

Wirral Local Plan – Main Modifications Response Form

Part A

1. Personal details

(if an agent is appointed, please complete only the title, name and organisation in the boxes below but complete the full contact details of the agent in section 2 below)

Title	█
First name	█
Last name	█
Organisation (where relevant)	Residents of Grange Old Road West Kirby Friends of Grange Hill and over 1500 Petitioners all opposing Council Proposal WP6.3 ID RES 6.4
Address	█
Postcode	█
Telephone number	█
Email address	█
Objective ID number (if known)	WP6.3ID RES 6.4

2. Agent's details (if applicable)

Title	█
First name	█
Last name	█
Job title (where relevant)	█
Organisation (where relevant)	
Who are you representing?	Residents of Grange Old Road Friends of Grange Hill and over 1500 petitioners strongly objecting to the Council's proposal WP6.3 ID RES 6.4
Address	
Postcode	
Telephone number	
Email address	
Objective ID number (if known)	

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3. Data Protection Notice

I confirm	Please tick this box to confirm that you understand that your name and your response will be published, that your full name and details will be passed to the Planning Inspectors, and that you have read and understood the Council's privacy notice.
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Please note that all comments will be held by Wirral Council and made available in accordance with our privacy notice, which can be viewed at <https://www.wirral.gov.uk/planning-and-building/local-plans-and-planning-policy/forward-planning-privacy-notice> or obtained from one of the addresses below.

Please read all the information related to this consultation on the Council's webpage at <https://www.wirral.gov.uk/new-local-plan> or which has been placed in public libraries, and the Wirral Local Plan Modifications Response Form Background Note before you make your representations.

4. Completed Responses

Please submit your completed Response Form/s **to arrive at one of the addresses below no later than 5pm on Friday 8 November 2024.**

- by email to: localplan@wirral.gov.uk, clearly marked as 'Wirral Local Plan – Consultation on Main Modifications'
or
- by post to: Wirral Local Plan - Main Modifications, Wirral Council, PO Box 290, Wallasey CH27 9FQ

Please note that comments received after this deadline will not be accepted.

Please use a separate Response Form for each modification that you wish comment on.

If you require any further information, please contact the Council's Forward Planning Team by e-mail at localplan@wirral.gov.uk or by telephone on 0151 691 8235.

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Part B

1. To which Modification does your representation relate? (please insert as appropriate)

Main Modification Reference number: MM [RES-SA6 p]

Policies Map Reference number: PM []

Additional Modification Reference number: AM []

2. If your comment is on a Main Modification, do you consider that the Main Modification is:

Legally Compliant – No (please delete as appropriate)

Sound – No (please delete as appropriate)

3. Please explain why you consider a Main Modification does not assist in achieving legal compliance or soundness or provide any other comments on it in the box below. Please be as precise as possible.

The Inspector's have expressed their view on the Council's proposal RES-SA6. ONLY by stating "our view in respect of a figure (for the number of dwellings)". The Inspectors have not prior to or at all expressed their view on the legal compliance and soundness of the Council's proposal. The Inspector's view is a prerequisite i.e. principle of an issue must be determined before deciding quantum/a figure. The Council's modification to its proposal is to delete "Anticipated Delivery 2024/25 from page 157 of 263 "Schedule of Main Modifications" and in its, "Updated Housing Trajectory Annual Breakdown" continue to show 35 houses with a delivery date of 2026/27. The modification does not assist since the principle of this proposal has not been determined and the 35 houses is deceitful.

We confirm we have made numerous representations to the Council and to the Inspector's giving evidence that the Council's proposal is not legally compliant nor is it sound. The evidence includes the danger from a huge increase in traffic and damage to the environment and that the land in question is the subject of restrictive covenants(rc's) **Scan 453**. Lifting of a rc is for the Upper Chamber(UC to decide on. The UC would make such a decision with reference to the Law of Property Act 1925 and whether the restrictive covenants are:- (i) obsolete – they are **NOT** (ii) they impede some reasonable use of the land – they do **NOT** (iii) the beneficiaries i.e The **PUBLIC** of the covenants expressly or impliedly agree to their release – they do **NOT** (iv) No injury will be caused -the proposal will both during the construction phase and thereafter pose considerable danger including risk of serious injury to the Public including schoolchildren. The Council's Decision **scan 725** in June 24 to itself lift the rc's was taken without any consultation with the Public and was discovered by the "Next Door Social App" It makes a number of false statements and misrepresentations **exhibits 1-5** and relies on its negligent inclusion in its UDP 2000 of the land in question on which the rc's were imposed in October 1982. It also relies on access to the land in question being gained through land which is unregistered. We have requested the Council **exhibits 6-9,9A,9B,9C,9D** to provide us with information regarding its action but they have failed to do. The Council's action was beyond its authority and alongside the Examination Procedure subject to judicial review – **appeal by Noeleen McAleenan for judicial review [2024]UKSC 31 exhibits 10-12** The Council's proposal RES-SA6.4 is not legally compliant nor is it sound and we again request the Inspector's to decide accordingly . **Note:** Exhibits 1-5 and 6-9,9A – 9D are in chronological/time line order and should be read as such

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4. Please set out in the box below the changes you consider necessary to make the Main Modification legally compliant and sound.

The Council's proposal RES-SA6.4 to give its correct description Grange Hill West Kirby is not legally compliant and is unsound including because the land in question is subject to restrictive covenants . The proposal should therefore be deleted from the Council's local plan 2021-37.

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- 5. Do you have any comments on the Sustainability Appraisal or to the Habitats Regulations Assessment in respect of this particular Main Modification? Please provide them in the box below.**

The Council's proposal RES-SA6.4 Grange Hill West Kirby is not sustainable because it fails to comply with the Environmental Act 2021/23 in a number of respects including failing to provide an Environmental Impact Assessment. The Council's proposal shows no consideration to protecting the conservation and biodiversity of a site/land in question which is habituated by animals and wildlife.

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6. Do you have any comments on a Proposed Change to the Policies Map? Please provide them in the box below.

Policies Map which includes Grange Hill West Kirby – the Council's proposal RES-SA6.4 "significantly and irreparably harms the character and appearance of Grange Hill and the area surrounding it". The Policies Map should be amended to delete the proposal

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Part C

Do you have any comments on one of the Councils Additional Modifications? Please provide them in the box below.

Please state the additional modification to which you refer (in the format 'AMxx') and provide your comments as concisely as possible

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