

Petition

House of Lords Session 2024-25 Malvern Hills Bill [HL]

Do not include any images or graphics in your petition. There will be an opportunity to present these later if you give evidence to the committee.

Your bill petition does not need to be signed.

Expand the size of the text boxes as you need.

1. Petitioner information

In the box below, give the name and address of each individual, business or organisation(s) submitting the petition.

(1) Andrew Myatt,

In the box below, give a description of the petitioners. For example, “we are the owners/tenants of the addresses above”; “my company has offices at the address above”; “our organisation represents the interests of...”; “we are the parish council of...”.

Please see the information set out in the petition dated 28 January 2025 **attached** to this document.

2. Objections to the Bill

In the box below, write your objections to the Bill and why your property or other interests are directly and specially affected. Please number each paragraph.

Only objections outlined in this petition can be presented when giving evidence to the Committee. You will not be entitled to be heard on new matters.

Please see the information set out in the petition dated 28 January 2025 **attached** to this document.

3. What do you want to be done in response?

In the box below, tell us what you think should be done in response to your objections. You do not have to complete this box if you do not want to.

You can include this information in your response to section 2 ‘Objections to the Bill’ if you prefer. Please number each paragraph.

Please see the information set out in the petition dated 28 January 2025 **attached** to this document

Next steps

Once you have completed your petition template, save it and upload it to the portal, email it to hlprivatebills@parliament.uk or post to the Private Bill Office, House of Lords, London, SW1A 0PW or call 020 7219 6061 to arrange a time to deliver it in person.

Petitioner's details

Organisation/group name (if relevant)

n/a

First name(s)

Andrew

Last name

Myatt

Address line 1

Address line 2

Post code

Country

Email

Phone

Who should be contacted about this petition?

Individual above ☒

Another contact (for example, Roll A Agent or other representative) ☐

If another contact, complete the 'main contact's details' section.

Main contact's details

First name(s)

n/a

Last name

n/a

Address line 1

n/a

Address line 2

n/a

Post Code

n/a

Country

n/a

Email

n/a

Phone

n/a

[Terms and conditions](#)

Personal information

A copy of this petition and information provided in the online form will be:

- kept in the Private Bill Office and as a record in the Parliamentary Archives.
- sent to the Bill's Promoter after the petition has been received by the Private Bill Office.

We will publish your petition on UK Parliament's website. This will include your name and part of your address.

The personal information you have provided may be kept in a database by both Private Bill Offices.

Communications

Private Bill Office staff may call or email any of the people named in the petition to verify the information provided.

Communications may be stored in databases to keep track of information you have given or received. This information may be shared between the Private Bill Offices.

Consent and confirmation

The information you have provided in the petition and online form is accurate.

If you have completed the form on behalf of an individual, a group of individuals, an organisation, or a group of organisations, you have been authorised to do so.

☒ **Check this box if you agree to the terms and conditions**

Petition in Opposition to the Malvern Hills Bill

Mr Andrew Myatt

Dated 28 January 2025

Introduction

1. The purpose of his petition is to set out my objections to the Malvern Hills Bill in its present form and to propose certain amendments.
2. Very little time has been provided from release of the text of the Bill to the deadline for submission of Petition as it is inevitable greater time would have allowed a more complete response.

Summary

3. It is my view that the Bill is flawed both in intent and execution.
4. The current acts have their foundation in securing, and conserving the Malvern Hills and commons and the local population who gain benefit most, pay for its management. However, this Bill continues to require the local population pay for the lands management whilst reducing their influence, it also reduces the security and enjoyment of the land by provide greater powers for the land's financial exploitation.
5. There must be a strong democratic connection between the Levy payer and the decisions of the Trust. I want to pay the levy. People who live in Malvern and who increasingly move to Malvern often because of the environment created as a result of land that the Trust own, do so knowing that it comes at the cost of the Levy. The Trust must not be allowed to morph into a not for profit but commercial organisation with forced levy payers attached. If that happens in time it is inevitable there will be calls by the local population to remove the levy. This would be bad for the conservation of the Hills as it would further increase the commercial exploitation and the inevitable loss of the hills as I currently know them.
6. Insufficient time has been allowed for public review of this Bill. In terms of execution the Bill is confused and at odds with good governance and the long term objects of conservation. In preference the Bill should be rejected, and the Trust given the opportunity to seek and take account of public input.
7. Alternatively, the Bill should be significantly amended, areas of greatest concern are: i) board/Trustee composition, the Bill as it stands creates a muddled and unrepresentative mechanism for electing and appointing members, this would be open to manipulation by the board Executive. ii) existing asset security, the Bill as it stands allows proceeds and debt to be raised on existing assets thus weakening the security of land and assets owned prior to passing of the Bill, iii) commercial partiality, the Bill as it stands opens the Hills up to be exploited for commercial gain, only limited by the Trusts own assessment, thus, creating a conflict of interest with core Trust objectives.
8. To this end the following amendments are proposed: -
 - B1.a Remove the change to the number of directly elected board member retaining them at 11
 - B1.b Remove the two-term limit of elected board members.
 - B1.c Allow in-person voting, and revert to a single 4 years voting cycle for all elected members.
 - B1.d Limit the number of appointed board member to 4

B1.e Limit the term of appointed members to 3-year terms, and a maximum of two terms

B1.f Apply the same geographic connection to the area for appointed members as is applied to elected members

B1.g Limit the Nominations committee to elected members (no independent members)

B2.a Capital money received from sales, letting, grant or others disposal of land or other interests in land where it relates to land owned prior to the Bill be should not be used to repay borrowing on land purchased after the bill.

B2.b Borrowing by the Trust should only be upon security of revenue, assets and property gained after the passing of the Bill.

B3.a The Trust should not be able to nett increase the area given over to car parking

B3.b The Trust should not have a broad ability to license other activities as it feels fit and the Trust should not have the ability to grant Leases and Licenses over land owned prior to the passing of the Bill, other than those that might exist in the current acts.

B3.c Other than might exist in the current acts, there should be no provision for any quarrying and extraction on Trust land. The power to use loose/ natural rock falls rock material should be limited to a maximum 10 cubic metres per year and that amount should not be carried forward.

Structure

9. In the paragraphs which follow this petition sets out: -
- a. **Section A**: Standing to object
 - b. **Section B**: My objections to the Bill, with reference to the amendment outlined in paragraph 8 above: -
 - i. **Section B1**: Board/Trustee Composition
 - ii. **Section B2**: Existing Asset Security
 - iii. **Section B3**: Commercial Partiality

Section A: Standing

10. I am the owner of _____ an address within _____
a levy paying ward of the Trust.
11. I am regular user of the hills. I frequently, 2 or 3 times a week, walk from the above address to the top of North Hill of the Malvern Hills.
12. I grew up in Malvern, and with the exception of 10 years between the age of 20 and 29 have lived in Malvern and enjoyed the Hills since my birth in 1964.
13. I was previously an elected member of the Malvern Hills Conservators Board representing Dyson Perrins ward. I serving two terms 2003 to 2007, and 2007 to 2011.

Section B: My Objections to the Bill

Section B1: Board/Trustee Composition

14. When I joined the board of the Malvern Hills Conservators at the age of 39, in 2003 with a business background I initially found progress frustrating and very slow. As experience and understanding developed, however, I came more to appreciate the benefits of the larger and experienced board and the resulting slower and more considered decision-making process. The existing governance model is one that has stood the test of time, and is appropriate where the primary object is land conservation.
15. Although not explicitly stated possibly the change of name from Malvern Hills Conservators to Malvern Hills Trust represents a new desire by the Trust to focus the organisation to a more commercial footing. One where the mind-set is of utilising and 'sweating' the assets bequeathed by the past is intended. One can see how an executive team might be motivated in the direction of organisation growth and generation of additional revenue. On face value this might seem reasonable. But the Bill as it stands appears to risk compromising and putting further pressures on the land, which must not be allowed.
16. The Bill significantly alters the control of the board away from elected members, both by reducing the number of directly elected members and removing representation of those currently nominated by outside elected bodies. The Bill proposes six elected members, and six appointed members. Both with term limits. Appointed members would be appointed via a Nominations committee which itself would be composed of the chief executive, two existing Trustee members, either elected or appointed, and two independent members, who are also appointed by the Trust. Whilst the Bill does not provide the chief executive with voting rights in the Nominations committee, as the independent members are appointed by the Trust, these arrangements are open to manipulation by the chief executive. This is especially so as the Bill imposes two term limits on elected members.
17. It is possible to consider a situation in which a chief executive with an agenda conspires to influence the appointment of independent members, they subsequently nominate appointed members, who in turn appoint subsequent Independent and appointed members and so on such that the board becomes ineffectual in controlling the decisions of the executive. Whilst it might be argued by this is unlikely, the Bill as it stands allows this to happen as board members with external accountability via elections are placed in the minority.
18. To counter these risks the following amendment should be made: -

B1.a Remove the change to the number of directly elected board member retaining them at 11

19. Subsection (1) Clause 8, no rationale is given for the reduction in the number of elected members from 11 to 6. The Bill as it stands provides an equal number (6) of elected and (6) appointed members. There should be a majority of elected members over appointed to counter executive and undemocratic influence. A reduction in the number of elected members will also inevitably limit accountability to Levy payers and awareness of local issues within the board.

B1.b Remove the two-term limit of elected board members.

20. Clause 9, A term limit on elected members is undemocratic. Levy payers should be able to elect and retain members of the board who provide the best service. Significant experience and knowledge are also built-up years over service to the Trust that will be lost as a result of an enforced limit.

21. The limit also has the effect of increasing the power and influence of the executive. Employees and therefore the executive become the only people within the organisation not subject to terms limits.

B1.c Allow in person voting, and revert to a single 4 years voting cycle for all elected members.

22. Clause 24, The Bill as it stands provides only for Postal and Electronic voting in elections. This provision will disenfranchise potential voters and therefore is not in the interest of Levy payers. Voting for elected members should be via the same methods as for normal local elections (currently including in-person voting).

23. No rationale is given for holding biannual cycle of elections for elected members. This approach can only be expected to divide and dilute the effectiveness of elected members.

B1.d Limit the number of appointed board member to 4

24. Subsection (1) Clause 8, no rationale is given for six appointed members. As stated in B1.a There should be a majority of elected members over appointed members to counter executive and undemocratic influence. A reduction in the number of appointed members to approximate 1/3rd of elected members will allow for the Bills desired special expert input whilst maintaining clear democratic accountability within the board.

B1.e Limit the term of appointed member to 3-year terms, and a maximum of two terms

25. Clause 14, Subsection (1) and Clause 9, The Bill defines appointed members as trustees who bring special knowledge, experience or ability. It is not unreasonable therefore to expect these experts to transfer their knowledge into the Trust and not run it. The Bill should be amended so that appointed members terms should be restricted to a three-year period. A shorter period than elected members would counter undemocratic influence, but sufficient time to provide knowledge and experience. A two-term limit, provides a total period on the board of six year for when an appointed member proves to be an exceptional expert.

B1.f Apply the same geographic connection to the area for appointed members as is applied to elected members

26. Clauses 14, 15, 18. The Bill as it stands provides significant inequalities between eligibility criteria allied between elected and appointed members.
27. Elected members, must live or work within the Malvern Hills wards. They must first be nominated by two people who are listed in the register of electors, then they must be elected in preference to others by the electors. None of these conditions apply for appointed members, who can reside anywhere in the world, and have not connection at all with the Malvern Hills. They are recommended only by the Nominations committee, and must to be accepted by the board, unless there is a special resolution of the Board.

B1.g Limit the Nominations committee to elected members only (no independent members)

28. Clauses 14, 15. A close reading of these clauses in the Bill provides insight into the confused and circular nature of appointed members, independent members and the role

of the executive. The independent members would be wholly undemocratic and unaccountable. It is not possible to see a reason for their role.

29. If a Nominations committee must exist then it should be composed of elected members only, guided and supported by non-voting advisers, employees or otherwise as appropriate.

Section B2: Existing Asset Security

30. The existing acts have stood the test of time in protecting the land assets. There should be no reduction in this security as a result of this Bill. Unfortunately, the Bill as it stands places existing land assets at risk.

B2.a Capital money received from sales, letting, grant or others disposal of land or other interests in land where it relates to land owned prior to the Bill be should not be used to repay borrowing on land purchased after the bill.

31. Clause 34 subsection (1) to quote from the guidance notes; *“enables the Trust to apply capital money received from the Trust’s disposal of land or other interests for the repayment of the principal of any amount borrowed or for any purpose for which capital money may be properly applied”*. Under the current acts capital received in this way would need to be applied into a restricted fund able to be applied to purchase of land only.
32. The effect of this Bill change will allow existing pre-Bill land assets to be sold (with the permission of the security of state), and the money realised applied to repay any capital borrowing. That capital borrowing would be against land purchased post Bill and without the same protection as the pre-Bill land. The net result is that there is a dilution of the net land or assets under protection without needing disposal approval of the Secretary of State.

B2.b Borrowing by the Trust should only be upon security of revenue, assets and property gained after the passing of the Bill.

33. Clause 35, The Power to Borrow and mortgage land. Is a wholly unacceptable provision within the Bill. To quote *“Money... may be borrowed upon the security of all and any revenues and property of the Trust”*.
34. The fact that the Malvern Hills Conservators (as was) has set before Parliament a Bill that enables it to borrow money using as security all and any land beggar’s belief. Whilst Subsection (4) does put a requirement for a mortgage against existing land to be subject to the approval of the Secretary of State, in practice we can expect a lower standard of test for approval being applied by the Secretary of State to mortgage land as opposed to selling it. Such a process can also be expected not to gain as much public notice when being put in hand as compared to land disposal. However, the very act of using land as security acknowledges by both the borrower and the lender that there is the possibility of default and therefore the lender taking possession of the land used as security.
35. The Clause additionally seems to enable money in existing restricted funds to be borrowed against without permission of the Secretary of State. Money in restricted funds such as the

“Land Purchase (1992) fund” was obtained via land disposal prior to the Bill and should therefore not be available to be borrowed against.

Section B3: Commercial Partiality

36. Whilst the Bill retains the income sourced via the Levy, it increases options for the trust to exploit the land assets for commercial gain. Taken as a whole the Bill as it stands will change the position of commercial activities from subsidiary (i.e. such as changing for car parking) to become a core focus.

B3.a The Trust should not be able to net increase the area given over to car parking

37. Clause 58, The Trust should not be seeking to encourage additional people to visit the Malvern Hills by car. There is adequate train and bus connections into Malvern, and those seeking to cycle on the Hills should also be cycling between home and the Hills. Visitors who are staying in local accommodation overnight should be leaving their car at the accommodation.
38. Where a car park might be underutilisation the Trust should be making the public aware of it as a car parking options. However, I can see an argument for the Bill providing for relocation of pre-Bill car parking provision. Removed spaces to be returned to a natural conservation stated beforehand.

B2.b The Trust should not have a broad ability to license other activities as it feels fit and the Trust should not have the ability to grant Leases and Licenses over land owned prior to the passing of the Bill, other than those that might exist in the current acts.

39. Clause 63, makes a broad new provision that will increase the commercial exploitation of the Hills and commons. The Bill will enable commercial activities that will bring people to the land owned by the Trust, not to enjoy the land for its own sake but for events that take place on the land. This is not the role of conservation, as these will place additional pressure on the hills and commons.
40. Already there is significant erosion of the paths and the ridges of the hills. A licensing provision will enable commercialisation/licensing of events such as large sponsored walks. The provision to enable the Trust to erect a temporary fence on Link and Wells common allows for large ticketed events to be staged such as a music festival, placing significant pressure on the environment.

B3.c Other than might exist in the current acts, there should be no provision for any quarrying and extraction on Trust land. The power to use loose/ natural rock falls rock material should be limited to a maximum 10 cubic metres per year and that amount should not be carried forward.

41. Clause 79, 81. It is unclear why the Trust in seeking a new Bill should not have sought to remove any provision for quarrying that was provided for in the 1884 acts.
42. The Trust should have ability to utilise some Malvern stone for a narrow set of projects. However, the provisions of Clause 81, allows for extraction, and taking a significant number of materials each year. Extraction should not be permitted.

43. The Bill allows the Trust to purchase new land, using debt raised on pre-Bill land. Construct buildings on that land, using stone extracted from pre-Bill land, and then sell that land and buildings without reference to Secretary of State. The Bill therefore permits the Trust to become a property developer.