

UNCORRECTED MINUTES OF ORAL EVIDENCE

taken before the

MALVERN HILLS BILL COMMITTEE

PETITIONS AGAINST THE BILL

Tuesday, 3 February 2026 (Morning)

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:

Richard Fowler
Robert Berry
Cllr Paul Bennett
David Fellows

INDEX

Subject	Page
Mr Richard Fowler et al, Mr Chris Rouse and Mr David Fellows	4
Statement by Ms Lean	5
Mr Marcus Cleaver	12
Statement by Ms Lean	12
Evidence of Mr Fowler	12
Mr Chris Rouse	14
Statement by Ms Lean	14
Mr David Hopkinson and Mrs Kathryn Hopkinson	17
Statement by Ms Lean	17

(At 10.29 a.m.)

1. THE CHAIR: Good morning and welcome to this, the seventh session of the Select Committee on the Malvern Hills Bill. Some of you—and indeed it is Mr Fellows this morning—are appearing remotely, and you are very welcome to join us, along with those who are present with us in this committee room. The purpose of this meeting is to hear parties in relation to the issue of right to be heard. At this stage, the parties will not be making submissions on the substance of their objections. All parties attending these sessions have been provided with a copy of the committee's interim decisions on standing, which were announced to the public last week on Thursday, 22 January, and decisions of Thursday, 29 January as well, and they are on the website.

2. Petitioners who have a right to be heard will be invited back before the committee in due course. That is why I would be particularly anxious that you should contain yourselves and confine your submissions to the issue of right to be heard, because, if you do have a right to be heard, there is ample opportunity to develop the points you wish to make at a later stage.

3. There are one or two practical arrangements that I should mention. The first is that those in this room who have mobile phones with them please put their phones on silent. Also, refrain from having conversations behind the witnesses, because it can be distracting in this room, where acoustics are not very good, to have noises behind you.

4. The fire alarm system in this building is as follows. In the case of fire, we do not use bells in this building. Instead, there is a two-tone siren, which will be followed by a series of taped messages telling people what to do. If evacuation is necessary, which I think is highly unlikely, but we have to be prepared for it, then please follow the instructions of the clerk. Anyone who happens to be outside the committee room should find the nearest security officer. Please also, if we have to leave the room, do not waste time by gathering up your papers. We really have to leave the room immediately and you will be allowed back in, of course, to collect your papers at a later stage.

5. These proceedings are being broadcast and a full transcript will be taken. The position will be that you will be shown the transcript and, if you find that the transcript in some respects is incorrect as regards your own evidence, please let us know and it will be corrected. We are not, I think, this morning likely to be at risk of divisions, but

that may happen this afternoon and I will mention that if it arises.

6. We now pass to the petition of you, Mr Fowler, together with your co-petitioners. I think that there are five in number on your petition, but I think one of them is absent. Am I right?

Mr Richard Fowler et al, Mr Chris Rouse and Mr David Fellows

7. MR FOWLER: That is correct, my Lord. Four of us are here—three of us on the table and one remote—and I am going to speak for Mr Rouse, who unfortunately cannot be here today.

8. THE CHAIR: Right. Thank you very much.

9. MR FOWLER: Thank you.

10. THE CHAIR: The way in which we organise these hearings is that we hear from counsel first, and then you have a right of reply. I think I would like to be quite clear who is who, so if you could just—it is difficult for us to read the names at this distance. If you would perhaps introduce those who are with you, Mr Fowler.

11. MR FOWLER: Obviously I am Mr Fowler, Richard Fowler, and on my left is Mr Robert Berry. On my right is Cllr Paul Bennett.

12. THE CHAIR: Thank you very much. Do you spell your name with one T or two Ts?

13. CLLR BENNETT: It is two Ts. I did notice there were a few spelling mistakes.

14. THE CHAIR: Yes. I noticed that in the minutes you have two Ts and I assumed the minutes probably knew what they were talking about, so we will give you two Ts and make quite sure that that is properly correct.

15. CLLR BENNETT: Thank you.

16. THE CHAIR: Thank you. Ms Lean, let me begin by saying this. We would be greatly assisted, having regard to the instructions, if we had the benefit of listening to the trustees on the substance of their petitions. It does not look very good, to be frank, if you are standing out and depriving us of the benefit of their advice. They have been

deeply involved in this for a long time and they are better placed than almost any other petitioner to guide us as to what should and should not be done. We bear in mind the instructions that we have had at Second Reading. That is why I ask you whether you really wish to insist on this, because, if you do, well, obviously we will have to go through the drill and find a way through to what the committee wishes to do. It is quite clear that the committee would like to have the benefit of their advice and I just wonder whether you wish to press the point.

17. MS LEAN: My Lord, could I take instructions? I am just conscious that you have asked me that and—

18. THE CHAIR: I think that that would be fair. What I was going to suggest is that we give you 10 minutes. I will adjourn the proceedings for 10 minutes and you can go outside and discuss this, bearing in mind what I have just said. I think that it would ease the whole atmosphere of the whole proceedings from now on if we did not have this thing hanging over us of having to be deprived of the best evidence we could possibly have to go through the detail.

19. MS LEAN: That is noted, my Lord. I would be grateful for a few minutes to take some instructions.

20. THE CHAIR: You will leave the room. The rest of us, if you would not mind just remaining where you are and we just have to wait for the 10 minutes. I close the proceedings now.

Sitting suspended

On resuming—

21. THE CHAIR: Yes?

Statement by Ms Lean

22. MS LEAN: My Lord, I am grateful for the time to take instructions in light of that clear indication from your Lordship. The decision to challenge the standing of a number of petitioners was taken by resolution of the Trust. I do not, therefore, have authority, on instructions, to formally withdraw any challenges that have been made to you. In light

of the steer, what I can do is say, given that indication, the Trust will not be pressing the challenge. We have done the job of raising it and leaving it to the committee's decision. I would not propose to address you with detailed submissions in the way I have on other petitioners as to why we say standing should not be permitted.

23. My Lord, if I may just raise two or three points in light of that headline indication, the first is that the promoter has raised the challenges to standing of trustees by reference to the principles that were outlined last week in submissions in respect of Mr Myatt and that were, as we understood it, reflected in the interim ruling given last Thursday to do with Standing Order 115. In that context, it would be our understanding that, if the trustees were to be given standing, contrary to the established principle position, it would be on a discretionary basis by this committee.

24. THE CHAIR: Yes.

25. MS LEAN: The second is one of the points I prayed in aid as to perhaps why there is the rule that there is that dissenting members of a promoter body do not enjoy standing as of right to come before a committee such as this, which is that this committee, as with other committees, is seized with objectively scrutinising the Bill and its provisions. It is not a forum for bringing what had been internal debates that may or may not have been had or internal disagreements within the body to be reventilated in this very public forum.

26. My Lord, I do highlight that because one of the points that was raised in the challenge letter for these petitioners—the collective trustee petitioners, if I can put it in those terms, petition 32—was the Standing Order 111 point that there was a considerable amount in the petition that did not seem to go specifically to the Bill or specific provisions, but perhaps sought to traverse matters or historic events, matters of disagreement that had occurred previously. My Lord, if the committee is minded to grant standing on a discretionary basis, from the promoter's perspective we would, respectfully, urge that such standing be granted or hearings be granted to matters that do go to the Bill and governance changes proposed in the Bill or those matters, rather than the hearing opening up into perhaps a traversing or canvassing of matters that may or may not have happened or disagreements or issues that may have arisen over the past four years, which, in fairness, would then require evidence, I think, from the promoter,

or perhaps promoters—from trustees who are on the majority, potentially, to counter, whereas obviously the approach the Trust has sought to take as promoter is to provide evidence to you as to why, objectively, it is considered these provisions are needed.

27. My Lord, if I could just put that marker down. There is a concern that this could, unless clearly demarcated as to on what basis you considered you would be assisted by hearing from the trustees and on what matters you would be assisted by hearing from them—

28. THE CHAIR: I think we entirely understand your position. We are extremely grateful to you for taking time to reflect on this outside this committee room. I think that, when we get into the details of the Bill, the issues will be much more focused than they have been so far. We have been generous in listening to petitioners covering a lot of ground, partly because there is a sort of public relations element in this at this stage. When we get into the detail, it is going to be a very precise focus on the clauses and the reasons for them, and possible objections to those clauses. You can take it that we will be very keen to restrict the discussions and cut out extraneous material.

29. Also, the opening paragraph of Mr Fowler's presentation in the paper we have seen this morning is raising issues about background and the handling of the matters that we do not want to go into at all, which is the reason why I think it is very helpful you can take the position that you are going to leave it to us, rather than pressing points. I think I can also say that you have an objection in Standing Order 115(2), which is well taken, and obviously we cannot come in under 115(2), so it would have to be 118, which is what we are planning to do.

30. MS LEAN: My Lord, there is one final point, if I may. I have responded at the moment on the basis that I was being asked around petition 32 in particular, which is the trustees' collective petition. There are, of course, petitions from a couple of the trustees individually. That is petition number 43, Mr Rouse, and petition number 41, Mr Fellows. With regards to Mr Rouse, it was a partial challenge, if I may. We had not challenged his standing in his capacity as somebody who enjoyed commons rights. We had challenged it on the matters that did not go to commons rights.

31. In my respectful submission, for Mr Rouse and—this may be more pertinent for Mr Fellows rather than Mr Rouse—if the committee decides to hear the trustees on their

collective petition, as a matter of discretion, I would still, on behalf of the Trust, maintain the challenge to Mr Rouse in his individual petition, so petition number 43, and Mr Fellows, individual petition number 41, on that. If they are relying on their capacity as a trustee to be heard together with other trustees, they should not also separately be able to rely on their status as trustees to present their own individual position and Mr Rouse's petition should, in my submission, respectfully, be limited to those matters that affect him as somebody with common rights. Mr Fellows' standing should be considered on the basis of, leaving aside his status as a trustee—because that is bound up with petition number 32—is there anything else in his petition that would give him standing to be heard, as of right or as a matter of discretion, in his personal capacity as the levy payer and inhabitant of Guarlford and someone who takes access over Trust land? Otherwise, you would potentially then be hearing two petitions from each of those trustees as trustees: one in their own name and then one, collectively, with other trustees.

32. THE CHAIR: Yes. I follow that. What do you have to say about Mr Fellows' petition, 41?

33. MS LEAN: With regard to Mr Fellows' individual petition, my Lord, standing has been challenged, or the letter challenging standing raised that there were no personal property interests that were specially and directly affected by the Bill. Obviously it was said that his status as a trustee did not give rise to standing and also there was a Standing Order 111 challenge that a considerable part of the petition did not disclose specific issues or objections to do with the Bill, but rather focused on perhaps some more historic matters. My Lord, I do maintain the Trust's position that status as a levy payer and status of somebody who has land adjacent to that owned by the Trust is not a basis for standing as of right or as a matter of discretion, for the reasons I outlined last week and the week before, and that there is nothing in the petition disclosed by the petitioner, in my respectful submission, that discloses some special or extra way or different way in which Mr Fellows is affected by the Bill in that capacity that goes over and above any other levy payer or person who has land in a similar location, whether in Guarlford or elsewhere.

34. THE CHAIR: Yes. Thank you very much indeed. Mr Fowler, in view of the position that we have reached so far, I think you can take it that the committee are

inclined to allow your petition in—petition number 32—on the basis that we have a discretion to be exercised in your favour as an inhabitant with points to make on the Bill, as set out in that particular petition. I wonder what your position is about the people for whom you speak as individuals. We have the point raised about Mr Rouse’s petition. He is not here, of course.

35. MR FOWLER: No, he is not.

36. THE CHAIR: You have heard what has been said. As far as his position as a commoner is concerned, that is conceded. Would it not be helpful if he just presented his case, as it were, based on petition number 32, where you gather all the points together, so we do not have too many petitions to look at at the same time?

37. MR FOWLER: Yes, my Lord. I thank you for your discretion in hearing our petition. This is quite unexpected and quite outside the realms of my normal life, so I am trying to process it.

38. THE CHAIR: Yes, of course.

39. MR FOWLER: I do not have, necessarily, Mr Rouse’s permission to withdraw his petition. It would only take a short time for me to speak on it and then leave it to yourselves and the counsel to decide.

40. THE CHAIR: Right. I understand that.

41. MR FOWLER: Mr Cleaver is not a trustee, so his petition is separate and, again, it is not a long—

42. THE CHAIR: Yes. We will come back to it at a later stage, I think. We will get all the trustees out of the way, as it were, first and then come back to that one at a later stage this morning.

43. Mr Fellows, I wonder whether you would unmute yourself. I hope you have been able to hear the discussion that we have been having with counsel and the point we have been making that we are minded to accept petition number 32, to which you are a party, on the basis that we have a discretion to exercise in your favour, for reasons we will explain. Is there anything you particularly would want to add in relation to your own

position?

44. MR FELLOWS: Thank you, my Lord. I have done a written statement, but I would like to add that I am grateful to my Lords for allowing the group to continue. I think that that is my understanding of it. I have done a written statement, my Lord, for your reading today. In the terms of what has been presented, I would consider withdrawing my petition on the basis but that the points that I have raised in my written statement are taken into account, my Lord, in order to help exercise efficiency for your discretion in the hearing.

45. THE CHAIR: I think that I have to point out that there is a rule that we operate on that you cannot go beyond what is written in your petition. The written statement is to help us as to whether you have a right to be heard. We can look at it, of course, in finalising our reasons, but, once we reach the stage where we will invite you back, it would be on the basis that you can be heard on what is in petition number 32, along with your fellow trustees. Is that acceptable?

46. MR FELLOWS: I think that it is, my Lord.

47. THE CHAIR: That is very helpful. I am not sure there is much more we need say, unless you, Mr Fowler, would like to add further. I am afraid we have taken things in a rather different pattern to the normal, where we go through a lot of presentations and so on, but it is not really necessary to do that and take up a lot of time doing that. What we will do is you will hear on Wednesday our reasons for allowing you in, with the qualifications that we need to make in dealing with them, but I think, beyond that, there is not much more we need to discuss. If we can just put petitions number 41 and 43 and your own petition 32 out of the way, and we now have to move on to, I think—is it Mr Cleaver comes next? Yes.

48. MR FELLOWS: My Lord—

49. THE CHAIR: Yes. Sorry, Mr Fellows, you want to say something.

50. MR FELLOWS: I do represent Mr and Mrs Hopkinson, my Lord.

51. THE CHAIR: Yes.

52. MR FELLOWS: Do I need to continue with that, or—
53. THE CHAIR: Yes, you will and we will call you back on hers. We have not forgotten that one, I can assure you. It will come back.
54. MR FELLOWS: Thank you very much, my Lords.
55. THE CHAIR: Mr Fowler, where do we go from here? You have got another petition that you want to present on behalf of somebody who is not here.
56. MR FOWLER: Mr Marcus Cleaver.
57. THE CHAIR: Yes, Mr Cleaver. I think what we will do in that case is adopt the more normal procedure, which is to hear what counsel has to say about Mr Cleaver's petition, and then you will be in a position to reply and explain to us why you suggest that he has a right to be heard.
58. MR FOWLER: Thank you, my Lord. I understand that.
59. THE CHAIR: Yes, Mr Bennett?
60. CLLR BENNETT: I presume from what I understand, because obviously I am just trying to go along with what is happening, that you no longer require me to be here, because I am not presenting any other petitions.
61. THE CHAIR: You do not need to be here, no.
62. CLLR BENNETT: I now can go because this has been dealt with in terms of petition number 32.
63. THE CHAIR: That is right. Petition 32, to which you were a party, has been dealt with, so you are free to go if you would like to go.
64. CLLR BENNETT: Thank you. It was lovely to see everybody.
65. THE CHAIR: At least we have corrected your spelling of your name.
66. CLLR BENNETT: Yes, that was a vital part. Thank you very much.
67. THE CHAIR: Good. Thank you. Yes, now, Ms Lean, we have got petition 45,

which is Marcus Cleaver.

Mr Marcus Cleaver

Statement by Ms Lean

68. MS LEAN: Yes, my Lord. As set out in the table of those whose right to be heard has been challenged, Mr Cleaver's petition identifies that he is a levy payer and that he enjoys the hills. He is a regular walker on the hills. His right to be heard has been challenged on the basis that the petition does not disclose that any property or personal interests of the petitioner are specially and directly affected by the provisions of the Bill. If I may, I would respectfully rely on submissions I have made to the committee over the past couple of weeks about status as a levy payer, status of somebody who enjoys the hills and also the principles set out in the first interim ruling of the committee in particular. I would highlight that, as set out in the notes, the petitioner does object to provisions of the Bill about common rights, but this petitioner is not somebody who has common rights. He does not have status as a commoner.

69. THE CHAIR: He does not actually enjoy them myself.

70. MS LEAN: No, My Lord.

71. THE CHAIR: Right. Mr Fowler, it is your opportunity to reply. We have been over this ground in previous petitions, as you may have realised, in dealing with levy payers and people who walk on and enjoy the hills. In previous cases, we have said they do not have a right to be heard unless there is something special to them as individuals, to mark them out from all the others. Is there something in particular about Mr Cleaver's position that you can draw our attention to?

Evidence of Mr Fowler

72. MR FOWLER: I think Mr Cleaver's position as a prominent architect in Malvern—he did ask me to represent him on this petition. We do appreciate that, as a levy payer, it has been very difficult to breach the wall that has been placed there, although it seems to me that this committee is not bound by precedent, as noted in the Holocaust Memorial Bill. We wonder whether Marcus Cleaver should be considered as an inhabitant, as he lives within the hills and just as close to the amenity as other

individuals, like Sir Peter Bottomley and others, who were granted standing under that Bill. I am speaking a bit off the cuff now, because this has all come completely out of order, so—

73. THE CHAIR: Do take your time. I know I do not want to put you under pressure, please.

74. MR FOWLER: He has lived in Malvern for a long time and he and his wife do use the amenity. That was the reason they chose to be there, so that is very important to them. He is concerned about his elected trustee not having access to papers and that sort of thing, which means he is not represented properly on the Trust. He has concerns about the general powers, but I think that that is the main tenet of this. I will not extend it beyond that, only to say, just in conclusion, that he is obviously a levy payer and that he is also an inhabitant, I respectfully suggest to you. I would like you to consider it on that basis. Thank you very much.

75. THE CHAIR: Thank you very much indeed. Ms Lean, I am not sure you need to say anything by way of reply. I think that what we will do is reserve our position. We will look at the petition again and consider whether there is anything we can say in his favour, but, as far as a decision is taken, we will take that decision and announce it on Wednesday at about 12.45 pm. I think we can leave that petition now. Thank you very much indeed.

76. MR FOWLER: I am grateful to you all.

77. THE CHAIR: I think that completes all you have to do, Mr Fowler. Am I right?

78. MR FOWLER: I am not quite sure I fully understand the last part of the process, which is in relation to Mr Rouse, because Mr Rouse has a separate petition. I am not quite sure where we are with that now.

79. THE CHAIR: Are you able to present it on his part?

80. MR FOWLER: I am able to present. Again, it will not take much of your Lordships' time, because I do know a lot of time has been spent hearing standing.

81. THE CHAIR: Which number is he? Forty-three. Yes. Ms Lean, I am sorry. I

should have asked you whether you wanted to say anything in reply on Mr Cleaver and I rather suggested that you did not have any need to reply. Am I right?

82. MS LEAN: Yes, my Lord. At most, I was going to just refer to the relevant passages of the Holocaust Memorial Bill, where the committee in that case had considered the 118 point and the specific circumstances of that case. That was all, but I have already covered that point.

Mr Chris Rouse

83. THE CHAIR: Can we come back then to Mr Rouse, who is petition number 43?

84. MS LEAN: Indeed, my Lord.

85. THE CHAIR: He says he holds rights of common.

Statement by Ms Lean

86. MS LEAN: My Lord, the promoter's position in respect of this petitioner is that it does not dispute his entitlement to be heard as of right in his capacity as a commoner on those parts of the Bill that touch on or relate to or may affect his rights as a commoner. My Lords, if it is of assistance, I was looking again at the petition. There are, for example, 15 points that are raised in section 2 on objections to the Bill and 13 asks of what is to be done. There were only two, or potentially three, that potentially seemed to engage the petitioner's status as a commoner.

87. That was in section 2, "Objections to the Bill", point 1.5, "the Bill includes a power to fence without adequate safeguards", 1.14, "regulating grazing takes away some of my rights of common", and, potentially, point 1.13, "the Bill allows the conservators to ban parking on the commons within 15 metres of the road". Those seem to be the points raised in the petition that seem to go most directly to the petitioner's status as a commoner. The corresponding asks in section 3, "What do you want to be done in response?", seem to be 2.6, "restrict the power to fence to fencing only to stop animals leaving the hills", and 2.13, "restrict the ways in which the conservators may control those with rights of common", and potentially then 2.12, "include in the Bill that the by-laws shall not override the Road Traffic Act when it comes to parking on common land".

88. I am conscious that your Lordships' committee may take the view that there are wider provisions than that, but what we have identified is that, where there are matters that go directly to the petitioner's status as a commoner or could potentially affect his rights as a commoner, we do not dispute standing there, but we have challenged standing on more general matters, which seem to be linked potentially to his status as a trustee or a levy payer, to do with matters such as the objects generally, public body status, the levy, those matters. My Lord, that is where we have essentially drawn, in practice, the distinction between the base on which we challenge and the base on which we do not. In my respectful submission, so far as the petitioner relies on his status as a levy payer, he is in no different a position vis-à-vis those matters to any of the other levy payers you have heard from over the past couple of weeks. So far as he relies on his status as a trustee, I have made the submission, my Lord, about not appearing twice in the same capacity.

89. THE CHAIR: Yes. Thank you very much indeed. I think what you are saying is that, as a commoner, he must be confined specifically to the points that you have mentioned. We would simply put that into the ruling to make it quite clear that that is the position that he would enjoy.

90. MS LEAN: Indeed, my Lord.

91. THE CHAIR: I think I will come back to you, Mr Fowler, on his behalf.

92. LORD INGLEWOOD: Chairman, could I quickly have a word?

93. THE CHAIR: Yes, sorry.

94. LORD INGLEWOOD: The petition covers a whole range of things, which includes some of the things that Mr Rouse has raised in a personal capacity. As part of the petition, are you saying that that in any way affects their putting forward points—"they" including him—on those matters, other matters?

95. MS LEAN: My Lord, to the extent that the matters in Mr Rouse's petition overlap or touch on the same subject matter as are set out in the collective petition, then yes, those matters could be considered but as part of petition 32 would be my solution.

96. LORD INGLEWOOD: What you are saying is, if we find things in his individual

petition that are not covered in the collective petition, they are ruled out of court, unless they are to do with his rights as a commoner and so on.

97. MS LEAN: Yes, my Lord. That would be the approach. I have tried to identify those points that seemed most obviously to go to his status as a commoner. I am conscious that there may be alternative views taken by the petitioner or by the committee as to whether it is so constrained, but those are the ones that seem most obvious.

98. THE CHAIR: I come back to you. The position may seem a little complicated, but you can be assured that, so far as petition number 32 is concerned, we are minded to exercise our discretion and allow it in. The only question is really whether—and it is conceded that, in certain respects, Mr Rouse’s petition dealing with his rights as commoner are conceded. For the rest, do you really need to press his point, because he is coming in as a trustee anyway?

99. MR FOWLER: I thank you for making it clearer to me, my Lord. I think, on the basis of what has been discussed, we are happy to withdraw that petition and—

100. THE CHAIR: You would not want to withdraw the whole petition because of his rights as commoner.

101. MR FOWLER: No, we accept the limitation rather than withdraw the petition. Yes, apologies for the wrong terminology, yes. We accept the points made in terms of the restriction of his—what he can bring up in the full hearing.

102. THE CHAIR: Thank you very much indeed, and Mr Berry, for coming. I think that that completes this morning’s proceedings so far as you are concerned. We will produce a reasoned decision on Wednesday at 12.45 pm and you will be invited back at an appropriate stage to present the details of your position, as set out in 32, but bearing in mind that we want to go precise points, not general discussion. Thank you very much indeed.

103. MR FOWLER: Thank you, my Lord. I was a bit concerned my voice would not last, but, as events have turned out, it is fine. Thank you.

104. MR BERRY: Thank you.

Mr David Hopkinson and Mrs Kathryn Hopkinson

105. THE CHAIR: Mr Fellows, we are coming now to petition number 15, I think I am right in saying, which are the Hopkinsons. It is for you now to present their case. What I am going to do is ask counsel to say why the Hopkinsons should not have a right to be heard. Listen carefully to what she has to say and then we will invite you to reply to what she has said to make your case. Ms. Lean?

Statement by Ms Lean

106. MS LEAN: I am grateful, my Lord. This is petition number 15 in the table. The petitioners raise that they are levy payers and that they take access over a verge owned by the Trust. The promoter has raised a challenge to their standing on the basis that the petition does not disclose that their property or personal interests are specially and directly affected by the Bill. There is also a point raised about Standing Order 111, in so far as there is a considerable amount said in the petition. It is not always apparent which provisions of the Bill they may particularly relate to and seem to be bound up with some more generalised points or concerns about matters such as commercialisation or costs. My Lord, primarily we rely on the fact that there is nothing in the petition that discloses standing as of right or any discretionary basis for standing.

107. THE CHAIR: Thank you very much. Mr. Fellows, would you like to develop your case in reply?

108. MR FELLOWS: Thank you very much indeed, my Lords. I hear what learned counsel has to say. You have in front of you a statement from them, which, in the circumstances, I think I will be—I am confident that they will not really want me to read it out, just to add that they are concerned about not having a local member. I leave it to the committee to make their own judgment upon that.

109. THE CHAIR: Thank you very much. We will, of course, read again what is in the petition. As I have said earlier, in relation to the other petitions, we will announce our decision on Wednesday at 12.45. If we are in favour of the Hopkinsons, then you will be invited back to present their case for them at a later stage.

110. MR FELLOWS: Much obliged, my Lord.

THE CHAIR: Ms Lean, I think we can end this morning's proceedings at that point. I think we have covered all the various petitions and I am very grateful to you for your assistance. Thank you very much. We end the session at this point. We will sit again at 2 pm.