

MALVERN HILLS CONSERVATORS LAND MANAGEMENT COMMITTEE

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

Present: Mr D Baldwin, Mr R Chamings, Mr R Cousins (ex officio), Mr S Freeman, Mr A Golightly, Mr R Hall-Jones, Mr D Hawkins, Mr B Pilcher, Mrs G Rees, Mr C Rouse, Ms H Stace (ex-officio), Mr T Yapp, Mrs S Young.

In attendance: Secretary to the Board, Conservation Officer, Deputy Conservation Officer, Community and Conservation Officer, Operation's Manager, Mr M Gardner (Grazier), Mr P Watson.

1. APOLOGIES FOR ABSENCE.

The Director.

2. ELECTION OF CHAIRMAN

The Secretary to the Board said that all the nomination forms had omissions and did not comply with Standing Orders. It was **RESOLVED** (with one abstention) to suspend Standing Orders and proceed with the election on the basis of the forms received. There were 2 nominations for Chairman, Roger Cousins and Chris Rouse. It was **AGREED** that there should be a paper ballot. Chris Rouse was appointed by 8 votes to 5.

3. ELECTION OF VICE-CHAIRMAN

Roger Cousins had indicated that he would like to be considered for the role of Vice Chairman and Richard Chamings was also standing for the post. It was **AGREED** that there should be a paper ballot. Roger Cousins was appointed by 7 votes to 6.

4. DECLARATIONS OF INTEREST

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

5. CHAIRMAN'S COMMUNICATIONS

Welcome to Roger Hall-Jones as a member of the Land Management Committee.

6. MATTERS ARISING FROM THE MEETING OF 9 OCTOBER 2014

Vehicle ruts on Hollybed Common. An agreement had been reached with the grazier involved to repair the vehicle ruts on Hollybed Common.

Consultancy costs. No money had been spent to date on Thirds Wood or on consultancy work in relation to grazing on Castlemorton Common. Conservation staff were currently involved in a tender process for drawing up a plan of works for Thirds Wood.

7. FIXED POINT PHOTOGRAPHY PRESENTATION

The Deputy Conservation Officer gave a presentation on the Fixed Point Photography Project. This project made it possible to assess long term changes in the vegetation and erosion on the hills and whether management techniques were working as expected.

8. SCRUB CLEARANCE PRESENTATION

The Conservation Officer gave a presentation on the scrub clearance work that was scheduled for the winter months. The sites had been selected on the basis of an assessment of MHC legal duties and goals. Natural England's consent had to be sought, and an Environmental Impact Assessment had to be submitted to the Forestry Commission. Ms Stace proposed a vote of thanks to the field staff – positive feedback had been received on the work that they had carried out.

9. ALTERNATIVE PROVISION FOR VISITOR ACCESS

The Secretary to the Board introduced the Director's Paper. It had been suggested that some type of motorized transport might be used to take people up the hills as paying passengers. There were negative impacts to consider and also legal constraints. MHC had no power to run a business themselves and very limited powers to grant licences, which did not include a power covering this type of activity.

Nobody had asked to run such a business at present but the Director wished the Committee to consider whether this was something the Charity Commission Scheme Working Group should look into.

Mr Hawkins queried whether MHC were fulfilling their obligations under Disability Discrimination Act. The Community and Conservation Officer said that a representative of the Disabled Ramblers Association was on the Recreation Advisory Panel and they were happy with the existing provision. The level of access expected by visitors and required by national standards was dependent on what was deemed appropriate for the terrain and location. MHC were not infringing any disability discrimination laws. Mr Chamings reminded the Committee that there were disabled people who were not ramblers and who would not go onto the Hills without there being some sort of transport provided. He added that it would not be economic to provide a scheme only for those who were classed as disabled. Mr Pilcher added that older people who were no longer able to walk the Hills might appreciate being carried to the top. Mr Golightly said the Charity Commission Scheme was a one off opportunity and the Charity Commission's reaction to the principle could be sought. It was suggested an arrangement might be set up to allow people to hire mobility scooters to access the hills.

Mr Cousins, seconded by Mr Pilcher, proposed:

That the Committee agreed that it would like the Charity Commission Scheme Working Group to consider the inclusion in the scheme a power to licence the operation of small vehicles to provide access onto the Hills for people with

disabilities. The Working Group should be asked to suggest ways in which the powers might be limited to ensure that the type and scale of the access remained appropriate and did not have a significant negative impact on the Hills and their users.

This proposal was **REJECTED** by 8 votes to 4.

10. GRAZING WORKSHOP

The Conservation Officer summarised the outcomes of the Grazing Workshop, as set out in his paper. Most of the discussion had centered on Castlemorton Common but further research was required to see whether additional measures were needed to keep the stock on the Hills. Grazing on Castlemorton Common was at an all-time low and this impacted on MHC's ability to fulfill its legal obligations. It had been agreed that grazing was the best way of managing Castlemorton Common. The actions that arose from the Workshop were divided into short and medium term actions and longer term actions.

Short/Medium term actions:

- Continue support of existing commoners turning out livestock.
- Look to increase numbers of livestock belonging to active commoners.
- Encourage people with rights of pasture to use them.
- Rationalise existing payments to ensure MHC received value for money.
- Ensure that the current grazing that was being paid for was happening correctly – specifically that numbers were as high as they should be (see item 11).
- Reduce losses of stock to road and dog incidents.
- Increase the amount of mechanical clearance especially cut and collect.

The Workshop had identified factors that discouraged commoners from turning out livestock.

Lack of finance on the part of commoners to purchase livestock.

It was suggested that a scheme might be devised whereby MHC provided livestock to be managed by a commoner. The favoured option was to purchase stock in spring and sell them in autumn, or alternatively at a time of the managing commoner's choosing. Expert advice would need to be sought and the options worked through in more depth. The Conservation Office had agreed to prepare a paper for the February Finance, Administration and Resources Committee meeting to outline the possible financial implications and to compare the costs of managing the common mechanically. This seemed to be the simplest option which could be actioned fairly quickly.

The Common was not a secure site

This increased the hazards from traffic and graziers spent a great deal of time getting stock back from the surrounding roads. If the common had a stock proof barrier around it, some commoners not currently grazing had indicated that they would be prepared to turn stock out. Having the common properly grazed would save time and resources for MHC. Mr Chamings and Mr Golightly expressed doubts that additional graziers would come forward.

The options were electronic invisible fencing or traditional fencing with cattle grids. Invisible fencing was being installed at Rodborough, and the Conservation Officer intended to monitor the results there. This option was only suitable for cattle and not sheep. The Workshop felt that the money put aside for research should be used to investigate the options for fencing the site and installing cattle grids and the cost of invisible fencing.

Options of last resort included “flying herds” – bringing in a farming business with no existing connection to the common or MHC managing their own stock. The latter option would require additional powers, and the relevant issues had been raised with the Charity Commission Working Group. Finally there was also the possibility of running a share farming scheme.

Mr Golightly felt that mechanical cutting would not achieve the objectives for HLS or the SSSI. The Conservation Officer said that Natural England were fully aware of the situation and they accepted that if there was insufficient grazing, cut and collect was the second best option. Mr Cousins raised the issue of supplementary feeding and said that the issue needed to be raised again with Natural England.

Actions requiring further research:

- Research into the viability of purchasing stock for a grazier to manage.
- Using the budget provision of £4,000 to commission research into fencing and cattle grids on Castlemorton Common.
- Take forward to the Charity Commission a request for additional powers eg to provide livestock housing and handling facilities.
- Research into fencing the Hills

Mr Chamings reiterated that the Board needed a comparison of the costs of grazing with the cost of mechanical clearance. The Conservation Officer was asked why burning was no longer used as part of the management of the common.

On the proposal of Mrs Rees, seconded by Mr Baldwin it was **RESOLVED UNANIMOUSLY** to support the suggested actions arising from the Workshop as outlined above.

II. PROPORTIONAL PAYMENTS TO GRAZIERS

Mr Rouse left the room and the Vice-Chairman took the Chair.

The Conservation Officer explained that as part of management under the HLS scheme, graziers had entered into Management Agreements with MHC and, subject to them complying with certain conditions, they received financial support.

It was important to ensure that the land was being grazed in accordance with the agreements and the Conservation Officer proposed that stock numbers should be checked on a more regular basis. If appropriate, payments would be reduced to reflect the numbers of stock recorded. Staff would check with the grazier following a count to ascertain why stock numbers were not in accordance with the agreement. The agreement would be interpreted in a fair and reasonable way, taking account of

any stock management issues pertaining at the time. Mr Gardner confirmed that there was a legal requirement on stock keepers to keep a movement book.

On the proposal of Ms Stace, seconded by Mrs Rees it was **RESOLVED UNANIMOUSLY** that MHC should make proportional payments as outlined.

Mr Rouse came back into the meeting, and Mr Chamings and Mr Baldwin left the meeting.

12. LIVESTOCK WORRYING SIGNAGE

The Community and Conservation Officer told the Committee that she wished to use more graphic images to highlight the results of the worrying of livestock by dogs. Graziers were asked to let MHC know if they suffered losses or injuries to stock and to forward pictures for use on social media if appropriate. This was **NOTED**.

13. SPRINGS ON MHC LAND

The Community and Conservation Officer reported that Madresfield Estate had blocked off Earl Beauchamp spring and put up a sign saying that it had been declared unfit for human consumption. MHC were still waiting to hear from MHDC. The reason for the reduction in flow at Hayslad was still unknown although Severn Trent had undertaken some investigations.

14. GRAZIER REPORT

Nothing additional to report.

15. CONSERVATION OFFICER'S REPORT

The Conservation Officer reported that there were now 3 staff in the Conservation Department and the arrangements were working very well.

16. LAND MANAGEMENT PLAN

Part II was being drafted. A steering group meeting would take place at the end of January to consider the draft and work on part III would then start. The consultation on part I had produced around 34 mainly constructive responses.

17. MATTERS FOR FUTURE CONSIDERATION

Ms Stace referred to a leaflet which had been sent by Malvern-for-All to individual Conservators inviting them to a meeting about the cable car project. Ms Stace had also been handed a "Public Consultation" leaflet that made suggestions about MHC and AONB being "quite lax" in recent years in applying their rules to prevent inappropriate development. Ms Stace had taken this up with Roger Sutton, who referred to some planning permissions granted in relation to land that did not belong to MHC and was not therefore within MHC control. Ms Stace suggested this should be referred to MHC solicitors. She and the Director had met with representatives of

the group in April and gone through the Acts, making plain their belief that the Acts precluded the development. Ms Stace and the Director had declined an offer to make a presentation to the Board on the basis that the proposed development was not lawful. Ms Stace was confident that MHC interpretation of the Acts was correct but Malvern-for-All was persisting. Ms Stace suggested a Chairman's Workshop to discuss the issues. It was suggested that the Director and the Community and Conservation Officer should attend as observers at the meeting on 5 February but no one from the Board should attend in an official capacity although clearly those who had been sent the leaflet could attend as individuals.

Mr Cousins reported that there had been joy riding incidents on Castlemorton Common.

Ms Stace thought it would be appropriate to review MHC policy on commenting on planning applications.

The meeting closed at 6.47pm.