

SELECT COMMITTEE ON THE MALVERN HILLS BILL [HL]

COMMITTEE'S DECISION ON STANDING 29 JANUARY 2026

We are now able to announce the Committee's decisions on the right to be heard of the petitioners who appeared before us this week. They are as follows:

(i) Cora Weaver

She is a levy payer, is a frequent user of the Malvern Hills and has written and published many books about Malvern's history. For the reasons given in our interim decision of 22 January 2026, we are not persuaded that she is specially and directly affected on these grounds by any of the provisions of the Bill.

She also submitted that she would be affected by reason of the fact that the parish of Malvern Link, which was listed in section 3 of the Malvern Hills Act 1909, is not listed in clause 33(4) of the Bill as one of the parishes within the area in respect of which a levy may be issued. She said that the effect of its removal from the list would be to increase the burden on those who are called on to pay the levy. There are two answers to this point. The first is that her position in that respect as a levy payer is no different from that of all the others. And the second is that the parish of Malvern Link no longer exists. The area over which it extended now falls within what is referred to in clause 33 as the parish of Malvern Town. For these reasons this further submission cannot be accepted.

(ii) Andrew Myatt

He is a levy payer and uses the land managed by the Trust as part of his daily life. For the reasons given in our interim decision of 22 January 2026, we are not persuaded that he is specially and directed affected on these grounds by any of the provisions of the Bill. But he is also a trustee, as he is an elected member of the Board of Conservators. He was elected to that position on 18 September 2025. This was not mentioned in his petition, which was submitted on 28 January 2025. So we allowed him to make further submissions based on his position as a trustee.

He does not seek to be heard on behalf of the Trust. He asks to be heard in his own right as an individual office-holder whose statutory position, tenure and accountability as set out in the existing law is being directly altered by the Bill. His point is that the effect of the re-structuring is that an elected trustee in his current position would be exposed to removal by special resolution within months of election. We do not feel able to hold that he has a right to be heard on this ground. His position is analogous to that of members of the bodies referred to in Standing Order 115. It provides that

where a bill is promoted by an incorporated company, society, association or partnership, the select committee shall not consider petitions by its members unless their interests, as affected thereby, are distinct from the general interests of the company, society or partnership; see also Erskine May, 25th edition, 2019, pp 1127-1178. As to whether he is able to show that his position is distinct in that way, an early example of the application of this rule is to be found in the Newport (Monmouthshire) Corporation Bill, 21 May 1889. A single harbour commissioner claimed that he was being disenfranchised because the constitution as to the number of commissioners that were to be elected for a particular trade was to be reduced, while the representation of the other bodies on the commission was to be proportionately increased. It was held that he was not entitled to be heard against the bill, as it was a bill which the commissioners as a body had approved. Mr Myatt's argument falls within the scope of that ruling.

We cannot, however, overlook the fact that Mr Myatt was elected by 515 votes to 172 on an undertaking that he would oppose the Bill and hold its promoters to account, and that at a special meeting of the Board on 9 October 2025 it was resolved by votes in which he was not permitted to participate that he had a conflict of interest due to his having lodged a petition against the Bill and that papers, advice, letters, emails or other documents relating to the Bill should be withheld from him. While it is not open to us to review decisions taken by the Board, their effect is that Mr Myatt has been denied the opportunity to do what he was elected to do by a substantial majority. In view of this fact and the mandate that he received from his electorate, we have decided to exercise our discretion under Standing Order 118 in his case as an inhabitant to enable him to develop his case on the aspects of the Bill that cause him concern. His presentation of the arguments which he seeks to raise will be of assistance to us in our consideration of the instructions that were passed at Second Reading.

(iii) David Barry Smallwood

He is the owner of a house on the edge of land owned by the Trust. The only access to that property is through a gate which opens directly onto it. He drew our attention to the nine matters mentioned in his petition on which he wishes to be heard. But he has not persuaded us that he is affected in a way that distinguishes his case from that of others who may be so affected. So it has not been shown that he is specially and directly affected by any of the provisions of the Bill to which he refers.

(iv) Geoff Titmuss

He is a local resident who lives in Madresfield at the base of the Malvern Hills. In the forefront of the view of the Malvern Hills that he enjoys from his property are fields that have been identified as "Employment Land" in the South Worcestershire Development Plan. They are currently protected from development by the fact that their verges are owned by the Trust. That would change if the Trust were to grant an easement over them, which it would have power to do under clause 55(3) of the Bill. He claims that their development would directly affect the value of his property and considerably spoil his view.

We are not persuaded that he has established that he is directly and specially affected by the Bill on these grounds, for two reasons. The first is that the power to grant easements in clause 55(3) is not new. It was introduced into the legislation by section 8 of the Malvern Hills Act 1995. So his position cannot in that respect be said to be affected by any of the provisions of the Bill. The second is that depreciation in the value of his property of the kind that he anticipates would amount to what is known as non-statutory blight. That is to be contrasted with the situation which is provided for in Chapter II of Part VI of the Town and Country Planning Act 1990, where a remedy is available under the statute which enables owners of property that is affected by planning proposals to serve a notice requiring the appropriate authority to purchase the blighted land. Non-statutory blight of the kind that Mr Titmuss anticipates has never been treated as a ground for petitioning against a private bill: see High Speed Rail (London – West Midlands) Bill, paragraph 15. That was a Bill that was concerned with the compulsory acquisition of property or the interference with property rights, which this Bill is not. But non-statutory blight can occur in a variety of ways beyond the ways contemplated by that Bill. We see no reason why the general rule that was applied there should not be extended to this case.

(v) Valerie Goodbury

She is a levy payer and the joint owner with her husband of property egress from which is directly onto land owned by the Trust. For the reasons given in our interim decision of 22 January 2026, we are not persuaded that she is directly and specially affected by any of the provisions of the Bill in her capacity as a levy payer. As for her point about the effects on her of any major change in the governance of the Trust, she is not specially and directly affected because her position is the same as that of many others who can claim that they are liable to be affected in the same way.

(vi) John Watts

He is a levy payer and a former trustee. He set out his argument on his right to be heard in a written paper which he presented to the Committee and developed in oral argument. He was at pains to stress that his right to be heard is based on his being a levy payer. His principal complaints were that the Bill fails to address what he sees as the need to expand the tax base on which the levy currently depends, that it gives the Trust a blank cheque to acquire land at the expense of the levy payer, that it removes the right of the levy payer to vote on who audits the annual report and on the scope of the general power in clause 83. These complaints relate to points which it would be open to him to develop if he had a right to be heard. But they do not show that he is specially and directly affected by the Bill in a way that distinguishes his case from that of the other levy payers.

(vii) Anne Dicks

They are levy payers and she walks her dog twice daily on the commons. For reasons already explained, we cannot hold that on these grounds she is specially and directly affected by the provisions of the Bill. But there are other things that she does which deserve to be taken into account. Her volunteering extends to a variety of causes that seek to support those with sight loss. These include Guide Dogs, the Malvern Sight Loss Club and Malvern Talking Newspaper. She is a sighted member of a visually

impaired group of Morris Dancers who dance every Boxing Day and Easter Monday on Trust land to raise money for Guide Dogs. Her concern is that her activities in support of such causes on Trust land may be inhibited by the licensing system provided for in clause 63 and by the way the powers referred to in clause 84 read together with Schedule 4 to the Bill may be exercised. We do not think that she personally is specially and directly affected by any of the provisions of the Bill. But in view of the charitable work that she does on behalf of the community we have decided to exercise our discretion under Standing Order 118 in her case as an inhabitant to enable her to develop her case on these aspects of the Bill. We were asked by Counsel for the Promoter to limit her right to be heard on the clauses which could affect her activities, but we prefer not to do that at this stage so as not to unduly inhibit the scope of argument on the points that she wishes to develop.

(viii) Anne Dicks's co-petitioner Isabel Holdsworth

She is a levy payer and, as she is blind, relies on the help of a guide dog which a friend takes for regular walks on the hills. She too is concerned about the possible effects of the licensing system provided for by clause 63 and of the powers referred to in clause 84. She might not be able to afford the cost of any licensing charges for the necessary exercising of her guide dog on Trust land. We do not think that she personally is specially and directly affected by any of the provisions of the Bill. But in view of the fact that she represents disabled people in the community we have decided to exercise our discretion under Standing Order 118 in her case as an inhabitant to enable her to develop her case on these aspects of the Bill. We prefer not to limit her right to be heard to particular clauses at this stage so as not to unduly inhibit the scope of argument on the points that she wishes to develop.

(ix) Anne Dicks's co-petitioners Alison James and Stephen Matthews, Suzanne Dowson, Michael and Shirley Crowe, and Deirdre and Philip Drake

They are all levy payers and, in their various ways, use and enjoy the benefits of the Malvern Hills. We are not persuaded that they have a right to be heard as people who are specially and directly affected by the provisions of the Bill.

(x) Sue Spencer

She is a levy payer, uses the hills when she can and, as a carer for her son, finds the views of them which she enjoys a source of great comfort. Opposite her house is a field that could be built on, should the Trust sell it or grant an easement over the land that adjoins her property. She is also concerned as to how the powers relating to public meetings in Schedule 2 might be exercised. We are not persuaded that she has a right to be heard on these grounds.