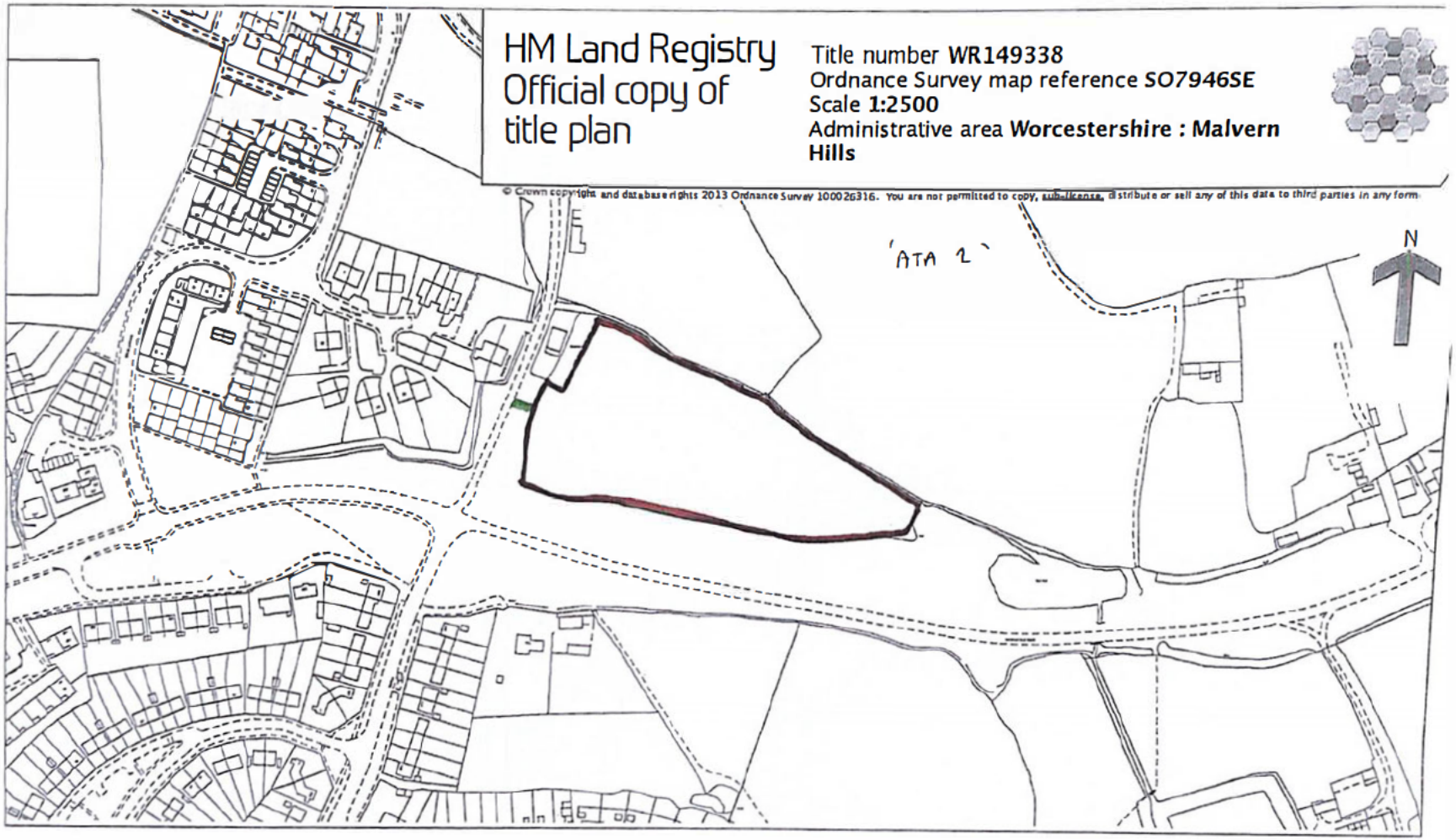
'ATA 2'



This official copy is incomplete without the preceding notes page.

STATUTORY DECLARATION

I ARTHUR THOMAS ARNOLD of Brooklands Mayfield Road Madresfield Malvern WR13 5AE do solemnly and sincerely declare as follows:-

1. My wife Kathrine Mary Arnold and I purchased the property known as Brooklands Mayfield Road Madresfield WR13 5AE and registered at Land Registry with title number WR149338 (the Property) on 21st November 2007. The Property is shown edged red on the plan exhibited hereto and marked "ATA1".

2. Access to the Property has been gained from the public highway across a strip of verge in the ownership of Malvern Hills Conservators shown in the approximate position coloured green on the said plan annexed hereto.

3. Throughout our period of ownership we and our family friends visitors and authorised persons have had unrestricted access from the public highway to the property across the verge in question without requiring the permission or consent of anyone and without making any payment whatsoever. The verge itself has always been maintained by Malvern Hills Conservators.

4. On 17th January 2014 we acquired a further parcel of land registered at Land Registry with title number WR149338 shown edged red on the plan exhibited hereto and marked "ATA2" (the Land)

5. Access to the Land is via a track shown in the approximate position coloured green on the said plan. The track crosses land in the ownership of Malvern Hills Conservators. Access has been gained along the track at all times in connection with the use of the Land for agricultural purposes without permission or payment to anyone and without any objection being raised.

6. The land in the ownership of Malvern Hills Conservators has always been maintained by them.

And I make this solemn Declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act of 1835.

DECLARED at RUSSELL & CO
In the County of WORCESTERSHIRE
This 24th day of APRIL 2018

A.T. ARNOLD

BEFORE ME,

Solicitor

Lara Wilkinson
Solicitor
Russell & Co Solicitors
Holland House
Church Street
Malvern
Worcestershire
WR14 2AH

This is the exhibit marked "ATA1" and referred to in the Declaration of Arthur Thomas Arnold declared before me,

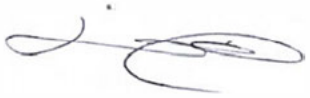
this 24th day of APRIL 2018

Solicitor/Commissioner for Oaths

Lara Wilkinson
Solicitor
Russell & Co Solicitors
Holland House
Church Street
Malvern
Worcestershire
WR14 2AH

This is the exhibit marked "ATA2" and referred to in the Declaration of Arthur Thomas Arnold declared before me,

this 24th day of APRIL 2018



Solicitor/Commissioner for Oaths

Lara Wilkinson
Solicitor
Russell & Co Solicitors
Holland House
Church Street
Malvern
Worcestershire
WR14 2AH

Statement of Truth

I, VICTORIA ANN MARIE PRICHARD of Brooklands Mayfield Road Madresfield Malvern WR13 5AE, state as follows:-

1. I purchased the property known as Brooklands Mayfield Road Madresfield WR13 5AE ("the Property") and the land adjoining ("the Land") on 30 April 2018. The Property is shown edged red on the plan exhibited hereto and marked "VAMP1". I also purchased under the same contract the land adjoining the Property. The Land is shown edged red on the plan exhibited hereto and marked "VAMP 2".
2. Access to the Property and to the Land has been gained from the public highway across a strip of land in the ownership of Malvern Hills Conservators ("the Verge") shown in the approximate positions coloured green on the said plans annexed hereto ("the Access")
3. Throughout my period of ownership I my family friends visitors and authorised persons have used the Access over the Verge from the public highway to the Property and to the Land without requiring the permission or consent of anyone and without making nay payment whatsoever. The Verge itself has always been maintained by Malvern Hills Conservators.
4. The Verge is in the ownership of Malvern Hills Conservators has always been maintained by them.

I believe the facts contained in this statement to be true.

Signed by

Victoria Ann Marie Prichard .....

Dated: .....

Appendix 3: Sunderlands valuation report

Sunderlands
Residential Rural Commercial

Valuation Report

Address:	Enhanced Access Rights to field at Brooklands, Mayfield Road, Malvern, WR13 5AE
On behalf of	Malvern Hills Trust of Manor House, Grange Road, Malvern, WR14 3EY
As at	4th October 2024

Contents

1 Instructions
2 Purpose of Report
3 Valuation Commentary
4 Valuation
5 Application details

1. Instructions

The Client is Malvern Hills Trust of Manor House, Grange Road, Malvern, WR14 3EY.

This Report is provided for the stated purpose and of the sole use of the named Client. The Valuer accepts responsibility to the Client alone that the Report has been prepared with the skill, care and diligence reasonably to be expected of a competent Chartered Surveyor but accepts no responsibility whatsoever to any parties other than the Client. Any such parties rely upon the Report at their own risk.

Neither the whole or any part of the Report and Valuation nor any reference thereto will be allowed to be included in any published documents or statement or published in any way without the prior written approval of Sunderlands of the form and context in which it may appear if at all.

This report is not based on the RICS Red Book.

2. Purpose of Report

To provide an opinion of the value of consenting to granting the owner of the site at Brooklands, Mayfield Road, Malvern, consent to intensify the use of an existing access across land belonging to Malvern Hills Trust so as to enable the applicant site to run a certified location of the Caravan and Motorhome Club for five caravan/motorhome pitches with limited facilities. The application of Gary and Carol Steele on behalf of Malvern Meadows Limited is attached including relevant plans. It is understood that the applicant requires the Trust's consent to legally enable the access to be used for the purpose stated on the application.

3. Valuation Commentary

Research shows that a site of this nature can anticipate an average 50% occupancy rate over a season of around eight months. Other operating sites show an average night charge of around £20 per pitch. This equates to a gross income of around £2,400 per pitch, £12,000 per annum for the site with the ability to enhance the income a little should the site open all year round.

Annual running costs are relatively few as most bookings come through the Caravan and Motorhome Club who do not deduct a commission. Typical site charges relate to drainage, water and power. It is reasonable to assume that there should be a net return of £10,000 per annum plus each and every year that they remain as part of the Club.

If one capitalises that payment based on a 20% return to the owners of the site then it equates to a present value lump sum of £50,000. The 20% return reflects both the cost of capital and the time and effort in managing the site.

There are a number of basic services that have to be provided by a site as a minimum standard to be a member of the Club. These include a safe access at least 12ft wide, safe drinking taps, chemical waste facilities, covered bins and

public liability insurance. Many sites will go much further with electrical hook ups and shower and washing facilities. The level of investment by the site owner can therefore vary greatly. The applicant states that they do not intend to provide significant facilities. Additional facilities would increase the start up costs but potentially increase the occupancy rate and nightly charge.

I have allowed £20,000 as the set-up cost of providing the facilities required to produce the £10,000 per annum net return each year.

The enhanced value of the site after the initial capital investment once it is accepted by the Caravan and Motorhome Club based on the above figures is therefore £30,000.

Under the Stokes v Cambridge Valuation Principle, the Trust, as owner of the right which would enable the applicants to proceed with the site facility that they seek, could be entitled to a one third share of the applicable enhancement in the property's value.

4. Valuation

It is therefore my opinion that, as of the date of this Report, the value of permitting the additional access rights as described above to enable a five pitch Caravan and Motorhome Club facility is £10,000 (ten thousand pounds).

P.L.K

Date: 4th October 2024

Peter Kirby BSc(Hons) MRICS FAAV
On behalf of Sunderlands 1862 LLP