



Malvern Hills Trust

**Ordinary Meeting of the
Land Management Committee**

Thursday 11 April 2024 at 7.00 pm

**Lyttelton Well
Church Road
Malvern WR14 2AY**

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Members: Mr D Baldwin, Mr R Bartholomew, Mr P Clayburn, Mr D Core (non-voting), Mr M Driscoll, Mr J Michael, Mrs C Palmer, Mrs F Robinson, Mr C Rouse, Mr J Stock, Mrs F Victory, Mr M Victory, Prof D Westbury, Mr M Wilkinson, Mrs S Wren.

Agenda

1. Apologies for Absence
2. Declarations of Interest
3. Chair's Communications
4. Public Comments
5. Matters Arising from the meeting held on 7 December 2023
6. Annual progress report on the Land Management Plan Paper A
7. Property Management Paper B
8. Wardens' report Verbal update
9. Operation Manager's report Verbal update
10. Graziers' report Verbal update
11. Conservation Manager's report Verbal update
12. Outdoor visits & meetings 2024 Verbal update
13. Urgent business
14. Date of next meeting - **Thursday 27 June at 5.30 pm** at Callow End Village Hall,
followed by walk on the Old Hills



ANNUAL PROGRESS REPORT ON DELIVERY OF THE LMP 2021-2026 No.3

This report uses qualitative and quantitative information to report on the delivery of the Land Management Plan (LMP) for one year of the five-year plan (1 April 2023 – 31 March 2024). Full details of the LMP vision and objectives can be found in the LMP from page 65 onwards.

This report provides feedback first on delivery toward the 9 Guiding Principles, then second it reports on the 14 Objectives.

GUIDING PRINCIPLE:	WORK DONE IN LAST 12 MONTH PERIOD:
1 To meet all legal obligations.	All legal obligations met.
2 To maintain or expand the holding.	<p>Holding has been maintained. Wardens have completed boundary check of the entire boundary. No major encroachments found, several minor encroachments are being dealt with.</p> <p>Holding has been expanded – MHT has acquired xha land on the western foothills (Stone Pit Field, Norbridge Field, Swine Pit Coppice) which buffers the core site and protects the landscape setting of the Hills.</p>
3 To provide suitable, safe public access that does not negatively impact the important features and special qualities.	<p>The holding has provided safe, public open access throughout the period.</p> <p>All main paths, including Public Rights of Way, have been kept open and useable. Improvements to path surfaces through acquisition and use a tractor blade and whacker plate. The surface of the Worcs Beacon path has been restored to allow trampers, pushchairs better access to the summit.</p> <p>A programme of tree safety works including on ash dieback have been completed.</p>
4 To maintain/restore the SSSIs.	<p>Malvern Common – has been maintained through hay-making, control of non-native plants and protection from disturbance.</p> <p>Castlemorton Common – partly maintained through livestock grazing. Scrub control has been inadequate owing to machinery problems causing work backlog and a very wet winter precluding vehicular access until bird breeding season.</p>

	<p>Malvern Hills – open habitats maintained through suitable grazing regime with scrub/tree control. Restoration continues with secondary woodland converted to open habitats at West of England / Worcs Beacon. High visitor numbers have damaged the ridgeline grasslands significantly – trials on repair are underway.</p> <p>Also see SSSI unit condition status in Objectives below.</p>
5 To adapt to changing world / tackle climate change.	<p>Climate change – minor tree planting this winter with trees planted at Castlemorton Common (4 black poplars) and in-field trees at Ballards Land (2 hornbeams).</p> <p>Acquired first electric chainsaw and hedge-trimmer to reduce reliance on fossil fuels.</p>
6 To achieve favourable status for all our important features and special qualities.	<p>A mix of maintenance works and special projects have ensured continued work towards favourable status.</p> <p>The former includes: 5 grazing schemes, hay-making, coppice work, open habitat restoration works, path and access infrastructure works and woodland management. Comments made on over 15 planning applications.</p> <p>Special projects from the period are: installing two sets of car parking deterrents at sensitive locations (Foley Terrace & Chase Road); NVC survey scheduled has not taken place due to high cost.</p>
7 To offer/facilitate environmental education.	<p>MHT’s events programme has not taken place in 2023 owing to lack of staff resource. 4 talks delivered by staff. Planted tree maintenance sessions and guided walk with Chase School pupils.</p> <p>We have permitted tens of events of third parties such as Ledbury Scouts, University of Worcester.</p> <p>We have developed a new forest school site for Malvern Wyche Primary School at All Saints wood – nearly complete. Part-funded by FIPL grant of £5500.</p>
8 To monitor / research.	<p>Research – none done.</p>
9 To work with others for wider landscape gain.	<p>Continued liaison/working with adjacent landowners (Bromesberrow Estate, Eastnor Castle Estate, National Trust) and others.</p>

Report on LMP Objectives

FEATURE	KPIs with 2021 data in parenthesis	2026 TARGET	STAFF COMMENT
Objective 1: Landscape character	Number of landscape character type units that are 'maintained' or 'improving' (10)	10/10	Conservation maintenance works undertaken. AONB evaluation due in 2025.
Objective 2: Earth heritage	No. of LGS with clear access and geological detail /29. (16)	25/29	A mix of contractor work, MHT volunteers and Earth Heritage Trust volunteers have seen the state of LGS improve to 19.
Objective 3: Herefordshire Beacon Camp	Coverage of short, acid grassland % (80%)	95 %	In contrast to last year, targeted livestock grazing with electric fencing has been missing this year. Scrub removal along the outer rampart by staff and volunteers has maintained the visibility of the monument at ~85%.
	Extent with sound structural integrity % (95%)	100 %	No work has been undertaken to repair structural issues (holes, scars). Remains 95%.
Objective 4: Shire Ditch & mounds	Number of sections in good or medium condition /26 (16)	18/26	Whilst new works by robocut have improved a section of the Shire Ditch, a section near to Worcs Beacon has been badly eroded and has declined in condition. Works planning with Historic England is underway. Number of sections in good/medium condition has probably remained the same at 16.
	Barrows – coverage of acid grassland % (100%)	100 %	Barrows are in excellent condition. 100%.
Objective 5: Listed buildings – St Anns Well, Whipping post & pound and Gas vent.	All three are structurally sound, visible and authentic.	Y	Field staff work has ensured that all three are structurally sound, visible and authentic.
		Y	
		Y	

Objective 6: Public access	MHT land is open to the public % (99 %)	99 %	98 % open, with temporary closures due to Tank Quarry rockfalls and tree safety works.
	Proportion of paths safe and usable % (95 %)	99 %	99 % met.
	Access infrastructure is in good condition (90 %)	95 %	90 %.
Objective 7: Broad-leaved woodland	Extent of high-value woodland, ha (282ha)	285ha	Work has taken place to create woodland in two locations (above Wells Rd 1.7ha bus stop and at Walmspout Coppice 1ha). Ongoing work to nurse these.
	Woodland compartments in good condition (12/33)	25/33	Assessment in 25/26.
	Pied flycatcher fledged (0)	4	Pied flycatchers fledged - 10
Objective 8: Acid grasslands	Extent (104ha)	110ha	Conservation maintenance works undertaken.
	Number of sssi units in favourable or recovering condition 8/8	8/8	8/8
	Meadow pipit numbers (104)	>100	No data
Objective 9: Neutral grasslands	Extent (15ha)	15ha	Conservation maintenance works undertaken. Maintained at 15ha.
Objective 10: Calcareous grasslands	Extent (3ha)	4ha	Conservation maintenance works undertaken. Maintained at 3ha.

Objective 11: Mire and bog	Area of bog (0.0005ha)	0.0010	Conservation maintenance works undertaken.
	Area of mire (10ha)	11ha	Assessment in 25/26.
	Number of sundew (0)	1	
Objective 12: Adder	Range maintained	Y	Ongoing habitat works for this species in liaison with local expert.
	Number of individuals (50)	>55	50
	No. of core populations (9)	9	8 we have lost the Chase End Hill population.
	Core populations with healthy recruitment (5)	7	Unknown.
	Sufficient and connected habitat (no).	yes	No. Habitat works are slowly improving connectivity, really needs a push on creating more intermediate habitat and ensuring connectivity.
Objective 13: Grayling	Number of adults (33)	>56	Conservation maintenance works undertaken.
	Hectarage of suitable habitat (12ha)	13ha	0 recorded in 2023. Population thought extinct. Review underway by MHT and Butterfly Conservation. Grazing, FS and volunteer effort have seen suitable habitat already rise to >13ha.
Objective 14: Ponds	Number of ponds (36)	38	Invasive plant <i>Crassula</i> eradication works done on two Castlemorton ponds – success.
	Number of ponds in good/moderate condition (27)		Restored four ponds at Castlemorton Common. 29 in good condition.

Land Management Committee

Title: Improving Property Management

Date: 11.04.2024

Background Papers

MHT Business Plan 2022-2027

MHT Land Management Plan 2021-2026

Staffing Report 2023

Property Management

This paper presents an opportunity to further MHT key objectives, whilst addressing issues identified in the MHT Staffing Report 2023. Our capacity and skills gaps are exacerbated by the departure of the previous MHT CEO and reassignment of a longstanding officer to the Governance Change Officer role.

With thousands of properties adjacent to MHT land, skilled capacity is needed to manage a wide variety of property-related matters: from breaches of our byelaws to reviewing planning applications, plus improving our own office building and sheds. This proposal seeks to put MHT's approach to property and assets on a more proactive footing to ensure the Trust receives the income it is entitled to and avoids new prescriptive rights.

Key objectives (as mentioned in our Acts) this proposal would support:

Key MHT objective	Proposal supports
Preserve the natural aspect	Yes
Protect and manage trees, shrubs, turf and other vegetation	Yes
Prevent unlawful digging and quarrying	Yes
Keep the Hills open, unenclosed and unbuilt on as open spaces for the recreation and enjoyment of the public	Yes

Problem identification

- The Trust is predominantly reactive to easement applications and property issues like utility and other works on MHT land. This adds risk to achieving our key objectives in that by the time the problem is raised to our attention there may be irreparable damage done to Trust land.
- Responding to challenges identified in its Business Plan, MHT needs to manage for more uncertainties, by diversifying its income streams and investing in the upkeep of its assets.
- The Trust may miss out on fees e.g. as a result of successful planning applications for enhancements to private properties, placing undue onus on

levy payers and car parking to fund our operations and stifling the Trust's growth. We could also issue more licenses for activity on MHT property.

- The MHT Staffing Report 2023 highlighted the need to undertake a complete review of current staffing provision against MHT objectives. It was agreed that additional support to certain essential functions should also be provided, with the proviso that further adjustments to staff structure are likely to be made in due course.
- The MHT wardens undertake an annual beating of bounds and many issues are being identified in this round in 2024. MHT is unaware of the extent of its boundaries and lacks protocols for dealing with disputes.
- Property-related issues, like the Link Top 'sink hole', have left MHT exposed to poor publicity, while considerable time is taken to establish ownership of assets.
- The current processes place a heavy emphasis on seeking a professional view from the Trust solicitor and land agents, which adds cost. A skilled property lead would minimise the need for external support to what is absolutely necessary.

Current practice

The previous CEO led on highly detailed property matters to the extent of personally measuring easements and direct liaison with utility companies and householders. This was supported by the longstanding expertise of the previous Secretary to the Board, now Governance Change Officer. The Conservation Manager is heavily involved in this work to the potential detriment of their core conservation activities and delivery of the Land Management Plan.

The CEO role is line manager to the MHT wardens necessitating frequent interactions on day-to-day byelaw infringements and issues that need investigation. There is currently no prioritisation mechanism. Over time it will prevent the new CEO capacity being deployed on implementing wider strategy and policy as set by the Board.

MHT capital projects in the Business Plan failed to materialise in 2023/24, like refurbishment of Manor House and substantial re-build of Lower Shed. This exacerbates staffing issues e.g. provision of staff welfare areas and welcoming volunteer facilities and adequate safe storage for tools.

The current car parking operation is inefficient, with daily problems and wardens having to standby with card readers in certain car parks. This is unsustainable and MHT may be losing hundreds of pounds a day in busy periods as well as it affecting our public reputation.

MHT has previously retained land agents to work with us on specific tasks. There is no dedicated general budget for this work, other than 'professional fees'.

Proposed solutions

The principle of improving MHT property operations would be to enhance our evidence and recording base, secure income the Trust is entitled to and improve our reputation by being seen to deal with problems proactively. This, in itself, may have a preventative effect on other property issues.

The CEO will work with existing staff to improve process flows around easements and other property matters. Applying a priority matrix would enable a more risk-based approach and focus on the most important property matters, avoiding new prescriptive rights and minimising revenue leakage and reputational issues.

Depending on the Board's decision, we would commission a land agent to work through the backlog and any value would be returned to the Parliamentary Fund.

Beyond that, this document and Appendix 1 and 2 propose a Trust Property Manager role to be funded for one year with the option to extend and to put it out to market as soon as possible. This does not preclude further evolution of staffing provision.

Budget implications

There is no additional cost to continuing the current arrangements with a few process improvements. Retaining a land agent to work through the backlog with the CEO and Conservation Manager would add circa £10,000 in 2024/25.

A Property Manager on the NJC Scale Points 26-30 for 26 hours per week would cost from £30,000 including on-costs and equipment and expenses if appointed at the lowest end of the NJC Scale Points. The same post and scale on a 37 hours per week (1 FTE) basis appointed at the upper most end of the NJC Scale Points would cost £46,000 including on-costs and equipment and expenses.

Please refer to Appendix 2 for a more detailed breakdown of Property Manager costs.

MHT income from easements and capital disposal is absorbed into the restricted Parliamentary Fund. It may be used for any capital purpose e.g. improvement of land and property. It currently contains the funds for the major projects for Manor House and Lower Shed. The Fund generates an investment income circa £14,000 per annum.

The Board approved a £30,000 one-off additional staffing budget for 2024/25 from the general fund, to address issues raised in the Staffing Report 2023. There are a range of recommendations with associated costs to work through. MHT reserves might also be considered appropriate to apply to this new post on a one-off basis, while it becomes established. Once appointed, the manager would apply

more consistent recharging of staff time e.g. to utility companies and charging fees owed to MHT. Value gained would be put into the Parliamentary Fund. There may be benefit to seeking a shared resource with other organisations over time although only if there are no conflicts of interest.



A selection of MHT property issues in March 2024 and publicity generated

Options

The options to be presented to the Board are:

1. **Continue as is:** The CEO and Conservation Manager will work in a reactive capacity, working with wardens and MHT solicitor/ land agent within existing budgets, to address property matters and liaising directly with utility companies and householders. This approach heightens the risk of prescriptive rights being secured and income issues will persist.
2. **MHT to fund a Property Manager post:** for one-year part time/ full time, with the option to extend, combining annual investment income from the restricted Parliamentary Fund with necessary general fund/ reserves. Any value generated to be returned to the Parliamentary Fund. Seek to put the post on a permanent footing by increasing licensing and staff recharges.
3. **MHT CEO to engage a private sector land agent:** to reduce the backlog using circa £10,000 from general reserves.

RECOMMENDATIONS:

- A combination of Options 2 and 3 - that the committee recommends the inclusion of an MHT Property Manager post in the MHT staffing structure to the Board and actively recruits to it to address property matters proactively; and to work with a land agent to reduce the backlog.
- That the committee draws on its skills and experience to support drafting the person specification for the role.

Appendix 1 – Draft role profile for MHT Property Manager

Appendix 2 – Costings for Property Manager



Malvern Hills Trust

Position: Property Manager (Part-time, negotiable, minimum 26 hours per week).

Responsible to: Chief Executive Officer.

Starting Salary: NJC Scale Points 26-30 (£32,909 - £36,294, pro rata).

The area

The Malvern Hills is a much loved and nationally important landscape. Over 1,000,000 visits are made each year and the view from the top of the Hills has been voted one of the best in Britain. Much of the land cared for by the Trust lies within an Area of Outstanding Natural Beauty, as well as containing Sites of Special Scientific Interest and a number of Scheduled Monuments.

The organisation

Malvern Hills Trust (MHT) is a statutory body established by Act of Parliament in 1884 and is also a registered charity. MHT owns or manages around 1,200 ha (3,000 acres) of the Malvern Hills and Commons. The duties and responsibilities of the Trustees are set out under the 1884 Act and four subsequent Acts and include:

- Preserving the natural aspect of the hills
- Protecting and managing trees, shrubs, turf and other vegetation
- Preventing unlawful digging and quarrying
- Keeping the hills open, unenclosed and unbuilt on as open spaces for the recreation and enjoyment of the public.

MHT is also responsible for conserving and enhancing biodiversity, Sites of Special Scientific Interest and Scheduled Monuments on its land.

MHT's two main sources of income are a levy charged to local Council Tax payers in Malvern town, Guarlford, Malvern Wells, West Malvern, Colwall and Mathon and the revenue from car parks on its land. Copies of the annual accounts are available on the website <https://www.malvernhills.org.uk/looking-after/annual-review-and-accounts/>

The Role

The oversee all aspects of property management for MHT, in line with the Malvern Hills Acts of Parliaments, including:

- supervision of the MHT Wardens to ensure protection of MHT land and property and provision of safe and welcoming visitor services
- dealing with enquiries about and applications for easements or wayleaves, including, as required, liaison with land agents, solicitors and other professional advisors
- managing licenses for activities on MHT property
- managing building and infrastructure projects as needed

Equal opportunities

The Malvern Hills Trust welcomes applications from individuals of all backgrounds and abilities who meet the essential criteria for this role. It is our aim to foster a culture that embraces equality and values diversity which will help us to ensure that everyone feels

Malvern Hills Trust is the working name of the Malvern Hills Conservators, Registered Charity Number: 515804



involved and included in our plans, programmes and activities. A copy of our Equality and Diversity policy can be found on our website.

Job Description

Job Title:	Property Manager (part-time)
Salary:	NJC SCP 26-30 (£32,909 - £36,294, pro rata)
Place of Work:	Based at Manor House, Grange Road, Malvern, Worcestershire WR14 3EY
Hours of Work:	Hours: negotiable (minimum 26 hours per week) across 3-5 days by mutual agreement (some evening and weekend working)
Responsible to:	Chief Executive Officer
Responsible for:	Management of a team of four wardens
Key Relations:	Internal: CEO, Conservation Manager, Secretary to the Board, Wardens and Field staff
External:	Solicitors, land agents and other professional advisors, statutory undertakers, neighbours and the public.

Key duties and responsibilities:

1. Line Management

Line Manage the four wardens to ensure safe and welcoming provision of visitor infrastructure and effective wardening and management of MHT property, including:

- assisting and guiding members of the public
- monitoring public use of the land, including events
- monitoring and maintaining infrastructure (litter picking, bin emptying, maintaining paths and open areas),
- patrolling and managing car parks, parking machines and parking arrangements
- undertaking practical habitat and estate maintenance tasks;
- coordinating and leading volunteers; and
- caring for the landscape, wildlife and archaeological features found on the land.

2. Boundary and property management

Resolve boundary and property incidents escalated for further action by the **wardens**, other staff or the public. Work with staff, Solicitors or Police to address boundary encroachments, breaches of byelaws eg travellers, rough sleepers and third-party issues (eg leaking pipes, flooding etc). Pursue damage costs claims against relevant individuals and bodies.

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3. Car parking

Contract manager to ensure efficient management of all carparking facilities including implementation of the snow plans.

4. Easements, Wayleave and third-party projects

In coordination with the CEO, Conservation Manager (CM) and the Board of Trustees, responsible for the management and administration of applications to MHT for easements, variations to easements, deeds of grant, wayleaves and other land related legal matters. This will include liaison with land agents, solicitors, other advisers, neighbours, statutory undertakers and promoters of infrastructure projects.

5. Land Acquisition, Registry and Archiving

Support the CEO and others in the assessment and acquisition of new land. Maintain the Land Registry mapping: seeking amendments of boundary anomalies, and proactive registering of new/old land and boundary anomalies on MHT land. Support SttB in maintaining an archive of all relevant documents pertaining to MHT land holdings, easements and wayleaves databases.

6. Licensing

Responsible for all licensing relating to MHT land including catering concessions, fairs, circuses and other public events on Link Common. Establishing and administering improved fee structure for third party events on MHT eg sponsored walks, filming etc. Establish and implement licensing policies and procedures for other activities on MHT land including business activities (eg hang glider training and dog walking) and parking on easements where properties have no parking within their curtilage

7. St Ann's Well

Responsible for liaising with the Tenant of St Ann's Well to ensure compliance with the terms of the lease, ensure the fabric of the buildings is well maintained and to arrange/carry out relevant H&S and building inspections.

8. Planning.

Asses the implications of any new Planning Policy Documents or other public Plans or Projects that pertain to MHT land and respond to the promoting authority accordingly. Review the weekly planning list of all relevant Local Authorities to check for applications that might impact on MHT land and respond to the Planning Authority accordingly. Represent MHT at any relevant Examinations in Public or Public Enquiries. Tracking the outcome of planning cases to determine the outcomes and follow up where new easements or deeds of variation may be required.

9. Building projects

Initiate and project manage the Malvern Hills Trust building and infrastructure projects as required including: completion of well restoration works at St Ann's Well, a major refurbishment of the offices at the Manor House and creation of new facilities for staff and volunteers at the Lower Shed.



10. Provision of safe and welcoming visitor services

Ensure that wardens and volunteers adhere to MHT health and safety policy and practice. Provide good, safe and accessible access to MHT property. Lead on visitor surveys and monitoring visitor satisfaction. Make a significant contribution to people's confidence in MHT property, contributing to marketing and communications planning and applying for appropriate accreditation systems.

11. Other Duties

- To act as Deputy CEO when required.
- Ensure health & safety is embedded in all activities.
- Attending team meetings and liaison and coordination with other staff as required.
- To support colleagues with the smooth running of MHT.
- To undertake any other duties which may from time to time be required.

Malvern Hills Trust reserve the right to alter the contents of this job description after consultation with the post holder to reflect changes to the job or service provided without altering the general character or level of responsibility.

Person specification

To follow.

Deborah Fox
CEO

	<u>lower</u>	<u>upper</u>
Annual	32,909	36,294

Minimum 26 hours
 Maximum 37 hours
 Possible other option 30 hours

Based on 26 hours:

	<u>lower</u>		<u>upper</u>	
Gross	23,125		25,504	
Nier	1,935	8.37%	2,264	8.88%
Pension	2,313	10.00%	2,550	10.00%
saving Y1	<u>-578</u> *		<u>-638</u> *	
	<u><u>26,795</u></u>		<u><u>29,681</u></u>	

Based on 30 hours:

	<u>lower</u>		<u>upper</u>	
Gross	26,683		29,428	
Nier	2,426	9.09%	2,805	9.53%
Pension	2,668	10.00%	2,943	10.00%
saving Y1	<u>-667</u> *		<u>-736</u> *	
	<u><u>31,111</u></u>		<u><u>34,440</u></u>	

Based on 37 hours:

	<u>lower</u>		<u>upper</u>	
Gross	32,909		36,294	
Nier	3,286	9.98%	3,753	10.34%
Pension	3,291	10.00%	3,629	10.00%
saving Y1	<u>-823</u> *		<u>-907</u> *	
	<u><u>38,663</u></u>		<u><u>42,769</u></u>	

Plus:

Other costs of employment - capped at £3,000, see blow. This is the same for all scenarios listed above.

Assumptions:

Pension - only commences after 3 mnths service so calculation is 9/12 for 1st year, figure above is 12 months less Y1 saving

Other considerations

Will need a computer/laptop and installation and possible software licences beyond what we have here estimate £1,500

If travelling extensively in a private vehicle 65p per mile is paid (though can possibly use MHT vehicles if here and not in use by wardens)

Group life insurance policy, c. £110 per year per person, after 3 months service

May require a phone - c. £20 per month

Sick pay policy is quite generous, though starts low, could be a cost

In summary all other costs - capped at £3,000 per year