

## **MALVERN HILLS CONSERVATORS LAND MANAGEMENT COMMITTEE**

**Manor House, Grange Road, Malvern  
Thursday 8 October 2015, 4:00 pm**

Present: Mr D Baldwin (arrived during Honeytre Easement item), Mr R Chamings, Mr S Freeman, Mr A Golightly, Mr B Pilcher, Mrs G Rees, Mr C Rouse (Chairman), Mrs H Stace, Mr T Yapp.

In attendance: Secretary to the Board, Conservation Officer, Deputy Conservation Officer, Community and Conservation Officer (CCO), Operations Manager, Mr D Armitage for agenda item 4), Mr R Vale, Mr M Gardner (Grazier), Mr R Madden, Mr P Watson, 2 members of the public.

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

Mr Rouse welcomed everyone to the meeting. Apologies had been received from Mr R Bartholomew, Mr R Hall-Jones, Mr D Hawkins, Mrs C O'Donnell and Mrs S Young.

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

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

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

There were none.

It was agreed to take agenda item 5 next.

### **4. HONEYTRE EASEMENT (agenda item 5)**

The Director introduced Mr Roberts, the applicant, and presented the paper. The Director had spoken to Natural England since preparing the paper, and had been told that the HLS agreement would require amendment (which was not an issue) and any money received for the area of the easement would have to be repaid (about £10). Mr Roberts confirmed that he had consulted his neighbours and there was no significant opposition to the proposal. He asked for more information on the total cost, were the easement to be granted, including uplift, legal fees and other charges, and when he would have to pay. He asked for a valuation carried out now, for which he agreed to pay.

The Director pointed out that the application had divided opinion amongst the staff. The Conservation Officer felt the first consideration was that MHC's purpose was to protect the commons, the natural aspect and the turf, although he recognised the need to be a good neighbour. The Conservation Officer was not convinced that a good case had been made to grant an easement along the route shown on the application, which was most convenient for the applicant and did not reduce his own available land.

The impact on the common might be small but did not mean that it was right to agree to the application. The paper made a recommendation to investigate the feasibility of using a much shorter crossing of the common from the existing easement, entering The Honeytre from its western boundary. It was not clear who would do this, or make the decision whether it was a practical option.

Mr Rouse invited all present to comment. Points raised were that both routes were likely to be wet in the winter, the applicant would have to move some wooden sheds if the route through the western boundary was used, consideration should be given to using the existing tracks where possible to minimise damage to the common, that Natural England had said that they would not object if MHC was minded to grant the application, and granting the application would provide a capital sum towards work on the common (which ever route was used). Ms Stace felt that there was an alternative, less damaging route than the one proposed in the application. Mr Golightly was concerned that granting the application would set a precedent, but the Director said each application would be judged on its own merits, in accordance with MHC's easement policy. It was noted that planning considerations were irrelevant to matters under consideration.

The Director confirmed that in his paper he had addressed all of the considerations set out in MHC's easement policy, which had been prepared to ensure that the decision making process was consistent. It was acknowledged that the policy did not address the question of what should happen when there was clearly an alternative route. Ms Stace asked that the policy should be revisited to include this consideration.

It was agreed that there was not a satisfactory access to the building plot and therefore that an easement could be granted.

Mr Rouse proposed, seconded by Mr Freeman, that the Committee recommend to the Board that they agree in principle to grant the easement requested by Mr Roberts, subject to the conditions set out in the paper. The motion was **REJECTED** following the use of the Chairman's casting vote.

Mr Roberts was invited to make an alternative proposal and asked that the Committee consider an amended application in which the easement crossed the common from the existing track west of his property and entered The Honeytre via its western boundary so that access route to the plot would run over his land along its northern boundary.

On the proposal of Ms Stace, seconded by Mr Pilcher it was **RESOLVED** (with vote against and one abstention) to recommend to the Board that they agree to grant an easement following the route of the existing easement and entering The Honeytre via its western boundary, subject to the conditions set out in the paper.

Two members of the public left the meeting.

## **5. PROGRESS MADE BY CONSULTANTS ON THE FUTURE MANAGEMENT OF CASTLEMORTON COMMON (agenda item 4)**

One of the agreed actions in relation to Castlemorton and Hollybed Commons was research into how to secure the commons. The contract for this work was jointly awarded to Footprint and the Malvern Hills AONB. The consultants had:

- Visited and surveyed the site
- Met with the active and potentially active commoners
- Met with key partners
- Looked at all the possible options

They were currently considering which options might be suitable for this site. One of the obstacles had been Worcestershire Highways, where it had proved impossible to find out with whom the consultants should be dealing. Mr Day of Footprint was preparing a paper including an outline of the process for obtaining Highways' consent, for carrying out the necessary public consultation for cattle grids and for getting the consent of the Secretary of State to fence. A draft report with costings was expected at the end of October.

MHC had also asked for an evaluation of the last attempt to secure the common and what lessons could be learnt. David Armitage from Malvern Hills AONB outlined the aims of the previous proposal. To obtain Heritage Lottery funding, the grazing project had been packaged with a project to include restoration of water features around Malvern in order to include the necessary component of volunteer time. The outcome was that the hills south of British Camp were largely secured. Cattle grids were installed at Chase End, British Camp and Hollybush, but there was a failure to install grids at Castlemorton. In addition, work was done which led to securing the HLS funding for Castlemorton Common.

Mr Armitage outlined the problems which occurred on the last occasion that were relevant to the current project. One of the biggest was MHC Board members briefing against the project, which undermined most of the public support. A second reason was that Worcestershire County Council (WCC) had subcontracted their design services to Halcrow. The contract was not clear, the prices for the cattle grids kept increasing and under the terms of the contract there was nothing that could be done. A further problem was the cost of a public enquiry in relation to the cattle grids at Chase End. Some legal services were provided by WCC at no cost to the project and this would not be the case on this occasion. He also felt that a lack of experience on his part was a factor, and there was no one with experience of installing cattle grids in the area.

It was not clear at present whether there was an appetite at WCC for putting cattle grids on two way roads. He warned that some of these issues might drive decisions about location of cattle grids and that it was essential to get a "buy in" from WCC. The cost of legal services for getting the necessary consents should not be underestimated.

Ms Stace commented that following the Governance review, she hoped that the issue of Board members briefing against the project would not arise again

Mr Gardner had had good feedback about the consultants. There was more to the project than enclosing the whole common. One of the issues was limited water supply. The only water available 365 days a year was by Hancocks Lane. There was a network of water mains on the common and it should be possible to put in other watering points. The lack of water on Hurst Bank meant that stock had to cross the B4208 to reach the stream, adding to problems with road traffic. Mr Armitage confirmed that WCC now had very few technical staff, and the work was carried out by a private company. WCC (by their contractor) would dictate the specification of the cattle grids on a public highway. Mr Freeman suggested that MHC Board members who represented WCC should be asked to do what they could to assist.

Mr Rouse thanked Mr Armitage for attending.

## **6. PRESENTATION ON WINTER SCRUB WORK**

The Conservation Officer gave a presentation on the clearance work which was planned over the winter season. Ms Stace asked to record a vote of thanks to the Field Staff for all the work that they had done.

## **7. MATTERS ARISING FROM THE MEETING OF 9 JULY 2015**

There were none.

## **8. CYCLING ON THE HILLS**

The CCO went through the paper. She was congratulated by all on the work she had done. Mr Chamings asked about damage which would be caused to paths newly designated as cycle routes. The CCO said that the proposed routes would be looked at on a case by case basis. It might be better to sacrifice some short sections of path which were not heavily used by pedestrians in order to save damage by cyclists to, for example, longer sections of the Shire Ditch. The Mountain Biking Working Group had offered to help repair some of the tracks and this would be done, as with other volunteers, under the direction of MHC. Mr Freeman asked if the high profile cyclists mentioned in the papers would be able to help publicise the initiative, as success would depend on how well this was done. Mrs Rees felt waymarkers were an excellent idea. The Director said signage would be part of the overall interpretation strategy but it would make the Wardens' task much easier if they were able to show people where they should be cycling. A trial of the proposals outlined in the paper would need to be long term, lasting a few years, to give a change for the message to spread amongst the cycling community. On the proposal of Mr Pilcher, seconded by Mr Baldwin, it was **RESOLVED** unanimously to recommend to the Board the dedication of sensitively sited permissive routes and associated waymarking to encourage responsible cycling on the Hills and Commons.

Mr Watson left the meeting. It was agreed to take agenda item 10 next.

## **9. TO CONSIDER THE LAND MANAGEMENT BUDGET 2016/7 (agenda item 10)**

The Conservation Officer went through the paper. Mr Freeman asked for clarification of the amount shown for expenditure on tracks and paths. The Director said that the way the budget was presented did not show a summary of all the planned expenditure on tracks and paths. For example, the sum of £1,200 was shown for work undertaken by contractors but a proportion of the sum for tools and materials, and hire of plant and equipment would also be spent on tracks and paths. The Director said that in addition to the expenditure from the general fund, there was a proposal for a substantial sum from the gift fund to be used for the path maintenance programme. Ms Stace confirmed that there was also new grant funding available for access to nature, which could be used for track work. The Director said that there was a considerable amount work required to survey the paths and prioritise the work and this would be an action of the Land Management Plan. It was also important to make sure that the specification for the work was right. MHC were liaising with Brecon Beacons in order to learn from their work and develop a good specification. Mr Madden asked FA & R Committee to look at how the management information was presented. Taking the example of footpaths, costs should be gathered up. The accounts provided at present were financial accounts rather than management accounts.

In relation to the HLS budget, the Conservation Officer confirmed that money was being kept in reserve as a contingency to cover an additional year after the funding stream ceased. He drew the Committee's attention to the notes on the HLS budget. Staff time for the period of the scheme to date had been charged to the HLS budget for the first time. This had produced some negative balances, but the recharge was for work which would have been done in any event. Mr Madden queried the accounting treatment, and whether the overspend should be written off to the general reserve.

On the proposal of Ms Stace, seconded by Mr Chamings, it was unanimously **RESOLVED** to approve the Land Management budget and HLS budget.

## **10. TREE MANAGEMENT POLICY (agenda item 9)**

The Secretary to the Board had printed off some amendments to the draft policy agreed by the officers after the paper was sent out to Board members. The CCO went through the paper. On the proposal of Mrs Rees, seconded by Mr Pilcher, it was unanimously **RESOLVED** to recommend to the Board the adoption of the suburban tree management policy as amended.

## **11. GRAZING ON OLD HILLS**

The Deputy Conservation Officer confirmed that 4 highland cattle would be grazing electric fenced compartments on the hills for a trial period of one month in November.

If appropriate, another month's grazing would be carried out in spring. MHC would purchase (and retain ownership of) electric fencing.

## **12. THE HACKETTS**

The Director and Operations Manager had met with the Builder on site, who went through the work that was proposed and agreed to provide a detailed breakdown of his quote. He had also agreed that any element of work detailed that was not required would be deducted from the price. The Operations Manager would supervise the work, which should start in mid October.

## **13. GRAZIER'S REPORT**

Mr Gardner was continuing to graze cattle on Castlemorton Common. He was not aware of any complaints. Another grazier had asked whose responsibility it was to fence land adjoining the common. This was causing some difficulties. MHC had recently taken legal advice on this and the Conservation Officer proposed writing to the landowner concerned. There had been an issue with rams which had been turned out on the common in late summer, in accordance with the byelaws, but this had been resolved by agreement between the stock owners.

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

All the major issue had been covered on the agenda. The Deputy Conservation Officer said that there had been a positive meeting with the Chairman of the Bagot Goat Society to explore whether members might be interested in grazing areas of the hills which could not be managed mechanically, and were avoided by the cattle and sheep. Trevor Bayliss, who had been grazing the central hills, had left the area and his stock were being managed by his son. The contract was with Mr T Bayliss, and MHC needed to make sure that any contractual and insurance issues were resolved.

## **15. LAND MANAGEMENT PLAN**

The Conservation Officer said that a five week consultation on part III of the plan should take place at the end of November. If there was no major feedback, the plan would be finished.

## **16. URGENT BUSINESS**

There was none.

## **17. MATTERS FOR FUTURE CONSIDERATION**

Use of the gift fund for work on tracks and ponds.

Mr Rouse thanked Mr Chamings and Mr Pilcher for their work on the Land Management Committee.

**The meeting closed at 6.25pm.**