



WIRRAL MATTERS

NEWS FROM THE WIRRAL SOCIETY • FOUNDED 1928
THE WIRRAL COMMITTEE OF THE COUNCIL FOR THE PROTECTION OF RURAL ENGLAND (CPRE)

President : Professor John Tarn OBE DL

THE PLANNING PROCESS: IS IT FAIR ?

The decision to allow the building of an estate of 121 houses on part of Fender Farm, Moreton, came as a great shock and disappointment both to the Society and Wallasey Civic Society but also to those Moreton residents who have long been campaigning to have the planning application rejected.

What is so disappointing is that the decision is final. There is no avenue of appeal against it other than on a point of law.

And that immediately brings into question the fairness and, indeed, justice of the whole planning system.

The Council's refusal of planning permission to build 121 houses on part of the Fender Farm land immediately brought an appeal from the developers, Redrow Homes, and the Secretary of State for the Environment ordered a Public Inquiry.

The hearing occupied three days in June before Mr Anthony Fussey, an Inspector appointed by the Department of Environment. And it was Mr Fussey alone who recommended to the Secretary of State that the houses should be built.

In coming to his decision in favour of the developer, Mr Fussey rejected the reasons why the Council had refused planning permission, ignored the Government's advice that houses should not be built on a greenfield site if other 'brownfield' sites are available and also ignored Governmental advice that houses should not be built on flood-plains. After last year's heavy rains large parts of Fender Farm remained under water for months. There was also the question of the adverse effect the new estate would have on the sewage and waste water system, already said to be overloaded, in that area. He noted the fact that Wirral Council are well on their way to meeting the Government's housing target without recourse to building on open farmland.

12 page report

He gave his reasons in a very detailed 12 page-report. There were, he reported, three main issues. First, the supply of housing land in the Borough of Wirral, secondly, the flooding in the vicinity and thirdly, the character of the development and its appearance.

He had clearly done his homework and had taken into account Wirral's Unitary Development Plan (UDP) which was adopted last year. He pointed out that in the UDP Fender Farm was allocated for 90 units of housing. The Council's representative pointed out that this decision was made in 1997 at a time when the Government's housing target for Wirral of 10,500 dwellings to be built between 1986-2001 was still required to be met. The quota has now

been met and, in fact, exceeded. In his report, however, the Inspector pointed out that the UDP Inspector had felt that the housing allocation should be maintained to accommodate any further needs in the years ahead. He felt constrained to follow that advice.

As to the Council's claim that the area was a flood-plain the Inspector accepted the evidence of Redrow's expert that the land drainage system could be improved and additional sewage capacity could be provided at the time of building. (We understand that it is proposed to build the houses on a concrete platform to bring them above the flooding-level).

He also dismissed the Council's claim that, because of this need to raise the foundations above normal ground level, they would be an intrusion on the landscape.

In a nutshell

In a nutshell, the views of the local council and the local community have not counted for much and an Inspector - a stranger from some other part of the country - has made a decision which cannot be challenged except on a point of law.

Is that fair ?

A disquieting aspect of the case is the Inspector's complete disregard of the 14,000-name petition by local residents which (we have confirmed with the Council) was sent to the Inspector before the Inquiry along with all the other papers. He does not even refer to it nor does he list it among the documents he received. He seems to have ignored it completely but, of course, the planning system does not take into account people's feelings.

Is this fair ? Is it democratic that one man should make these decisions ? Judges sit with a jury, the Court of Appeal has at least three noble lords, wrongful dismissals and race relations cases are heard by panels, magistrates (except for the Stipendiary) are never alone on the bench and VAT and Income Tax disputes are settled by tribunals. But, in the planning process, major decisions are made by a single individual brought from some other part of the country. (The Inspector actually makes a *recommendation* but that is invariably rubber-stamped by the Environment Minister).

Costs

To rub salt into the wounds Wirral Council has been ordered to pay the applicant's costs. This, too, may seem only right and democratic. Had planning permission been given by the Council the applicants would not have needed to employ expert witnesses, consultants and a barrister to make their case at the Inquiry.

continues overleaf

But, one cannot but wonder, how many planning applications in the past have been approved against a Planning Committee's better judgement because of the threat of a Public Inquiry and its possible consequences?

It is hard to know what the answer is but would it not be more satisfactory if all public planning inquiries were heard in the conventional and traditional British way by a tribunal or a panel and not a single individual? And that there should be a right to challenge an Inspector's conclusions.

We understand that the Government has at last come to appreciate that there should be an avenue open to objectors to appeal against a decision and that legislation is said to be in the pipeline. Let us hope they can find time for it.

One puzzling feature remains, however. Why are Redrow so anxious to develop this unpromising site despite its problems? The Public Inquiry followed two previous rejections for planning permission yet they came back with a third. And so determined were they to win the day at the Inquiry that their case was not only put by a QC but expert witnesses were called in from other parts to give evidence on building on land liable to flooding, drainage and water supply.

Could it be that having obtained a considerable foothold in the Fender Farm land they feel that any applications for further expansion will be just a formality?

WIRRAL SOCIETY SCHOOLS AWARD

Friday the 13th may be considered unlucky for some but this year that fearsome date proved to be anything but unlucky for the staff and pupils of Heswall Primary School. As we reported in the last issue of *Wirral Matters* they were this year's winners of our Schools Award and, on Friday 13th July the Society's President, Professor John Tarn OBE DL, and the Chairman, Rod Tann, went to the school to present them with a cheque for £250 and a framed Certificate.

What our President and Chairman had not known before they went is that the school had decided to mark the occasion by presenting a highly original musical play - no less - before an audience of parents.

With a cast of 20 the drama, most appropriately, carried an environmental theme but had a 'James Bond' storyline! It involved a Dr No character (though young and female), complete with a white cat, who was holding the world to ransom by directing her menacing henchmen to rid the planet of trees so that people would die from oxygen deprivation unless a ransom was paid!

Was there ever a more dastardly plot?

Our representatives did not explain exactly how the problem was resolved but the forces of good duly prevailed. 'Most entertaining and thought-provoking,' said Rod.

Rod outlined to the audience the background to the Award and explained why the judges had chosen the school as this year's winners. Professor Tarn congratulated the school on both the production and their submission and presented the cheque and Certificate.

'We left the school quite uplifted by the occasion,' said Rod, 'and we agreed that the Award Scheme was a vital aspect of the Society's work which should be maintained and even expanded wherever possible.'

2

Strictly for the Birds

After a five year-long assessment of the bird life of the Dee and Mersey estuaries, English Nature has announced plans for turning the entire coastline of Wirral into an avian paradise. It will become one of the most protected areas in Europe.

If the European Commission approve it will mean that more than 7,000 hectares (17,300 acres) surrounding the Wirral Peninsula will have the highest level of protection against future development. The waters round Wirral are home to vast numbers of plover, redshank, shell, duck, teal, godwit, knot and over winter, turnstone. The level of protection means no damage can be caused to the site. Development proposals would only be permitted if they were vitally important or of overriding public importance. Any planning proposals would be subject to the site's conservation objectives and an 'appropriate assessment' in consultation with English Nature. Only the areas near Tranmere oil terminal and Bromborough Dock will not be covered by this legislation.

The Battle of the Towers

As this issue is being prepared the battle is on again to save Flaybrick Water Tower, a Grade Two listed, circular sandstone building, from disfigurement by telecommunication masts, discs and antennae. To date, no less than six attempts to install mobile telephone equipment either in it or on it have been made, four by Vodafone and two by Orange, who have both submitted planning applications of differing kinds.

Vodafone's first attempt - way back in January 1995 - sought permission to install external dishes to the metal tank. This was refused and went to appeal and the appeal was turned down. A month later, despite the decision, Orange came along with a similar proposal which was also turned down. Then Orange tried again with a plan to install aerials inside the tower. There was, however, a technical problem. The glass of the tower was radio wave-resistant. Orange proposed to overcome this by replacing the glass windows with radio transparent perspex with dummy glazing bars painted on them. In a Listed Building that was out of the question and Wirral Council's Planning Committee rejected the proposal.

These telephone companies, however, are nothing if not persistent and in January this year Vodafone asked for permission to install six aerials to the stone faces of the tower, suggesting that the aerials could be suitably camouflaged to match the colour of the stone. This proposal suffered a similar fate but Vodafone appealed against the decision and a few weeks ago the matter was argued at an informal Public Inquiry in Wallasey Town Hall.

The Inspector appointed to adjudicate was patently taken aback by the number of members of the public who turned up. Normally, such informal appeals only attract the immediate applicants and representatives of the Council. On this occasion some 50 or 60 local residents took their place in the Council Chamber and many of them gave their viewpoint in no uncertain terms. One resident, possibly more affected than most, drew a round of applause which took the Inspector by surprise.

The Inspector's decision is not expected for some weeks but, hovering over the inquiry like a buzzard waiting to swoop on its prey, is Orange. At the time of going to press they are having another go at getting permission to put their aerials inside the tower.

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Flaybrick is not the only Wirral water tower to which the

telephone companies have laid siege.

The tower at Gorsehill Reservoir in New Brighton has similarly been bombarded with planning applications which Wallasey Civic Society and local residents have gamely tried to resist. Alas, this pink sandstone castellated tower which would not be out of place on the walls of Chester has fared rather badly.

In August 1989 planning permission was given to Cellnet to put a circle of aerials round the roof. Four years later Cellnet came back with an application for an additional six antennae and that was approved. A year later, a further application for yet another six antennae was refused on the grounds that this was a listed building. Cellnet's appeal against the decision was turned down because of the effect on the tower and the clutter of aerials already there. But between the first application and the appeal Cellnet had lodged another application for the erection of six aerials. This was also refused.

But the mobile telephone companies generally are desperate to find sites for their aerials and in October 1997 Orange appeared on the scene with an application to install a cabinet and some unspecified telecommunications equipment and the Planning Committee found reason to approve the proposal.

Last year saw a continual bombardment of the tower with Vodaphone and Dolphin trying to get a foothold like their competitors Cellnet and Orange. Dolphin's application for three antennae, two dishes and a cabin was at first refused and then allowed on appeal and applications by Vodaphone were refused and their appeal against the decision was due to be heard this month.

All this battering of Gorsehill Tower has resulted in its now being festooned with 16 antennae and, if the various appeals are allowed that 16 would rise to 27 and possibly 30.

It has been suggested that this must be the highest concentration of mobile 'phone antennae in the northwest of England.

STOP PRESS. On the morning of going to press news was received that Vodaphone's appeal against planning refusal for the erection of antennae on Flaybrick water tower had been dismissed.

A Pestilential Pox

There is a pestilential pox that is disfiguring the face of the British Isles; from Banff to Bangor, from Norwich to Newquay, this dreadful disease is spreading, scarring our countryside, towns and cities. With eruptions of tens of thousands of grotesquely unsuitable houses, built in styles and materials that pay no courtesy whatsoever to their surroundings, the character of our countryside and cities is fast being changed.

With the excuse that "it is what they all want" (the developer) has seen to it that the same wretchedly ill-designed and unmanly proportioned houses are being plucked down all over the country, many of them giving more prominence to their uPVC, double-doored garages than to the homes themselves.

All my grimmest forebodings were to be fuelled by the fact after foulest fact. With plastic "period" porches, all shakily splodged around with silicone, as they meet their synthetic walls, post-offable "timber framing", stick-on "lead" planning, hundreds of yards of engineering bricks, and worst of all - the curse countryside - with the PVC windows that are disfiguring facades, both new and old the very eyes of buildings are being gouged out and replaced by those of dioxin-ridden plastic.

Who is responsible for these abominations across the country? The planners or the developers, the landowners or the architects?

Note I long to wring their necks, those fiends who are robbing our future generations of having a pride in the past, of stripping them bare of all sense of place.

Lucinda Lambton
writing in *The Sunday Telegraph*

A Grave Concern

We well know how a piece of empty land can excite the imaginations of developers and we are not usually surprised at some of the plans they dream up. But we must admit to being a little taken aback by a press report that plans are being drawn up for a cemetery on a vacant site in Eastham overlooking the Mersey and the entrance to the Manchester Ship Canal.

This will be no conventional burial ground. It will be a cemetery-cum-public park where people can enjoy a pleasant stroll in serene surroundings and contemplate not only the here and now but also the hereafter. It will be landscaped with water features, bridges, little islands and, for the children, there will be a cultural trail through the grounds to educate them in the different faiths.

A memorial hall will be built where private funeral services can take place, together with two pavilions where visitors can sit in peace and think about their dear departed. And people will be able to be buried alongside their departed pets.

But now that we are in the 21st century the cemetery will, of course be on-line. Relatives unable to visit the park or living in distant parts will be able to use a personal code to view a particular grave and headstone on the Internet. It is also hoped that eventually closed circuit television cameras will be installed to allow people to see live footage of the park and the graves.

The cemetery is a private venture and it is expected that prices for burial plots will range from several hundred to tens of thousands of pounds.

If planning permission is forthcoming it is hoped to start work on the project early next year.

News from Cheshire Branch CPRE

The Southern Crescent goes West

Last year, you may recall, we reported a proposal by the North West Development Agency (NWDA), as part of their 20 year-strategy, to extend the so-called 'Mersey Belt' to include the North Cheshire Green Belt.

It gave the newly-defined area the fanciful name of 'The Mersey Belt Southern Crescent' and the policy would be to try and attract 'sunrise and knowledge-based' industries. This huge area would cover the whole of Chester District in West Cheshire, the whole of Macclesfield District in the east and to Halton and Warrington. NWDA argued that this concept should be included in the Regional Planning Guidance and the examination in Public of the proposed Planning Guidance took place in Manchester throughout the month of February this year.

The development Agency argued that because some hi-tech and 'sunrise' industries already existed in parts of east, west and north Cheshire, these should be banded together in an identifiable area which stretched the entire width of the county and covered the North Cheshire Green Belt.

Fortunately, the Panel report, published the previous August had accepted CPRE's case that this concept should not even be mentioned within the context of Regional Planning Guidance and all references to it should be scrapped.

And what it is to have friends! The case for the CPRE was put by retired Lord Justice of Appeal, Sir Iain Glidewell, a Cheshire CPRE member, and Lillian Burns, Vice-Chairman of the Cheshire Branch.

Rare Compliment

The Editor of *Cheshire Life* magazine, Patrick O'Neill, is paying the Society the compliment of launching, as a new quarterly feature, a version of our own Wirral Matters.

'Wirral' said Mr O'Neill, 'is as an essential part of historic Cheshire just as much as Prestbury or Chester and the vibrant heritage of the Peninsula is worth fighting for. The Wirral Society is to be commended for the vital work it does voluntarily.'

The new feature will first appear in the November issue of the magazine.



The 40 Wirral organisations and, nationally, the Rambler's Association have been waiting patiently for a decision by Wirral Council Licensing Committee on the question of whether the riverside right of way on Twelve Quays, which was closed off by the Mersey Docks and Harbour Company, should or should not be included in the definitive map of Wirral footpaths from which it was erroneously omitted when the map was originally prepared. The Committee was expected to meet and give a decision on Wednesday, 26 September. A fortnight beforehand, however, that meeting was postponed because (quote) 'the officers (of the Council) have not concluded their consideration of this application.'

Since it is nearly twelve months since the question was first raised one would have thought that, slowly as local authority wheels often turn, it was time enough in which to consider and digest the evidence.

We firmly believe that the evidence in support of the claim is so overwhelming that we cannot understand why there should be any delay. Could it be that they are under pressure to find some way out?

The Council is now (quote again) 'proceeding as quickly as possible, and is endeavouring to rearrange the special meeting for a date towards the end of October.'

Regulations stipulate that a decision must be given within twelve months. The year is up on the 17 November. If it is still unresolved on that date the Council would be in breach of its statutory obligation and the matter will be referred to the Secretary of State.

ANNUAL SUBSCRIPTIONS DUE

Unless paid by Standing Order or through CPRE, all annual subscriptions are due for renewal on 1st January. Cheques or postal orders for £5.00 should be made payable to The

Wirral Society and sent to :-
The Membership Secretary
Mrs Audrey Platt
21 Latchford Road
Gayton, Wirral CH60 3RN

For joint membership of both The Wirral Society and CPRE (annual subscription £17.50) cheques should be made out to CPRE and sent directly to :-

CPRE
Membership Department
25 Buckingham Palace Road
London SW1W 0PP

(Those members who joined the Society in the latter part of the year will not be expected to renew their subscriptions until 1st January next year).

CPRE Meets The Queen

It was a right royal gathering at Windsor Great Park in August when CPRE celebrated its 75th anniversary in a way which other organisations of such vintage would never have thought of.

With a picnic.

It was no ordinary picnic, of course. No-one sat crossed-legged on the damp grass, eating clingfilm-wrapped tuna sandwiches and drinking vacuum-flasked tea out of plastic cups. These specially-invited picnickers, in their best bib and tucker, sat at tables under the protection of a large marquee (with sides open to admit some authentic Rural English air) with Windsor Castle as a backcloth. Each picniker was supplied with a wicker hamper of goodies (courtesy of Waitrose) and among their number was CPRE's patron, Her Majesty the Queen, it was reported, entered very much into the spirit of the occasion.

Among this privileged assembly, representing the Wirral Society, were our Chairman Rod Tann and his wife, Jane, and our Secretary, Eric Sanné and his wife, Yvonne. And Eric, as the recently-retired Chairman and now a

Vice-president of the Cheshire Branch, and Yvonne, were presented to Her Majesty. And, knowing Eric as we do, she doubtless heard something of what was going on in Wirral.



H.M. THE QUEEN TALKING TO ERIC AND YVONNE SANNE