



WIRRAL MATTERS

JOURNAL OF THE WIRRAL SOCIETY
The Wirral Committee of C.P.R.E.

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LEAS SCHOOL SITE

Reflections on the Planning Process

So the Leas School saga is over. Since we last went to press the final decision has been made. The Secretary of State for the Environment, Transport and the Regions has carefully examined the Inquiry Inspector's report and the issues contained therein and pronounced that permission should be given for 19 houses to be built on the site, (though we are pleased to see that plans have been submitted for only 15).

Who decides ?

In practice, of course, the Secretary of State did not make the decision personally. John Prescott has other fish to fry than examining every planning application that goes to Inquiry and his qualifications for so doing would, at best, be somewhat suspect. So, who does make the decision? The letter conveying the decision came from the Director of Planning at the Government Office for the North West and it bears his signature though, on our photocopy, that has a distinctly 'computerised' look to it.

The spadework will have been done by the Case Officer assigned to it, and, no doubt, he will have checked all the legal precedents but we have to take it on trust that his work was reviewed by the Director of Planning before he signed the document. The point being made here, without attaching too much weight to it, is that the final decision is being made by a middle-ranking civil servant in the name of the Secretary of State. That decision can only be challenged in the Appeal Court.

I say that too much weight should not be attached to the above comment because in normal inquiries, where there are parties contesting a disputed planning decision, both parties will have prepared their legal arguments and should, if they follow the right procedure, have received their opponents' evidence well ahead of the commencement of the Inquiry. Thus, there should be no need for further legal argument after the Inquiry has been completed.

A game

As the Inspector remarked, the Leas School Inquiry was an unusual one. Instead of being an active protagonist the Mugwump Borough Council was sitting with its mug on one side of the fence and its wump on the other having been minded to give a planning consent which contravened both the existing Development Plan and its own Draft UDP. They had, therefore, passed the buck to the Environment Department to sort out a mess of their own making and were, in effect, sitting on the sidelines. The only real objectors were the Wirral Society who had only 'interested party' status and were little more than spectators at the game. And 'a game' is precisely the epithet used by a senior practitioner to describe the Inquiry process.

In the unlikely event of our being in the same situation again, at least we now know the ropes!

Only one issue

In this case there was really only one issue for the Inspector to decide. Was there sufficient evidence to show that, if planning consent for the houses was not granted, the nursing home complex - in the form for which there existed planning permission - would be built.

There was a consensus that if that evidence existed then the planning consent was a 'material consideration' in considering the application for housing. Conversely, if the evidence was not forthcoming, it could be argued that the existing consent was irrelevant and the housing application would have to be refused.

The Borough Council in its evidence to the Inquiry concluded that though they had reluctantly accepted (at the time they recommended consent for housing in October 1997) that there was one nursing home developer who was genuinely interested in buying the site, that situation was now out of date.

It was noticeable that the Applicants did not bring forward any evidence that that interest was still there at the time of the Inquiry. However, the Inspector (making much of the Receiver's duty to maximise the value of the land though that is not a planning consideration other than it indicated that the latter would do all in his power to keep the nursing home planning consent alive) took the view that there was sufficient interest. He did not, however, deign to explain his reasons for disagreeing with the Council on this vital matter.

Unresolved

There was one matter that was unresolved at the time of the Inquiry in July 1998 which was that no move had been made to implement the nursing home planning consent which was due to expire in less than two months. The Inspector anticipated that the Receiver would do enough work to 'implement' the consent - remarkably little is required - and, at the last minute, a partially finished entrance was created and a pretence made of digging some foundation trenches.

The Society was given the chance to comment on whether the implementation had taken place and wrote emphatically that we considered that this was the merest token to keep the planning consent alive.

The Government Office for the North West accepted that the nursing home consent had been implemented and, therefore, that it was a 'material consideration' and consequently decided that consent for the housing should be granted.

But there exists in planning case law, of which we were unfortunately not aware at the time, an Appeal Court case known as 'Malvern Hills' in which it was ruled that any works purporting to implement a planning consent had to be in genuine furtherance of the permitted development. A token operation just to keep the planning consent alive was not admissible.

On the face of it, it would seem evident that if ever there was a case of works being carried out merely to keep the planning consent alive, this was it. There was no developer - the work was done for the Receiver - there was not even a contract to buy the land for the nursing home development, though there was one to sell the land for housing. The Receiver would argue that he was genuinely protecting his fall-back position should the housing application be refused.

This goes to show that in planning matters, as in most of life, there may be a certain amount of black and white but there is also an awful lot of various shades of grey.

The Inspector said that he had to make a finely balanced judgement and one has to respect that, but he may have had in the back of his mind that if he recommended refusal of the housing the applicant

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would go to the Court of Appeal and it was extremely unlikely that the Wirral Society would do so.

Unnecessary

The sad thing is that this whole sorry saga with all the costs of the Public Inquiry need not - indeed, should not - have happened. The damage was done when Wirral Council granted Outline Planning Consent for the nursing home complex in December 1989. Although it conformed to the "footprint" of the original school, there was no way in which this development could be described as "an institution *standing in extensive grounds*" as it needed to be to comply with the Green Belt policy.

Most planning consents add materially to the land to which they apply and can only be rescinded, even if wrongly granted, with difficulty and with payment of compensation for the value lost. So this one was here to stay, particularly as the land was in the hands of Receivers aiming to maximise their assets.

A perfect opportunity to put things on a sensible footing occurred when the Borough Council formulated the Consultation Draft of its Unitary Development Plan (UDP) which was published in June 1992. With the Planning Consent in place the site no longer served any Green Belt purpose and could well have been taken out of the Green Belt as was the case with a site at Poulton. Indeed, one of the submissions in response to the Consultation Draft sought to do just that but the Borough Council would not accept it. Had it done so, an application for housing would have been in order and we should have arrived at today's situation without all the aggravation to the parties concerned and without the Receivers having to resort to shifts and stratagems exploiting weaknesses in the planning law. The Society's concern that the Green Belt policy was being flouted would not have arisen.

Let us hope that the Royal Liverpool Golf Club, if they buy the remainder of the Leas School site, will prove worthy custodians of the last bit of greenland separating West Kirby from Hoylake.

R.G.Loram
Planning Liaison Officer

Inaugural VICTOR SMITH MEMORIAL LECTURE

It was House Full. All 150 seats were taken. Our President, Lord Leverhulme, and Guest of Honour Mrs Rosemary Smith, were in the audience and the talk, illustrated by some splendid slides, by Gavin Hunter of Oxton - a splendid speaker - was totally fascinating.

That, in a nutshell, describes the huge success of our first lecture in memory of the late Victor Smith, who served the Society in one capacity or another (including Chairman and Vice-President) for some 50 years.

Gavin Hunter, a chemical engineer with Lever Brothers, originally researched the story of the Leverhulme Estates for his Master of Arts degree and that, of course meant researching it thoroughly. Some of the things he told us came as a great surprise to many in the audience.

Did you know, for instance, that there was once a huge open-air theatre in Port Sunlight? William Lever never did things by half, as we all know. Not for him a simple platform suitable for pierrot shows. His stage was large enough to accommodate choirs and orchestras and plays with the largest casts. It was built with graceful stone columns like a Greek classical theatre. The *al fresco* auditorium seated two thousand - almost as many as the Liverpool Empire.

The area is now a rose garden but Gavin Hunter was able to show us a slide of the theatre.

He was also able to show us what the vast open air bathing pool looked like in full use (they obviously had summers in those days).

The biggest surprise came with the disclosure that the man long credited by many with saving much of Wirral's greenspace by buying up farmland as soon as it became vacant also harboured thought of urbanising much of the peninsula. His plans were thwarted by the outbreak of the First World War but evidence of his intentions can still be found in the names of the roads with Lever associations - like Hesketh Avenue, Thornton Road and Brimstage Avenue.

But the give-away is the famous Lever Causeway. It was built with three lanes - a central highway and a narrower lane running parallel on either side. Today those side lanes are covered in grass but, we were told, a close examination will reveal that drains were laid ready for houses intended to be built along the Causeway's length.

It was altogether a most memorable evening which surely set the standard and style for future Victor Smith Memorial Lectures which will now be a permanent feature of our annual programmes.

We were delighted to discover among the audience a gentleman who told us he was a nephew of Victor Smith. He suggested that a choice of subject for this first lecture could not have been more appropriate. Victor's uncle, it seems, was solicitor to and a great personal friend of the first Viscount Leverhulme.

Our thanks go to the officers and members of the Wallasey Golf Club for so generously allowing us the use of their premises and to Dr Lilian Potter and Mrs Audrey Platt for making all the arrangements so efficiently.

P.S.

The talk to be given by Mr Grant Luscombe of LANDLIFE on the National Wildflower Collection would have appealed to Victor Smith. He was a lover of, and very knowledgeable about, all things in the natural world, particularly the bird-life which he was able to enjoy in his large garden adjoining Caldy Hill.

In a letter written to me shortly before he died Victor wrote: 'I can't resist setting out as a postscript to this letter a very short poem by my old friend, the late Phil Stevenson, who was a past Master of the Royal Rock Beagles. A man with a gentle heart and poetic eye he wrote verses for the likes of Punch and Horse and Hound. Around 1960 he published a small booklet of poems under the pseudonym 'Crochet.'

This is the poem which Victor said was his favourite. It is dated 14th April 1945 and anyone who reads it will understand why it appealed to him so much.

Alan Brack

To a Hedge Sparrow
Little durnock, brown and grey,
Living in your quiet way,
Singing, now and then, a song
Neither fire, nor loud, nor long,
Little use and little harm,
Not entirely void of charm,
For your quiet lady wife
Whom, they say, you wed for life
So you live and so you die
In the world and God Knows Why,
Much alike are you and I.

'Crochet'

THE DEMOCRATIC PROCESS

We are used to Public Inquiries taking two, sometimes three, days. What most surely be the longest-ever inquiry came to an end in the middle of March.

The Inquiry was into the plans for the building of a fifth terminal at Heathrow Airport. It lasted nearly four years during which time the Inspector heard the views of 700 witnesses who, between them, uttered 21 million words.

The Inspector's Report is expected to take two years to compile and the Department of the Environment will need another nine months to consider it and make a decision.

THREAT TO THE PIER HEAD

One of the pleasures of living on the Wirral Peninsula is that we enjoy the best view of Liverpool's wonderful waterfront. The Pier Head is undoubtedly the jewel in Liverpool's crown. Known and immediately recognisable throughout the world it was recently nominated for World Heritage Site status. Though it belongs to Liverpool it is equally cherished in the hearts of Wirral folk, ninety per cent of whom (at a guess) either come from Liverpool or are descended from Liverpool families. Of the other ten per cent many will work in Liverpool, shop in Liverpool and find entertainment in Liverpool. Wirralians though we may be all have a special regard for this handsome face of our neighbour 'over the water.'

That being so we were most alarmed to be told about an imminent threat to the Pier Head. It comes from the Mersey Docks and Harbour Company who want to build a car marshalling area for cars using the Dublin ferry on a site which would straddle the old Floating Roadway.

Cars arriving for and from the Dublin boats are presently accommodated on a site adjoining Princes Landing Stage entered from St. Nicholas Place. But the Princes Dock Development Company, owners of the site, want to build a seven-storey office block there. Their plan for moving the cars on to the Pier Head area is to make way for this development. The scheme was given planning permission by the Merseyside Development Corporation before it went out of business last year.

The plan also calls for the 'stopping up' of St. Nicholas Place and some footpaths leading from it to the Pier Head. It will also require the relocation of the Titanic Memorial which is Listed Grade II*.

The Dock Company has applied for 'stopping-up notices' and these have been granted. This decision was challenged in the courts by The Millennium Walk Committee who are the main campaigners against the plans. They did not succeed in overturning the decision but have appealed and the appeal is due to be heard as we go to press.

The Committee also points out that the land in question was dedicated to the public by the Mersey Docks and Harbour Company Act of 1871. Ironically, this came about through a *quid pro quo* arrangement whereby Liverpool Corporation withdrew its opposition to the building of the Floating Roadway in return.

Though the MDHC have vacant land elsewhere in their dockland area they argue that there is no alternative as the Isle of Man Steam Packet Company (now running the Dublin services) are insisting on a city centre site. If this is so, it is hardly surprising since their vessels have been using Princes Landing Stage since 1830.

The conditions for embarking and disembarking passengers and cars at the moment is, for an important port like Liverpool, deplorable. There are no facilities whatsoever, long queues of cars and passengers form, totally unprotected from the elements while the only toilet is a Portalo.

The office block when built will completely block out the view of St. Nicholas Church from the river and of the river from the church gardens, so spoiling views which have been enjoyed ever since 'St Nick's' was established in the 14th century.

On behalf of the Society our Press Officer, Alan Brack, voiced a deep concern about the plan in letters to both the Daily Post and the Liverpool Echo. It brought a response from Mr Alexander Don, the MDHC's Director Planning and, a few days later, an invitation to a meeting at MDHC's offices at Seaforth to hear their views firsthand. Our Chairman, Keith Davidson, and Alan Brack represented the Society and Terry Edgar and Joy Hockey attended as representatives of the Wallasey Civic Society who had similarly voiced their concern.

At that meeting the Dock Company officers insisted that there was no alternative to the plan if the Dublin service were to be maintained. The berthing place had to be as near the city centre as possible.

It was pointed out to them that travellers crossing to Ireland disembark at the Port of Dublin which is two miles from the city centre or Dun Laoghaire which is six miles away. At both these places there is a proper terminal akin to an airport terminal which caters for all passenger needs.

There is, however, in our view and that of Wallasey Civic Society, a splendid site with space for a terminal on the other bank of the Mersey. The MDHC is planning to build a Ro-Ro berth on the Twelve

Quays site between Woodside and Seacombe. It would provide ample space for all the facilities the modern-day traveller expects. Buses could take foot passengers quickly through the Wallasey Tunnel to Liverpool or to the new Conway Park Merseyside station. Motorised traffic would have the great advantage of easy access to the M53. This is also the more sheltered side of the Mersey.

The whole problem has arisen because of the desire of the Princes Dock Development Company to build a prestigious office block on the area where the cars now park. The Princes Dock Development Company is 50 per cent owned by the MDHC.

In writing to the Daily Post the Press Officer ended his letter with these words:

'Is it naive to hope that, for once, aesthetic considerations should take priority over hard-nosed commercial considerations? The citizens of Liverpool should rise up in their thousands and demand that their wonderful waterfront should not be violated in any shape or form.'

The Daily Post chose not to print these words. Did they regard them as an incitement to riot - or something?

RON SUMNER

We were saddened to hear of the death just before last Christmas of Ron Sumner of Willaston, former Hon. Secretary of the Society.

On leaving the Army in 1945 Ron joined the staff of J. Bibby & Sons Ltd, with whom he spent the rest of his working life, retiring as Chief Buyer of raw materials for the animal feed department.

Ron joined the Wirral Society Executive Committee almost immediately on his retirement and in the same year took on the Secretaryship, a post which he held with distinction from 1976 to 1989.

He was a regular attendee at Grange Road Baptist Church in Birkenhead and was an enthusiastic gardener.

Our Vice-President, Leslie Bibby, recalls his quiet efficiency, his good manners and warmth of character. 'He was reliable, conscientious and a safe pair of hands,' he added.

Our deepest sympathy goes out to his wife Marjorie with whom Ron celebrated their Golden Wedding five years ago.

TRIUMPH FOR CPRE

As we go to press CPRE have advised the receipt of a new draft revised Planning Policy Guidance Note 3 (PPG3) from the Department of the Environment, Transport and the Regions (DETR). PPG3 provides guidelines for local authority planning officers and the proposals made in this revised draft represents a major step forward in planning policy and is a significant victory in CPRE's non-stop campaign against Government thinking on housing developments on greenfield sites.

As we have frequently reported, CPRE have long been challenging the Government's assertion that towns and villages must expand into the countryside to accommodate the millions of new homes which, they claim, will be needed in the early years of the next century. Many of these houses (as CPRE has pointed out over and over again) could be built on 'brownfield' sites within towns and cities.

Every town and city has vacant sites resulting from the demolition of disused factories and clearance of other previously developed land. These sites, CPRE maintain, should be used for housing development before any thoughts are given to using greenfield sites.

Now, at last, the Government has seen the sense of this and this draft revision of PPG3 proposes that

- New housing should be well-designed and accommodated principally in existing towns and cities. It should contribute to improving the quality of urban life and make a significant contribution to promoting urban renaissance
- When development plans are being prepared priority should be given the re-use of previously developed land, bringing empty homes back into use and promoting the conversion of existing buildings with urban areas in preference to the development of greenfield sites.
- The release of development sites should be phased and local authorities should undertake urban capacity studies.
- It should be recognised that only a limited amount of housing can be expected to be accommodated in expanded villages.

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- The requirement to find a 5 year-supply of housing land should be replaced by a requirement to plan for a 5 year-supply of housing.
- There should be increased densities and minimum density standards
- Car-parking provision should not exceed an average of 1.5-2 spaces per dwelling and should normally be less.
- There should be a regular review of land designated for employment purposes which cannot realistically be taken up.
- New developments should respect and enhance local character and have regard to local and regional building traditions and materials, and the townscape and landscape into which the development is to be set.

Tony Burton (CPRE's Assistant Director (Policy) points out that this draft revision does not contain any significant changes in Government policy on the use of household projections, social housing provision or the impact of housing on natural resources such as water and minerals.

Nevertheless, whilst this may not constitute a full U-turn by the Government it does at least indicate a major change of direction from the unwavering path they have been pursuing.

CPRE must find that greatly satisfying.



"I WANT ONE WITH A BURGLAR IN IT"

WORTHWHILE TIP

From 1936 to 1995 the tip on Bidston Moss absorbed Wirral's commercial, industrial and household waste. By the time it closed it covered 37 acres (equivalent to 50 football pitches) and had risen high enough to become a significant landmark. Now it is being transformed by the Merseyside Waste Disposal Authority and Groundwork Wirral into a community open space to be used for cycling, walking, fishing, nature study and general recreation.

Restoration is now well underway. Grass is growing and trees and shrubs have been planted using paper pulp from the Bridgewater Paper Company, Ellesmere Port as a growing material. 600,000,000 cubic feet of methane gas a year is being extracted of which a third is piped to power the erstwhile Cadbury factory (now Horizon Ltd) in Moreton with the rest going to the National Grid.

When fully restored (and set to open to the public around 2001) more than 90,000 trees will have been planted, 10 hectares of meadow grassland will have been created and there will be fishing in the Bidston Overflow Pond, a sculpture trail, nature trail and a stretch of the National Cycle Network. Some sort of sculptural feature will crown the summit.

FRIENDS OF THE GUNSITE

The Gunsite? It sounds an odd thing to be a Friend of but this has nothing to do with Captain Mainwaring or Corporal Jones. The Gunsite is an open space consisting of meadow, sand-dunes and shore facing on to Liverpool Bay, roughly extending from Wallasey Golf Club to Leasowe Golf Club. It is part of the Wirral Coastal Park and is much treasured by Leasowe and Wallasey residents. It takes its name from the anti-aircraft guns which were stationed there during the last war. It is accessible from Green Lane at the Wallasey Golf Club end and via Telegraph Lane off Leasowe Road.

The Friends was formed by Mr George Sutton of Wallasey just over a year ago. They realised that the area needed tidying up and general maintenance and, sadly, protection from vandals and the illegal dumping of builders' rubble and other waste.

Said Mr Sutton: "This is the last remaining area of sand-dunes between Harrison Drive and Hoylake. It is a relatively wild area and there is a surprising variety of flora and wildlife in evidence. We even have skylarks and they are said to be in decline."

In the short time these public-spirited Friends have been in existence they have been commendably active. A project of some sort is mounted for every second Sunday in each month between 2pm and 4pm. To date, they have cut back dead trees and tangled undergrowth, sowed seeds for new plants, planted new saplings and picked up litter. To mark the Millennium they hope to replace some dying willow trees near the car-park in Green Lane.

The Friends would welcome new friends on any of these Sunday afternoons, for the full two hours or whatever time can be spared.

The Annual subscription is a mere £2.50. (which covers all members of a family). If you would like to support The Friends of the Gunsite get in touch with the Secretary, Mrs. June Sutton, 18 Regents Road, Wallasey C146 8JU.

IT'S A FLYING SHAME

We don't want to spoil anyone's holiday but those who have booked a sojourn in the sun somewhere might be astonished to learn just how much the aircraft they are flying in will contribute to global pollution.

Did you realise (according to the *Daily Telegraph*) that a single Boeing 747 flying across the Atlantic creates more atmospheric pollution than 40,000 (yes, forty thousand) road vehicles travelling the M1 from London to Leeds - and back?

And whilst half the cars on the road are - by law - now fitted with a highly expensive catalytic converters aircraft have no emission control equipment whatsoever thus creating 10 to 20 times as much atmospheric pollution per litre of fuel as the much-maligned motorcar.

What's more, when an aircraft gets into some sort of difficulty it immediately dumps most of its unused fuel into the atmosphere. At the height aircraft fly this, of course, does the ozone layer no good at all.

What's more the carcinogens in aircraft fuel are many thousands of times more dangerous than when burned in an internal combustion engine.

About 80 per cent of petrol for road vehicles is tax. Aviation fuel is tax-free.

It is hypocritical, the *Telegraph* added, to blame vehicle emissions for pollution and then depend on motorists to contribute £25 million to the exchequer.

Perhaps we should be grateful that Hooton Park ended up as a car factory and not an international airport.