

UNCORRECTED MINUTES OF ORAL EVIDENCE

taken before the

MALVERN HILLS BILL COMMITTEE

PETITIONS AGAINST THE BILL

Wednesday, 4 February 2026 (Afternoon)

In Committee Room 2

PRESENT:

Lord Hope of Craighead (Chair)
Baroness Bakewell of Hardington Mandeville
Lord Evans of Gwesborough
Lord Inglewood
Lord Ponsonby of Shulbrede

FOR THE PROMOTER:

Jacqueline Lean, Counsel, Malvern Hills Conservators
Alastair Lewis, Roll A Parliamentary Agent

(At 12.50 p.m.)

1. THE CHAIR: We are now able to announce the committee's decisions on the right to be heard of the petitioners who appeared before us on Thursday of last week and on Tuesday of this week.

2. One, Simon Freeman. He is a levy payer, a former trustee, a past chair of the board and the owner of property that immediately abuts Trust land. He told us that he was not relying on any of these grounds in claiming that he has a right to be heard. His position was that he had a right to be heard as a registered elector. This, he maintained, put him in a different position from that of a levy payer, especially as those who are on the electoral roll are not necessarily levy payers. He also drew attention to the fact that there could be a number of adults who were entitled to be registered as local government electors living in the same property who were liable for the payment of the council tax payable in respect of that property.

3. It seems to us that, as regards his right to be heard, the distinction that he seeks to draw is a distinction without a difference. The principle that we have applied in the case of the levy payers is based at least in part on the obvious point about numbers. Here, too, if one elector was held to have standing, the same privilege would have to be extended to all the others. It would be different if an elector's case differed from that of the other electors as a class, but that is not the situation in the case of this petitioner. He has no right to be heard just because he is on the electoral roll.

4. Two, George Parsons. He is a levy payer, enjoys walking on the hills with his family and is a former trustee. His presentation was directed to his grounds of objection to the Bill, not to the question of standing, and to a complaint about the state of the woodlands, illustrated by slides, which is not admissible as it is not mentioned in his petition. He did not attempt to show that he is specially and directly affected by any of the provisions of the Bill. We hold that he has no right to be heard.

5. Three, Richard Fowler, David Fellows, Robert Berry, Christopher Rouse and Paul Bennett. These petitioners are all trustees. Mr Fowler was elected in November 2023 for Chase ward. Mr Fellows was elected in November 2023 for the parish of Guarlford. Mr Berry was elected in November 2023 for Malvern Wells. Mr Rouse was elected in November 2023 from the parish of Mathon. Mr Bennett was nominated in October 2024

by Malvern Hills District Council.

6. They are best placed, among all the other petitioners, to address the committee on those clauses of the Bill that cause concern and on the matters raised in the instructions passed at Second Reading. We are grateful to counsel for the promoter for taking time to consider her position when it was pointed out that the committee would find it helpful if these petitioners were allowed to be heard. She told us that she was unable to withdraw her objection to their petition as she was bound by a resolution of the board that it was to be opposed. She maintained her opposition on the ground that they were not entitled to be heard under Standing Order 115(2), but she recognised that the committee would wish to hear them if that were possible.

7. We agree that these petitioners are not within the scope of Standing Order 115(2), but we have decided to exercise our discretion in their case under Standing Order 118 as inhabitants to enable them to develop their case on the matters referred to in their petition. It must be understood, however, that they must confine their presentation to matters that are directly relevant to the particular clauses on which they wish to address us. Submissions that go beyond that will not be permitted.

8. Four, David Fellows. He is one of the trustees who joined in the petition led by Mr Fowler. He also has a petition in his own name as a levy payer and as a joint owner with his wife of property adjacent to land owned by the Trust, but he decided to withdraw his petition in view of the position that the committee has taken with regard to his position as a trustee.

9. Five, Christopher Rouse. He, too, is one of the trustees who joined in the petition led by Mr Fowler. He is a levy payer and holds rights of common on the Trust's land at North Hill. For the reasons already given, he does not have a right to be heard as a levy payer, but it is agreed that he has a right to be heard as a commoner. The objections listed in his petition extend well beyond matters affecting his rights of common. We will allow him to be heard on the matters listed in points 1.5, 1.14, 2.6, 2.12 and 2.13 in his petition, but it must be understood that he does not have a right to be heard on any of the other matters to which his petition refers.

10. Six, Marcus Cleaver. He is a levy payer, a regular walker on the hills and lives close to land owned by the Trust. It has not been suggested that in any other respect he

is specially and directly affected by any of the provisions of the Bill. For the reasons already given with regard to others in the same position, he does not have a right to be heard.

11. Seven, David and Kathryn Hopkinson. They are levy payers and the owners of property that has a treasured view of the hills in which they have lived for 45 years. To access that property, they need to cross a narrow roadside verge, which is owned by the Trust. It has not been suggested that they are specially and directly affected by any of the provisions of the Bill in any other respect. For the reasons already given with regard to others in the same position, they do not have a right to be heard.

12. Eight, Valerie and Eric Knowles. The only basis for their having a right to be heard that is mentioned in their petition is that they are levy payers. Mr Knowles spoke of his interest, as a Church of England priest, out of concern for the impact of the Bill on his and other churches in the area, and Mrs Knowles spoke of her interest in participating in recreational activities on land owned by the Trust. We cannot consider these points, as these grounds of objection are not stated in their petition—see Standing Order 111—and we were not persuaded that they are specially and directly affected by any of the provisions of the Bill, so they do not have a right to be heard.

13. Nine, Peter Bottomley. The only basis for his having a right to be heard that is mentioned in his petition is that he is a levy payer. He mentioned that, like Dr Crisp, he is the owner of property that lies between Malvern Hills Trust land and a potential development site to which it abuts, access to which will require the agreement of the Trust. He also spoke of his concern about the effect on his property of any future decisions about the granting of an easement to provide that access and the lack of an appropriate statutory body to represent the interests of the levy payers. We are not persuaded that he has a right to be heard. It has not been shown that he has a right to be heard as a levy payer or that he is specially and directly affected by any of the provisions of the Bill as regards what may happen should the potential development site be developed at some time in the future.

14. We will adjourn the proceedings at this point and we will resume again at 2 pm this afternoon.