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**From:** [Redacted]  
**To:** stevemcmorran@wirral.gov.uk <stevemcmorran@wirral.gov.uk>

**Sent:** Wednesday, 24 July 2024 at 21:05:07 BST  
**Subject:** Fw: Land on Grange Hill West Kirby

Dear All

There was an obvious error in the 4th paragraph of my email earlier this evening. Please find below corrected 4th paragraph and email.

Yours sincerely

[Redacted] on behalf of the residents of Grange Old road and The Friends of Grange Hill

**Sent:** Wednesday, 24 July 2024 at 19:26:52 BST  
**Subject:** Land on Grange Hill West Kirby

Dear Mr Mcmorran

The Next Door Social media app have, in the absence of any communication from the Council, recently exposed a decision by the Council at your as its Director of Regeneration and Planning behest to release Restrictive Covenants(RC's), made in October 1982 for conservation purposes, for the public good

Your purported decision is fatally flawed in a number of respects including:

The issue of the R.C's has been ongoing since 2017 but at no time have the Council consulted with the Public regarding the lifting of them which Council proposal is the subject of a petition from over 1500 members of the public opposing its lifting which petition you

neglected to refer to in your decision

The land in question which was in 2000 and should still be subject to the R.C's was, as Andrew Fraser of the Council admitted to me at a meeting in September 2018 negligently included by the Council in its UDP 2000. The Council can not benefit from its negligence **Van Oord v Dragados [2021]CSIH 50** and is prevented from now making the land in question available for development which is its obvious intention of your proposal to lift the R.C's

You also misrepresent the R.C's as a Council "asset" which "asset" in fact belongs to the Public

Your proposal to sell the "asset" off to unjustly enrich the Council and those acting for it and the owner of the land in question is in itself highly questionably and probably unlawful

You misleadingly say "the development of the site (subject to the R.C's) is essential to support the delivery of housing numbers". The Council itself has said the number of houses predicted by independent Government bodies is grossly exaggerated.

Your proposal ignores the significant damage it would cause to the environment of Grange Hill its heritage trail and War Memorials and neglects to take account of the danger to both the public and traffic . We attach hereto an expert report from Drs. Fraser McLean Smith and Caroline O'Callaghan as evidence of the damage your proposal would result in.

We also attach our letter dated 3 April 2023 to the Planning Inspectors - the 3 judgments recited in this email are Supreme Court judgements and binding upon the Council.

Your proposal is not legally compliant nor is it sound under the NPPF.

In conclusion your attempt to portray the R.C's as a saleable "asset" which you say the Council can sell and unjustly enrich itself and the owner of the land in question, does you no credit whatsoever and, presuming you are professionally qualified, a breach of the ethics which your Institution obliges you to comply with.

The Council's misconduct in attempting to lift the R.C's has resulted in it unjustly spending public money and is a breach of its obligation to govern in the public interest. You should now inform the Council as a body that you have made errors and withdraw your decision to lift the R.C's and terminate your agreements with Hassett Homes and LSH whose opinions are highly questionable

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Your opinions including as to the result of any application the landowner (or the developer) might make to the Upper Tribunal are also highly questionable

The Council should also designate - our application (which the Council have failed to reply to) dated 26 May 2022 also attached - the land in question as Local Green Space in accordance with the NPPF.

In the meantime we reserve all our rights to publicise your decision and refer your decision to the District Auditor, the Local Government Ombudsman and for Judicial Review wherein we would request all the costs thereof should in view of its misconduct be borne by the Council

Yours sincerely

[Redacted] on behalf of the residents of Grange Old Road West Kirby and the Friends of Grange Hill

Download all attachments as a zip file



scan0496.pdf 4.3MB



scan0693.pdf 650.2kB



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Yours sincerely

[Redacted] on behalf of the Residents of Grange Old Road and the Friends of Grange Hill

----- Forwarded message -----

**From:** [Redacted]  
**To:** stevemcmorran@wirral.gov.uk <stevemcmorran@wirral.gov.uk>  
**Cc:** Paul Satoor <paulsatoor@wirral.gov.uk>; [Redacted]; Stuart Paul C. (Councillor) <paulstuart@wirral.gov.uk>; Green Jeff E. (Councillor) <jeffgreen@wirral.gov.uk>; Mountney Simon R. (Councillor) <simonmountnev@wirral.gov.uk>; [Redacted]  
**Sent:** Friday, 26 July 2024 at 11:38:43 BST  
**Subject:** Fw: Land on Grange Hill West Kirby The Council's proposal WP6.3 ID Res 6.4 in its local plan 2021-37

Dear Mr Mcmorran

Having further considered your decision we confirm our considerable concern that it misrepresents facts and misinforms Councillors.

You say "...the land is allocated for housing in the emerging local plan". However you have neglected to say that the Planning Inspectors when reporting in March 2024 on their Examination of the local plan have said "Our view is that the plan is unsound....." including we expect on the evidence that the Council's above proposal is unsound on the grounds that it is not legally compliant nor is it in accordance with the NPPF . Implying in your decision that the Council's proposal was approved by the Planning Inspector's was deceitful of you. Attached - scan 695 - is a summary of two of the UKSC judgements referred to in our email of 3 April 2023 - scan 693. The Rainy Sky judgement is a landmark judgement including on how contracts are to be interpreted i.e, in the public interest and applies to environmental restrictive covenants.

You also fail to disclose in your decision that there are two restrictive covenants and neglect to say what the purpose of the one you fail to disclose is. This is across the land shown - scan 475 - on the Council's drawing SGLAA3009 and is prescribed and illustrated in the Conveyance - scan 453. The purpose of this restrictive covenant includes to give access on remembrance Sunday to disabled people and the armed forces to the annual ceremony at the War Memorial on Grange Hill. Your decision implies that it includes also lifting this restrictive covenant which decision is totally untenable.

Whilst referring to the site of the Mushroom Farm you have neglected to inform the Councillors of the extent of the land - scan 502 - in the separate ownership of Mr.Steve Little and that he has planning permission to build two properties on it.

We confirm you should inform the Council as a body that you have made a number of errors in your decision, that you withdraw it and , if you have taken any steps to unlawfully have the restrictive covenants on the land in question immediately cease doing so.

In conclusion be fully aware that we - please note the expert report of Drs. Fraser McLean Smith and Caroline Smith is scan 496 - will continue to strongly oppose your personal and the Council's unlawful actions, including its expenditure of considerable staff and external costs, in respect of restrictive covenants which were prescribed in the Public Interest.

Yours sincerely [Redacted] on behalf of the residents of Grange Old Road and the Friends of Grang Hill

----- Forwarded message -----

**From:** [Redacted]  
**To:** stevemcmorran@wirral.gov.uk <stevemcmorran@wirral.gov.uk>  
**Sent:** Wednesday, 24 July 2024 at 21:05:07 BST  
**Subject:** Fw: Land on Grange Hill West Kirby

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Fw: Land on Grange Hill West Kirby The Council's proposal WP6.3 ID Res 6.4 in its local plan 2021-37 Sky Yahoo/planning ☆



[Redacted]

Fri, 9 Aug at 18:56 ☆

To: Kerry Trueman

Dear Kerry

Further to our email a short time ago please find below, for the Inspector's attention, our emails to Steve Mcmorran of the Council

Kind regards

[Redacted] on behalf of the residents of Grange Old Road and the FofGH

----- Forwarded message -----

**From:** [Redacted]  
**To:** stevemcmorran@wirral.gov.uk <stevemcmorran@wirral.gov.uk>  
**Cc:** Paul Sator <paulsator@wirral.gov.uk>; [Redacted]  
 Stuart Paul C. (Councillor) <paulstuart@wirral.gov.uk>;  
 Green Jeff E. (Councillor) <jeffgreen@wirral.gov.uk>; Mountney Simon R. (Councillor) <simonmountney@wirral.gov.uk>; [Redacted]

**Sent:** Friday, 2 August 2024 at 16:33:03 BST  
**Subject:** Fw: Land on Grange Hill West Kirby The Council's proposal WP6.3 ID Res 6.4 in its local plan 2021-37

Dear Mr. Mcmorran

Subsequent to our emails below we've been contacted by the Council's-Qualative Insights - Public Health who say they "work with residents to ensure that their voices are heard when informing council policy and decision making".

We had at their request a Team Meeting yesterday and informed them that the Council and most recently yourself had failed to consult with us regarding its above proposal.

Your action in not only failing to consult with us but submitting, for the Council's endorsement, a false and misleading Decision in respect of the above was not only a breach of the Council's duty to consult with us but also a breach of your duties as a Director of the Council

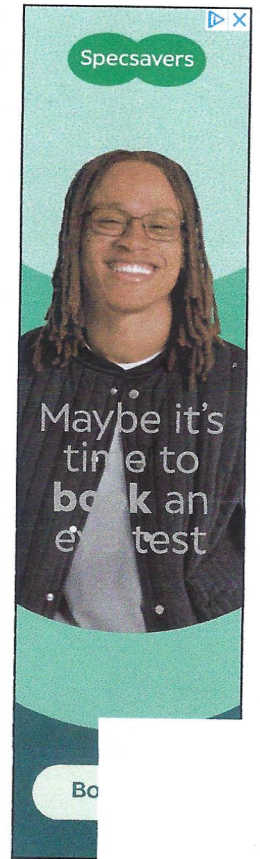
We attach scan 495 which discloses a previous attempt to mislead and by the Council to by pass "the hearing of voices of residents". Scan 495 item 2.1 misrepresents, as does your Decision, the position of the land in question in that it fails to disclose that the Council negligently included it/the land in question, which was subject to restrictive covenants and thereby "not available for inclusion", in its UDP 2000

Item 2.1 is also misleading in that it refers to a single "restrictive covenant" whereas there are two and misrepresents them as being "in favour of the Council" whereas they were prescribed and are in favour of the Public

Item 2.4 states "any referral (to lift the restrictive covenants) to the Upper Chamber - Lands Tribunal is unpredictable". The Council's previous actions and now yours in not only failing in its duty to consult with residents but also to bypass the due process of referring any lifting of the restrictive covenants to the Upper Chamber is also a breach of your duties and not legally compliant. Nor is your Decision that the restrictive covenants can be lifted by the Council, for the owner's of the land unjust enrichment, which Decision can be investigated by the District Auditor.

In conclusion you fail to say in your Decision what the Council's actual costs are since 2017 in its mistaken and ill judged endeavors and for the unjust enrichment of the owner of the land in question. You say the Council has spent £5,500 ex VAT on questionable advice from a property consultant. However you fail to say what the further costs are that the Council has expended, at the Public expense, in pursuing the lifting the restrictive covenants which would deprive the Public of a Local Green Space which should be designated by the Council as such. The Council has engaged a KC to act for it, including attending along with 12 Council staff, Hearings with Planning Inspectors examining the local plan. The Council have also had a number of its staff engaged in dealing with the matter since 2017. A conservative estimate of these costs would be £1 million which the District Auditor, the Local Government Auditor and Central Government can investigate

Yours sincerely



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Subject: Fwd: Fw: Land on Grange Hill West Kirby The Council's proposal WP6.3 ID Res 6.4 in its local plan 2021-37

Dear Cllrs,

As you are aware I recently raised the concerns of the FofGH over the lifting of restrictive covenants on the land adjoining Grange Hill. I have still to receive a detailed map of the areas mentioned by Mr McMorran in the report he made about the lifting.

At the FofGH Trustees meeting this evening we briefly discussed the issues that have been repeatedly and again raised [redacted] on behalf of local residents and FofGH.

The issues [redacted] raised are now causing us further concern both on the correctness of the decision and the impact on this green space.

Will you please secure a copy of the plan of the area and advise Wirral Council of our concerns and confirm too that we have not been consulted on this matter.

Kind regards

[redacted]  
Chairman FofGH

----- Original Message -----

From: clarket8@sky.com  
To: stovemcmorran@wirral.gov.uk Cc: paulsatoor@wirral.gov.uk;

[redacted] paulstuart@wirral.gov.uk; jeffgreen@wirral.gov.uk;  
simonmountney@wirral.gov.uk; [redacted]

Sent: Friday, August 2nd 2024, 16:33  
Subject: Fw: Land on Grange Hill West Kirby The Council's proposal WP6.3 ID Res 6.4 in its local plan 2021-37

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