

CORRECTED MINUTES OF ORAL EVIDENCE

taken before the

MALVERN HILLS BILL COMMITTEE

PETITIONS AGAINST THE BILL

Tuesday, 3 February 2026 (Afternoon)

In Committee Room 2

PRESENT:

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

FOR THE PROMOTER:

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

FOR THE PETITIONERS:

Valerie Knowles
Eric Knowles
Professor Malcolm McCrae
Peter Bottomley

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(At 2.00 p.m.)

1. THE CHAIR: Good afternoon and welcome to this session of the Malvern Hills Bill Select Committee. Good afternoon to you, Mr Bottomley, and to Mr and Mrs Knowles. I hope you can hear me all right. I can certainly see you. Good. Thank you, Mr Bottomley. Can you hear me, Mr and Mrs Knowles?

2. MR KNOWLES: Now that I have unmuted the mic, you can hear us as well. Yes, we can hear you nicely. Thank you very much.

3. THE CHAIR: Can I explain that the purpose of this session is to determine whether or not you have a right to be heard? I know that you have various objections to the Bill, but we are not dealing with those points this afternoon. The question is whether you have a right to be heard. If we decide that you do have a right to be heard, then you will be called back at a later stage to address us in more detail in your petitions. The procedure that we follow is that I call upon counsel for the promoter to say why she suggests that you do not have a right to be heard. You then have a right of reply, and she has a right to reply if you say anything of substance in reply to her.

4. I am going to begin with your petition, Mr and Mrs Knowles. Ms Lean, would you be kind enough to explain why you say they do not have a right to be heard?

Mrs Valerie Knowles and Mr Eric Knowles

5. MS LEAN: Yes, My Lord. This is petition number 40 in the table that you have of our challenges to standing. In the petition, the petitioners refer to being owners of a property, and they are levy payers. The promoter has challenged standing or raised a challenge as to the right to be heard on the basis that nothing in the petition discloses that the petitioners' personal or property interests are specially and directly affected by the Bill such that there is not standing as of right, and it does not disclose any basis for discretionary standing. My Lord, with regard to levy payers or living in the area, your Lordships' committee has my submissions on the points of principle.

6. THE CHAIR: Yes. Were you able to hear what counsel was saying?

7. MR KNOWLES: We heard what the counsel was saying, yes. I am keeping the mic muted until you give me permission to speak.

8. THE CHAIR: It is for you to say, in reply, whether you are specially and directly affected by any of the provisions of the Bill so that you have a right to be heard. It sounds very technical, but we are open to any points you may wish to make.

9. MR KNOWLES: Yes. That is the basis—that it affects us. Am I allowed to speak, or do I mute again?

10. THE CHAIR: Yes, please do speak. It is your opportunity to do so, but confine yourself to the question of right to be heard, please.

Evidence of Mr and Mrs Knowles

11. MR KNOWLES: Yes, of course. First of all, I am Canon Eric Knowles, canon emeritus of Worcester Cathedral, my wife Valerie, and friend here who is here to support us, Professor Malcolm McCrae. Firstly, can I say thank you for allowing us to speak via this video link? As you get older, you become more anxious about things that previously would never even have provoked any hesitation. When you reach that stage, you will know what I am talking about. There will be a point at some time in the future when even you will become aware of this, respectfully, but hopefully that will be some time away.

12. We have three grounds for requesting a right to be heard, which underlie our petition and actually prompted us to raise the petition: as levy payers and the prospect of changes in this area; as a Church of England priest; and as members of the Scout Association. Now, Malcolm McCrae is going to speak on our behalf on the first of these. I will speak on the second one from the point of view that prompted and motivated this petition, and my wife will also speak from the perspective of the Scout Association about what prompted her to raise the petition. If you like, I will hand over to Malcolm McCrae to talk about the first angle.

13. THE CHAIR: Yes. Professor McCrae, I am sorry. Under our rules, you are not permitted to speak. I am very sorry. We have quite strict rules for these petitions, and he has already had his petition considered. He is not in a position to speak on your behalf, so I am afraid you will have to go ahead.

14. MR KNOWLES: All right. One of the points that I have noted on the levy payer

side is that I understand this to be a unique situation. As a unique situation, then I do not myself consider that anything that we do in this area could create a precedent, because it is a unique situation. That would be one of the reasons why I would say that having to create a precedent would not really be a basis for objecting to the right to be heard based upon being a levy payer.

15. As a Church of England priest, I would like to comment that the reason why I submitted this was because of my concern on behalf of a number of churches in the Malvern area. I work with those parishes. They include land controlled by the Malvern Hills Conservators. Now, an ancient custom of the Church of England parishes is the beating of bounds. Members of the church walk their parish boundary. It is a centuries-old custom that dates back to days when maps were very rare. It continues, though, today as a means of strengthening the community and giving it a sense of place. It provides a check on boundary markers to make sure that they are still in place. It helps local historians. It demonstrates who has a right to be married or buried—whichever you like to choose; you might choose both—in the local church.

16. In the past, I have not encountered any difficulties, but I raise the objections to this Bill because I am fearful that, under the provisions, there will be difficulties, and there may be costs. Some of the very small churches with boundaries on conservators land could well find those charges too much and would have to cease the practice, and that will be a shame after a centuries-old tradition. Therefore I request, my Lords, that my petition does have a right to be heard.

17. I now hand over to my wife to speak to her motivation for raising the objections as a member of the Scout Association.

18. THE CHAIR: Yes, Mrs Knowles. Please go ahead.

19. MRS KNOWLES: I have organised and participated in many scouting activities on the land managed by the Malvern Hills Conservators, such as orienteering, hiking, games, sponsored walks, etc. So far, we have encountered no problems when we have been manning these events and running them ourselves. We have organised them by ourselves, and we are covered by the Scout Association's own insurance.

20. It has been mooted that there will be costs. Some of the scouting packs and other

areas are very poor in Malvern, if you could believe it. They are very poor areas, and we try to keep the cost of the subs very low. We do not want to have to raise that so that we deny people the right to come to cubs and scouts and venture scouts. At a time when young people are too much on their many devices, we need to get them outdoors. We need to show them what they can do in the wider community, and this is why I am raising this objection. I do not want these costs to be brought in and to be barred from doing what we have been doing since the Scout Association started in 1907. Thank you.

21. THE CHAIR: Thank you very much indeed. Ms Lean, do you have anything to say in reply to what we have been hearing?

Response by Ms Lean

22. MS LEAN: Yes, my Lord. My Lord, we have previously been to Standing Order 111, which you have at page 12 of the bundle of the locus materials just for reference, which states that a petition shall be considered only on the grounds so stated. I have gone back to the petition, and there is no reference in there to the matters that have been particularly relied on before the committee today, either with regards to Canon Knowles and the concerns he has raised about impacts on churches and beating the bounds—that is not referred to in the petition—or in respect of Mrs Knowles’s reference to involvement or association with the Scout Association, or indeed concerns about licensing in Clause 63, which I understand to be the clause of concern in terms of costs or charges potentially being levied for matters such as scouting activities.

23. My Lord, my response is that none of those matters are put in the petition. They are not raised in the petition. In my respectful submission, in line with established practices and Standing Orders, the question of standing should properly only be considered on what is pleaded or what is set out in the petition, and not matters that have only been raised today.

24. THE CHAIR: Thank you. I hope you heard what counsel was saying, Mr and Mrs Knowles. It is a fairly technical point. I do not know whether you have the Standing Order in front of you, but what it does require is that matters that you are seeking to raise with us should be set out in your petition. We will have to read the petition more carefully in the light of what she says and decide whether the point she makes is sound or not. Is there anything you would like to say?

25. MR KNOWLES: My learned friend on my right draws attention to a discretion under Standing Order 118. I am not familiar with that, and that is really why I asked Malcolm to be with us here. I did stress the fact that the points that we were making are the motivation for the objections that we make in our petition.

26. THE CHAIR: Yes. I think what we should do is end the proceedings at this point. We will, as a committee, have to consider the points that you have raised, and we will announce our decision tomorrow at 12.45. You will be able to hear what the position is. If we decide that you do have the right to be heard, then you will be invited back at a later date so that you can develop your points in more detail in relation to the clauses that are of concern to you. Thank you very much indeed for taking the time to appear before us.

27. MR KNOWLES: Thank you very much for your time and consideration. Thank you.

28. THE CHAIR: Sorry. There is a question. I beg your pardon.

29. LORD INGLEWOOD: It occurred to me during these last remarks. You said in your comments you were standing for the various parishes around Malvern. Is there any formal structure or authority given to you for that, or are you just doing it as a public-spirited—

30. MR KNOWLES: I am not just doing it. I have discussed this with the area dean who has supervisory responsibility for all the churches in the Malvern area, going from Upton upon Severn across Ryall and all around the Malvern Hills, including the Old Hills. He asked me if I would—when I spoke, would I speak on behalf of his churches?

31. THE CHAIR: Thank you very much. We pass now to you, Mr Bottomley. You understand the procedure. What I am going to do is ask counsel for the promoter to say why she says that you do not have a right to be heard. Please listen very carefully to what she says, and when she has explained her position, I will come back to you and ask you to reply on your behalf. Ms Lean, it is up to you to address us on Mr Bottomley's case.

Mr Peter Bottomley

32. MS LEAN: Thank you, my Lord. This is petition number 50 in the table that your Lordships have. In his petition, Mr Bottomley refers to being a levy payer contributing to the funding of the Malvern Hills Trust. The promoter has raised a challenge to standing on the basis that it does not appear from the petition that any property or personal interests of the petitioner are specially and directly affected by the Bill.

33. There is also a note in that table that, whilst access is not raised in the petition, this petitioner is understood to take access over land owned by the Trust, but that there is nothing raised in the petition that takes any issue with any provisions that might affect that. In line with the submissions I have made for previous petitioners who have expressly relied on their right of access, it is the promoter's position that there is nothing there disclosed that alters that position or affects that legal right of access in the Bill.

34. THE CHAIR: His position is that of a levy payer.

35. MS LEAN: That is what was set out in the petition: that the petitioner is a levy payer. The promoter has separately, in the interests of trying to identify potential other grounds that might give rise to standing, highlighted that the petitioner takes access over Trust land, but that is not something that is relied on in the petition.

36. THE CHAIR: Thank you very much. Mr Bottomley, a very short point, really—what do you have to say in reply, please?

Evidence of Mr Bottomley

37. MR BOTTOMLEY: Good afternoon. My name is Peter Bottomley and I am a 76-year-old retired scientific civil servant who has lived in Malvern for over 48 years. I was also a local tourist information officer for some years, and that made me very aware of the importance of the Malvern Hills to the local economy. I was also a justice of the peace for some years, until my retirement at age 70.

38. Throughout those 48 years, I have willingly paid the compulsory levy, collected with the council tax, to fund the upkeep of the wonderful Malvern Hills to be enjoyed by all, and have participated as an elector to choose the trustee for my local area. I have, however, never agreed with the need for the huge expenditure on the new Bill.

39. As you have heard from other petitioners, the Malvern Hills Trust is a totally unique body, as it operates as a hybrid public body and a charity at the same time, but with different governance for its two roles. It proposes to be only subject to charity law under the new Bill. The Trust is not unique in being a hybrid body, but is unique in its levy-raising powers. For your Lordships to take account of this unique structure will not be setting a precedent for future private Bills.

40. Conflicts may arise when operating under such a hybrid structure. An example is that the Trust is expending levy payers' public funds on the new Bill, but has only received permission to do so from the Charity Commission, which is not responsible for the expenditure of the public funds, which form a large percentage of the Trust's income.

41. For all of the 48 years, I have lived in a house which borders common land to the front, which is in the jurisdiction of the Malvern Hills Trust, and I have an easement over that land to access my house. To the rear of my house, there is agricultural land, which has been identified as possible development land for 180 new houses, but this would rely on the granting of an easement by the Trust to provide the only possible access. My situation may seem somewhat similar to Dr Graeme Crisp, who you have already heard from.

42. THE CHAIR: Yes. Thank you for reminding us. Thank you.

43. MR BOTTOMLEY: However, I live on the opposite side of the iconic Guarlford Road to Dr Crisp. The other difference is that the land to the rear of my house has been identified in the forthcoming south Worcestershire development plan and is already the subject of an easement application. However, that application was lodged over five years ago in November 2020, and was then subject to public consultation in 2021, but has not been further considered by the Malvern Hills Trust board in all that time, making me wonder if there is a reason for such a delay.

44. Whilst the Bill does not materially affect the processes associated with easements, the changes to the board's structure in the Bill will definitely affect how easements are scrutinised and decided upon by the board members. I am therefore very concerned about the democratic make-up of the Trust board, and its ability to make fair and responsible decisions.

45. The Malvern Hills levy payers and electors comprise a tiny fraction of the general population, and this Bill directly and specially affects each and every levy payer. Levy payers are not equivalent to ratepayers. The levy is paid to the Malvern Hills Trust and not to Malvern Hills District Council, which collects it. The councils that have submitted petitions either represent all ratepayers in their council area, some of whom may not be levy payers, or only a subset of levy payers. The Malvern Hills Trust is adamant that the trustees elected by the levy payers do not represent the levy payers when making decisions on the board. Levy payers, therefore, have no representation, despite having gone through the process of electing a trustee. This unsatisfactory situation will be made even worse by the new Bill and the proposed structure of the new board, which is even less democratic.

46. Your Lordships may therefore wish to consider that there is no statutory body representing all the levy payers appearing before the committee, only concerned individual levy payers. The committee, in refusing the right to be heard to levy payers, is therefore in danger of not hearing sufficiently about the legitimate concerns of levy payers to many aspects of the new Bill. I suggest that, to mitigate this, the committee may wish to consider hearing from a small selection of levy payer petitioners, whose petitions cover the range of their concerns. This small selection could be selected by the committee, or you could ask the petitioners to make the selection for you. There would be no danger in this setting a precedent for future private Bills, as the Malvern Hills Bill is unique, as I have described previously, and you would be limiting the number of petitions to be heard to a manageable number, which seems to be the main focus of the various Standing Orders.

47. Your Lordships have already heard that the costs associated with bringing forward this private Bill are huge, and will be paid for, for many years to come, by the levy payers, which directly affects all of them. Every levy payer is therefore uniquely affected by this Bill and is not fully represented by the council petitions. Every petitioner is also uniquely affected due to the fees associated with becoming a petitioner, which have to be paid personally by the petitioner. This also naturally limits the number of petitioners coming forward. However, the committee will note that the 50 petitioners have chosen to undertake this personal expenditure, which is a clear indication of the depth of concern the new Bill raises.

48. For all these reasons, I believe that I will be directly and specially affected by some of the changes proposed in the Malvern Hills Bill, and therefore I do have a right to be heard as a petitioner, but if the committee were to agree to hear a small selection of petitions by individual levy payers, then I would be very happy that my concerns could be represented by them. Many thanks for your time.

49. THE CHAIR: Thank you very much indeed for the clarity of your submission. Ms Lean, your reply, please?

Response by Ms Lean

50. MS LEAN: My Lord, three points in reply, if I may, firstly that, with respect, the petitioner has not disclosed anything that makes him stand apart, separate from all the other levy payers who, as he said, are all affected by the potential changes in governance arrangements or the arrangements in the Bill. In my submission, there is nothing that stands out from this petition to set it apart from the general principle that was articulated in your earlier rulings.

51. The second may be a slight Standing Order 111 point, but the matters traversed today do go somewhat beyond the specific matters set out in the objections to the Bill in the petitioner's petition. In particular, there is nothing raised in the petition about a particular concern in how changes to governance arrangements might affect decisions about easements. My Lord has my submissions from previously as to the fact that the power to grant easements is not a new power in this Bill; it is preceded in the existing legislation.

52. Thirdly, my Lord, on the point about the benefit to your Lordships' committee of hearing from individual levy payers or persons who are individually affected, I have previously highlighted that one of the councils or bodies whose standing has not been challenged and so who will have their petition heard by the committee is that of Guarlford Parish Council, which I understand to be the area in which this petitioner is located.

53. As mentioned, I believe, in week one of the hearings, it will obviously be for Guarlford Parish Council to consider how they may wish to present their case or who they may wish to bring in support of that, and if there is a consideration that it might be

helpful to hear from individual persons within that parish, no doubt the parish council will be giving some thought to that in terms of how they present their evidence, but in my respectful submission, there are petitioners coming before you who are raising matters of concern about the levy—about matters of concern to levy payers—and there is not a justified or principled basis, in my submission, for finding that standing ought to be granted to this individual petitioner as a matter of discretion to come and speak on those matters.

54. My Lord, there are a number of other points that were traversed to do with the status of the body or funding and suchlike, but as I am conscious that we start our substantive case tomorrow, I will propose to leave any points of correction there until you hear our substantive case, if I may, because they do not go to the standing point specifically.

55. THE CHAIR: Thank you very much. Any questions? Mr Bottomley, any points you would like to make in reply to what we have heard from Ms Lean?

56. MR BOTTOMLEY: No, only to say that the Guarlford Parish Council only represents the very small number of levy payers within that council. There is no official body appearing before you that represents all of the levy payers.

57. THE CHAIR: Yes. Thank you very much. We will need to consider the points that have been put before us, Mr Bottomley. We reserve our position and, as I said to Mr and Mrs Knowles, we will announce our decision tomorrow at 12.45. If we decide you do have a right to be heard, then you will be invited back at a later date. I am going to end the proceedings at this point. We will sit again at 12.45 tomorrow, Wednesday, for the announcement of our decision on various cases that we have been hearing from in the last few days. Thank you very much.