

WGSA closing statement

1. This inquiry, as well as an endurance test, has felt like a real journey. We have learnt a lot about Wirral. It is an **exceptionally special place**, not just a typical **post-industrial town**. It has water on three sides, **national** and **international** wildlife designations, a **unique** industrial history, 26 Conservation Areas and a constrained Green Belt **functionally linked to protected coastal zones**. It is next to a major European city. And **Birkenhead Park** may soon become the only UNESCO World Heritage site on Merseyside. If Liverpool is New York, then **Birkenhead** is **Brooklyn**.
2. In opening, we introduced **Wirral Green Space Alliance (WGSA)**, an umbrella group that **since 2018** has represented over **30 local community, environmental, heritage, conservation, and nature groups**, along with experts and advisers. It is a **genuine** umbrella group that articulates agreed themes, avoids duplication, and provides expert advice. It is a **positive** group committed to sustainable development. It has worked **closely** and **constructively** with politicians and officers **for over 5 years** to develop what is now an advanced emerging Local Plan to meet the genuine needs of Wirral for housing and employment.
3. Some of WGSA's constituent members have actively engaged on planning and development matters for **nearly a hundred years** with CPRE Cheshire and the Wirral Society supported by the famous town planner Sir Patrick Abercrombie. As the **many Public Meetings** held over recent years have demonstrated, the outcome is of significance to **most Wirral Residents**. These appeals are unnecessary and designed to derail the Local Plan process and set a **precedent** for further phases by Leverhulme Estates and other landowning interests in Green Belt **nationwide**. The decision has more than local significance.
4. In this closing statement we set out the **key issues** that point to a clear finding that the proposals are **unacceptable in land use planning terms**. This will be a **landmark decision** that will be used in planning textbooks and universities for **years** to come.

5. We have seven appeal sites, with more to follow **representing ‘Cowpat Development’**. This is the splodging of lumps of housing more or less at random in the countryside. **Cowpat Development** can **never** provide **regeneration**. Allowing the appeals would destroy the carefully crafted and **widely** agreed strategy to regenerate eastern Wirral.
6. At the **heart of the Inquiry** are two issues:
 - 1) **Firstly**, all parties agree the appeals sites represent **inappropriate development** in the Green Belt, that harms result, and that VSC need to be shown;
 - 2) **Secondly**, 788 houses in the Green Belt, **over 1,000** with the next appeal already lodged, can only **prejudice the emerging local plan**, already under examination.
7. WGSA, elected Councillors and officers, and local communities have been on a long five-year journey and the Inquiry has fleshed this out. This journey has included:
 - Recognition of the **severe deprivation and regeneration issues** including the **shocking** 12-year gap in life expectancy between west and east Wirral, just 5 miles apart.
 - Creation of desperately needed **strategies to regenerate** the eastern areas.
 - Building **unanimous political support** – a remarkable achievement.
 - Taking the emerging local plan to an **advanced stage**
 - **Engaging landowners/developers**, where necessary lining up **grant-aid**.
 - **Early success and progress** on several regeneration projects in the east
8. The emerging local plan evidence base suggests there are **no exceptional circumstance** for release of Green Belt. The emerging plan has progressed through its stages with unprecedented political consensus.
9. In the meantime, Wirral has achieved **excellent housing delivery test performance**, scoring 99% even against the Standard Method which uses **discredited** 2014 Data.
10. The SM is a real-time algorithm that already takes account of past delivery. LE have **simply misunderstood** the SM. There is no need to account for any alleged historic

under-delivery. And **neighbouring authorities** have **exceeded housing targets** which, while showing there is no regional housing shortage, begs the question of where people are going to come from, particularly if jobs growth remains sluggish.

11. We have also heard a lot about central and western Wirral:

- There is already **substantial outward commuting** – more people than jobs, something that is also true of Wirral as a whole and compared to the surrounding region.
- Development west of the M53 will **undermine regeneration** in the east, and.
- Development could **damage national and local wildlife sites**.

Leverhulme Estates, the Vision, and Community Engagement

12. These are all linked so I will consider them together. **Firstly, Leverhulme Estates**. This is a **commercial organisation** owning one third of Wirral's Green Belt land and with ten tenant farmers. Leverhulme Estates suggest they are a unique, benevolent landowner, but this is not borne out by evidence. Apparently even providing a **modest length of new hedgerow** is beyond them without building nearly 800 houses. This doesn't feel like an enlightened landowner, and under cross examination they could not point to **anything** that marked them out as anything other than just another large land owner seeking to **maximise profits** from **residential consent** on **productive farmland**.

13. **Next, the Leverhulme vision**. The vision and masterplans have had only cursory community engagement. Member groups of WGSA were marginalised and the Appellant ignored almost everybody who had responded to the 'engagement' on individual sites. Far from being provided under a **complementary vision** the sites would be sold off to individual developers, with uncertain proposals for **design and management**.

14. Images in the vision are **only** 'indicative' and would **surely** alter at Reserved Matter stage as volume builders to whom the sites would be marketed, inevitably imposed their **standard designs**. In discussing conditions, Mr Handy admitted that '*we can't control what four separate developers do on site.*' This is a clear indication that the

‘Leverhulme Vision’ is nothing more than an aspiration and is just a **glossy marketing brochure**. It’s just a device to get planning consent, sell a dream, and maximise land value. The Sustainable Alternative Natural Greenspace (SANG), once promoted and often quoted as an integral part of the Vision has been casually discarded.

15. We are disappointed at the absence of genuine consultation by Leverhulme Estates. It fails all the ‘**Gunning Principles**’ on consultation. At the Opening, there was public laughter as the developer said they ‘**care very deeply**’ about the area. The vision was **not** conceived in a **widely-shared**, consensus way. In contrast, intensive community and stakeholder involvement has led to the Council regeneration plans, which are widely supported and are a genuine shared vision **based on ‘real’ NEED in locations of ‘highest NEED’**.

(In terms of) Genuine community views

16. This inquiry has heard from **local people and** their elected representatives. The appeals attracted an extra-ordinary level of public opposition including a petition of 26,000 residents.
17. Margaret Greenwood MP for Wirral West raised these proposals in the House of Commons several times, stressed the importance of **Green Belt protection** and highlighted the **climate emergency** declared by both Government and Wirral Council. She made an impassioned appeal the land should be protected future generations.
18. Councillor Leader Paul Stuart stated the appeals threatened the carefully worked out local plan strategy. In his words this would ‘**make a mockery of the planning system**’ and ‘**pre-determine the planning system through the appeals process**’. He praised the beautiful countryside that made Wirral unique. That afternoon he had helped to top out a substantial development **on brownfield land in east Wirral** – exactly the strategy Wirral wants to pursue, and which would be threatened if these appeals are allowed.
19. Councillor Mary Jordon suggested the strategy to concentrate development in the east was **joined up thinking** and it was important we had a **Wirral that worked for**

everyone. Her experience was that public transport to many of the appeal sites was poor.

20. And so, it went on, more councillors and resident after resident raising valid points – on **wildlife, landscape, transport, potential flooding** and the importance of **local history** and **heritage**. On the **constrained nature** of Wirral's peninsular. And the **genuine love** of residents for their 'island'. On the **importance of Green Belt during Covid lockdowns** and afterwards for the **recreation**, and **physical** and **mental health of residents**. Dr Mostafa spoke eloquently on the problems of stress and the calming and health benefits of green fields and open spaces. Many pointed to the **agreed, viable alternative** of regenerating the left-behind communities in the east where need was clear and much infrastructure already in place. One even compared the appeal sites and the prospect of further phases as a **cancer** that would eat away the heart of Wirral.
21. Professor **Ludi Simpson** called for the use of **best Available Data** to inform land use decisions, a matter that is clearly important and set out in more detail later.
22. We heard a lot of site specific concerns, too many to list here. A typical one was a lady who has lived in Woodlands Drive for 22 years who said *'neither me nor any of my neighbours EVER walk down Barnston dip, it's far too dangerous, even to the local pub. You would chance getting your head knocked off with wing mirrors'*.
23. And early in the Inquiry we heard about twin shallow-buried high voltage cables across site 'A' that would render the site **undevelopable** as planned. This came as news to the Appellant. We think it illuminates the 'slap dash' approach of the developers with a generic glossy brochure, but no real attention to detail when assessing the specifics of each site. WGSA doesn't want new self-build residents to be **vapourised** when they dig their foundations or drains. Others talked of damage to the un-surveyed buried **Roman Road**, they talked of **flooding**, and further harm to Harrock Wood, an ancient woodland. This is **Local insight** from **local residents** with **real** concerns.

24. **Not a single word of support** has been provided at the inquiry, by anyone other than Leverhulme Estates. If these developments are such a good idea, **why is this?**
25. All Political Parties on Wirral Council, plus parliamentary representatives are united in their support for **regeneration in the east** and **protection** of Green Belt in line with the emerging local plan. In my experience, this is an extra-ordinary level of support in favour of a **carefully brokered** emerging local plan and against this set of **harmful speculative appeals**.

Prematurity

26. Next, prematurity. This is **intentionally a high bar**. Nearly 800 houses are clearly substantial, and when linked to **thousands** more, even more so. But is the emerging local plan as advanced as NPPF requires, for prematurity to be found? Mr Handy suggested it had to be '*imminently about to be adopted*', but that is clearly mistaken. I will not repeat arguments made by the Council, although we agree with them – but focus on the **communities** that WGSA speaks for.
27. The first obvious consideration is that the Examination in Public (EiP) is **advanced**, even though it has been delayed by a **mountain of late evidence** from Leverhulme Estates amongst others. This was **not requested** by the Inspector and the Council needs time to address it. The focus of the developers' material is to promote housing development, on their land, in the Green Belt – the very issue key to these appeals.
28. The matters within the emerging local plan that these appeals could prejudice will be examined **soon**. A few months is a short period to wait given the potential to derail a carefully constructed plan, with **pain-staking consultation** and **evidence gathering**, and supported by everyone **apart** from owners of Green Belt land.
29. **Two further exceptional factors** suggest that to allow these appeals would be premature. **First**, the urgency to promote regeneration in the eastern areas and relieve deprivation. This has led to **life expectancy being 12 years shorter** in east Wirral. Mr

Coburn agreed this was '**shocking**'. Yes, it is **shocking**. If we, in **this inquiry** can't contribute to solving this, then **we are part of the problem**.

30. Allowing these appeals would **not**, as Leverhulme Estates claim, plug a short-term housing shortage. They not only **directly damage** current regeneration projects, but it would be 'open season' on the Green Belt. Leverhulme Estates have a further appeal for 200 houses pending and plan nearly 7,000 more. Other Green Belt landowners will be watching carefully. Mr Coburn for LE agreed **development had an opportunity cost**. The cost here is a **prejudicial effect on the emerging local plan** strategy that would set back regeneration of eastern Wirral for at least a **decade**.

31. And **second** is the **genuine difficulties** Wirral has had in adopting a new local plan. It is easy to criticise. But Wirral is a unique place. Beautiful, crowded, much of its employment disappearing almost overnight and often deeply split between east and west. **But these difficulties are over**. The emerging plan is the culmination of a five year process of consultation, development and consensus building that has received unprecedented community and political support. Every single elected member voted in favour. **I've never seen this level of political agreement before**. Allowing these appeals would throw away this five years of consensus building.

32. In this inquiry, without exception, witnesses, including from the Appellant have discussed the **relevance of emerging local plan policies**.

33. At times I have felt that we have been **participating in the local plan examination**. Mr Handy suggested that LE were simply responding to the Council's case. But this **does not stand up to scrutiny**. Throughout each cross examination of Council and Rule 6 witnesses, **questions about the emerging local plan have been asked**. Like Banquo's Ghost at the feast in MacBeth - an unwelcome guest, but nonetheless **impossible to ignore**. The arguments the Appellant makes are fundamentally an attack on the **evidence base** and **strategy** of the **emerging local plan**. The Appellant has **inadvertently highlighted** that any decision on these appeals will impact the emerging

local plan and therefore the correct forum for discussing **these issues** is the local plan examination. **These appeals are indeed premature.**

Green Belt

34. This is a shorter section than others because all the experts agree that the housing proposed for **every** appeal site was **inappropriate** and by definition harmful to the Green Belt, hence 'very special circumstances' (VSC) must be demonstrated. Ms Copley clearly set out her approach and assessment, **which concluded overall negative harm in every case and that no VSCs exist.**
35. There are four differences between the R6 and the Appellant: **Firstly**, while some Green Belts have been designated to stop sprawl, for instance in London, or to prevent harm to the setting of historic cities like Cambridge, the key reason in Merseyside was to encourage **urban regeneration**, and this remains the main objective to this day, supported by all local authorities in the Liverpool City Region. For the Appellant to suggest that **some** Green Belt sites perform better or worse than others is an **irrelevant exercise**. All perform a role in **directing regeneration** to where it is **genuinely needed – the area where real people die on average 12 years younger than just five miles to the west.**
36. **Secondly**, in the context of '*prevent neighbouring towns from merging into one another*', we had a **fruitless discussion** about defining a '**town**'. NPPF defines dozens of words but **chooses** not to define 'town'. This choice was **deliberate**. Each urban area and case **must** be considered on **its own merits**. Most appeal sites will **substantially narrow or close gaps** between **distinct settlements**. Site A would merge the two distinct communities of Irby and Thingwall. Sites B, C and D would substantially merge Pensby and Barnston.
37. **Thirdly**, the harm to Green Belt openness must be considered in both a **spatial and visual sense**. Spatial is the siting of land uses in relation to one another and visual is

how land uses appear in the landscape and impact the openness of the remaining elements of Green Belt. Ms Copley found that areas of Green Belt will be severed, leaving **isolated pockets**, which would be **targeted** in the future. Housing development will block the existing continuous rural views through each site to neighbouring Green Belt. Where sites are next to one another there are also **cumulative impacts**. Inevitably, each development would lead to a changed environment through an increase in human activity including families with pets and vehicles, gardens and greenhouses, garden furniture and security lighting, caravans and boats in driveways. Permitted development would give rise to **additional storeys and extensions**, which would further urbanise both the sites and the surrounding fields. Street lighting in the developments would also harm openness.

38. **Fourth**, all the Appeal sites currently have **well-defined boundaries**. The proposals would weaken boundaries, notably Site 'A' where the new northern boundary of low level planting would encourage further development.

39. Finally, Leverhulme Estates contend that this is **not a plan-making exercise**. But if the appeals were allowed, significant Green Belt areas would be **urbanised**, on a scale similar to that **usually** advanced through the strategic plan-making process.

Landscape

40. On **landscape**, there was also substantial agreement there would be harm. Witnesses just **disagreed on its severity**. Ms Copley presented evidence based on research, site survey, community consultation and her very extensive experience. She showed how the **location, landscape characteristics, masterplan, access arrangements and green infrastructure** of each site would lead to a range of **negative landscape impacts**.

41. Mr Folland agreed that **different approaches to landscape assessment were legitimate**. His approach did not consider how the existing community used and appreciated the landscape, and **ignored the views of local people** from their homes. Having missed out some key viewpoints and downplayed cumulative impacts, he found less harm than Ms Copley and Ms Hyslop – although he did still find harm. He

had not included individual Zones of Theoretical Visibility or **photomontages** which would **normally be expected** as standard in applications of this sort. Any or all of the sites could contain **three storey buildings across substantial areas** which would make a big difference to massing and openness. Neither the masterplan nor the vision would or could constrain this as they are only **indicative**, and the applications **outline**.

42. The **assumption** that landscaping will eventually hide everything is a **false one**. At year 15, there will still be housing in previously undeveloped fields, resulting in **permanent** loss of the rural character, and **permanent** loss of views towards wooded backdrops for all Sites and towards Liverpool and Ellesmere Port (Site E) and Greasby, the coastline at Meols and the sea beyond for Site A.

43. Leverhulme Estates have specifically presented the appeals in the context of a vision that would see 8,000 new houses on over 400 hectares of Green Belt. This scale of development is the same as a new settlement such as the Halsnead Garden Village in Knowsley that was brought forward by the Council and the landowner as a **joint enterprise**, not on an **ad hoc** and **piecemeal, speculative basis**. These appeals cause **unwanted irrevocable** change to Wirral's countryside, landscape and character.

Regeneration and socioeconomics

44. Next, regeneration. This evidence is the weakest part of the Leverhulme Estates case. They argue the local plan is out of date, but Ms Copley's proof appendices shows why this is not the case. They claim there is previous under provision of housing and that Heswall, and other prosperous parts of Wirral must have new housing to stay viable, and that population must grow in line with nine year old predictions. But we know, thanks to the actual count of real people and houses in the Census 2021 that the growth expected in the ONS predictions has not happened. The attitude now seems to be '***the prophesy must be fulfilled!***'

45. We **agree** local authorities need to plan for **sustainable development for all communities and places** and should address any **genuine** identified poor socio-demographic performance. The strategy to concentrate development in east Wirral

has unanimous cross-party local political support from **all four parties currently represented on the Council**. **Mr Coburn didn't seem to think this is significant, but it clearly is**. Wirral is not just a typical post-industrial town. It is a unique and proud area, with **unique brownfield opportunities**. The council are completely entitled to pursue their own local economic development strategy, and to target development **where it meets their objectives**.

46. The Leverhulme Estates socio-economic evidence **does not use of up-to-date information**; it fundamentally does not address the link between **housing and employment**; and as a consequence runs **contrary to local regeneration ambitions** which are **unanimously** supported by elected council members, and local communities across Wirral.
47. Past alleged under-provision of housing is easily dealt with. The SM accounts for any under provision in its algorithm. **That is what it was designed to do**. It is a real time measure. Any under provision is **already** included in the figure it comes up with. Last year Wirral achieved 99% of their housing target with the lowest 5% buffer and no Government sanction. Mr Coburn grudgingly admitted that it was a good performance but said that he had not considered it in his evidence, which is strange given that this is a direct housing delivery performance measure.
48. The assertion that **Heswall** and other prosperous communities in mid-Wirral need new housing to remain viable is **odd** considering that they have **maintained viability** in the ten years 2011-21 with little housing or population grown. When I visited in June 2023 both Heswall and Bromborough were thriving. Mr Coleman (for Wirral) referred to the health check assessment of Heswall in the Wirral Retail and Centres Study 2019. It concluded that the town centre displays '*good levels of vitality and viability*'. There is no evidence whatsoever that additional housing is needed to maintain viability.
49. Mr Coburn suggested the local plan was out of date, as the date on the cover had passed, and by implication all economic development policies were out of date too.

But this isn't the true position. If policies are delivering outcomes in line with NPPF, then they are still relevant.

50. The parties **do agree** on many things. It was agreed that economic development could have an **opportunity cost**. It was accepted that a **life expectancy of a 12 years less in the east** was '**shocking**'. It was agreed economic regeneration should be **targeted** on areas with lower life expectancy, that Wirral was **right** to concentrate on the east, and that **not all areas could be a priority**. Mr Coburn agreed with the **general thrust** of the draft Birkenhead 2040 Framework. Mr Coburn agreed that the evidence of Mr Booty about the partnerships Wirral had put together, showed a desire to deliver on the east bank. It was agreed that Irby, Thurstaston, Pensby and Heswall – where the appeal site are located - are not Wirral's most deprived areas.

51. Mr Coleman for Wirral said firmly that **approval of the Leverhulme Estates appeals would prejudice the brownfield first strategy**. He described in **detail** the plans for the creation of balanced neighbourhoods with a range of housing size and tenure that included family housing and was fit for a **low carbon future not reliant on cars**.

52. But the fundamental point of targeted regeneration is that you **cannot target everything** as the Appellant apparently believes. And this is precisely the point of Green Belt – **to direct regeneration to areas where it is needed**.

53. On the claimed benefits from 30% promised affordable housing, NPPF allows developers to carry out a viability assessment and this frequently reduces the actual affordable housing delivered. So the best we can say is 'up to 30%' but could be zero.

54. And **finally**, there is no employment link with any of the appeal sites, apart from construction jobs which would be provided wherever the development took place.

Demographics

55. Professor Gregg has made a **detailed study** of Wirral. The ONS made predictions in 2014 which were incorporated into the Standard Method for calculating housing

requirement. Since then a count of **real** people, in **real** households in **real** houses (the 2021 Census) has shown these predications were not only **wrong**, but **spectacularly wrong**. The letter from the OSR in our evidence references this and exposes the errors which result when organisations continue to use bad data.

56. Prof Gregg's evidence suggests that **population size** at least in Wirral has been driven by **available employment**. In the last ten years the number of dwellings has increased by more than the number of households or population. This strongly suggests that employment is the key factor, not availability of housing. The suggestion by LE that increasing population would inevitably bring employment in its wake is **simply mistaken, unsupported by evidence**. Apart from local expenditure – which as we know is more needed in east Wirral, there is no evidence that other new employment would appear **as if by magic**. Indeed the new housing could easily be occupied by prosperous older people looking for a nice place to retire. For economically active people on Wirral, outward commuting is already significant. Provision of more houses in rural areas in Wirral without jobs will either shift population westwards leading to voids and sabotaging any prospects of regeneration in east Wirral or simply lead to more outbound commuting.
57. The current **genuine** housing need can be easily met by using **existing brownfield land**, even if you accept the LE figures on five year housing land availability which we do not.
58. **There is a real dilemma for this inquiry here**. Guidance suggests that while a local plan can use genuine evidence to reach a housing figure, that in this appeal the SM should be used, and this must use 2014 predictions which do not even remotely reflect the real world on Wirral. To base any decision on 2014 predictions would be so perverse as to make no sense at all, and frankly make a judicial review inevitable. The right place to determine housing need is in the local plan examination taking place right now.
59. Mr Handy for LE, under cross examination would not say if he thought up to date population statistics should be used in planning. This is a fairly remarkable omission for a town planner. In contrast, Professor Gregg's conclusions on housing need and the

ONS projections were endorsed by Professor Ludi Simpson, author of the POPgroup cohort model used by ONS and Mr. Coburn in his evidence.

60. To delve into more detail. **FIRSTLY**, several statistical studies over the last four years using ONS data indicate a housing need (using the SM framework) of less than 5,000 dwellings over the 16 year local plan period. In 2022 these estimates were confirmed by the ‘gold standard’ 2021 census results compared with the 2011 census, which gave a mean housing need (using the SM framework) of 3,041 dwellings across 3 scenarios (range 780 to 5,016 d - CD06 /16).
61. The mean housing need number is just 23% of the current emerging local plan housing need figure of 13,360 dwellings. This is because the Council figure is based on the ONS 2014 population projections which we know are simply and massively wrong.
62. Secondly, Mr O’Connor (ID09) notes a housing requirement of 750 dwelling per annum or 12,000 in 16 years, for the purpose of considering housing supply in this Inquiry. Mr O’Connor claims Prof. Gregg ‘*deviates from the NPPF*’ in suggesting a lower housing need. However, NPPF speaks of ‘objectively assessed needs’. Prof. Gregg highlighted that the ‘gold standard’ 2021 Census data gives a Wirral Population change of 417 people in 10 years and an increase in households of just 2,717 while the 2014 ONS guesses give a 4,866 increase in population and 7,086 for households. So, the actual Census confirmed population change is just 8.6 % of the 2014 ONS population change, and the actual Census Households change is just 38% of the 2014 ONS Household change. To ignore such discrepancies cannot be reasonable.
63. The ONS projections therefore **do not** provide an ‘objectively assessed need’ for housing under NPPF 35a for this inquiry). These huge projection errors are the ‘exceptional circumstances’ which NPPF suggests can ‘justify an alternative approach’ – in this case to use real figures rather than projections that have turned out to be false. Prof. Gregg follows the SM process, including affordability uplift, but substitutes actual 2011 -2021 census based trends, instead of the 2014 ONS projections.

64. Thirdly, Mr Coburn repeatedly claims Wirral has *'fallen behind projected population growth over recent decades'* based on *'clear evidence from ONS'*. He admits that this *'clear evidence'* is primarily the ONS 2014 based population and household projections. But Prof. Gregg has shown the huge errors in these projections for Wirral compared with the actual 2021 Census results. Reviews of ONS projections and methodology by the Office for Statistics Regulation (OSR) in 2021, following formal complaints from Prof. Gregg and WGSA and analysts in Coventry and elsewhere, concluded that these obsolete projections should not be used and said *'Any future assessment of housing need should be informed by the latest data, so that it reflects any method and quality advances. We expect that future housing need analyses produced for England will be based on ONS updated 2021 based household projections.'* WGSA's case at local plan examination calls for a Main Modification to reduce the 'Housing Need' figure whilst maintaining the aspirational overall 'Housing Requirement'. This debate should not be prejudiced by these Appeals.
65. Mr Coburn justifies building the proposed appeal sites to bring Wirral back to where *'it should be'* based on the obsolete 2014 ONS projections. He does this by putting the appeal housing into the POPgroup cohort model of Professor Ludi Simpson. Mr Coburn assumes without evidence that if the LE housing is built it will be filled. POPgroup automatically adjusts *'in migration'* to Wirral to match population growth to the *'filled houses'* assumption – to literally balance the *'demographic books'*. This is not an independent forecast which could be tested like the ONS or Gregg projections. The result simply follows by arithmetic, from the initial assumption: *'if we build all the appeal housing it will be filled as it is built'*. Use of POPgroup tells us nothing about whether this or any other Coburn assumption will happen. If we put in 100,000 houses, the POPgroup spreadsheet would fill it, realistic or not.
66. As an example, and there are many, Mr Coburn uses POPgroup (an excel spreadsheet) along with ONS information on household formation rates, births, deaths and so on. If projected population growth doesn't fill the user designated number of new dwellings with households, then the model *will generate increased net in-migration.'* So the LE

analysis simply **assumes** that all the LE houses built **will** attract migrants, mainly from outside Wirral, who will **'materialise'** to fill them.

67. Mr Coburn should not use obsolete ONS projections rejected by the Statistics Regulator, for his claims that Wirral has 'fallen behind' on housing or population. Prof. Gregg by contrast, has used the 2021 key census results to define the trends for his projections.
68. Mr Coburn claims additional housing in Heswall and Bromborough is needed to meet national policy objectives and sustain key communities but provides no evidence. He considers that a stable population is an evil in itself – but it is nothing of the sort. Heswall is a vibrant community with little deprivation despite a stable population between the 2011 and 2021 censuses.
69. Population growth is not an end in itself. The ability to sustain balanced communities has nothing to do with an ever-growing population. Indeed an ever-growing population on a peninsular surrounded by water and full of precious open land, internationally recognised habitats and built heritage would threaten that balance.
70. And finally he asserts that population is limited by housing growth. But population will only grow if there are adequate employment opportunities. There is already a tide of outward commuting from Wirral. More housing in mid Wirral without economic development would just mean more outward commuting.

Transport

71. On transport, congestion and road safety aspects of the appeals is a major worry of local people, as set out in the **heartfelt submissions** both in the public sessions and elsewhere. Mr Vogt confirmed that the TA only included incidents reported to the police. There could be a considerable number of incidents that had scared or worried pedestrians or cyclists including injuries that were not reported. Indeed, three of WGSA's Convenor's Cycle Group have been knocked down and injured and others involved in near misses on roads around the appeal sites – an example photo was

included in Ms Copley's proof. We heard some compelling evidence from local residents – for instance about the **dangers of Barnston dip** which Leverhulme Estates put forward as a 'sustainable' route.

72. Leverhulme Estates suggested that NPPF 105 is **not in dispute**. This is emphatically not the case as it states: *'Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.'* It also states, *'opportunities to maximise sustainable transport solutions will vary between urban and rural areas.'* Mr Vogt had not thought about defining the appeal sites, despite the clear NPPF direction to relate opportunities to urban or rural situations. However the appeal sites are more urban than rural, evidenced by the considerable pains Leverhulme Estates took to suggest the appeal sites are urban extensions and not just countryside development. The relevance of this is, of course, that NPPF 105 expects sites that are more urban to show greater opportunities to maximise sustainable transport.

73. Mr Vogt claimed that a site could be **car-dominated but still sustainable**. This is an odd position to take. He accepted under cross examination that the goal of Government policy can only be achieved by a reduction in car use. This meant that alternatives must be both **available and viable**. Mr Vogt refused to engage on the relative sustainability of potential alternative sites within the emerging local plan strategy, saying he **hadn't considered them**, despite this being an important element of the Council's case.

74. This is a **significant** development, so NPPF suggests it must be focussed on locations where there is a genuine choice of transport modes. The stated NPPF intention is to *'reduce congestion and emissions and improve air quality and public health'*. Any development could **theoretically** be accessed by sustainable modes, but whether they would be in **reality** is the NPPF test. All appeal sites are both in areas that are the **greatest distance from amenities**, and with the **greatest car ownership**. It is well known in transport planning that once residents acquire a car, they will use them for most journeys. The distance of the appeal sites from amenities ensures that people

will **need** to own a car. Therefore, **cars will be used** even for journeys that could theoretically be carried out by other more sustainable modes.

75. The key word is '**genuine**'. It cannot be the case that the mere possibility that some residents might use a mode is sufficient regardless of the actual likelihood that they would use that mode. If the options available are not genuine, then the appeals fail the NPPF sustainable transport test. The appellant did not provide this evidence.
76. **Trains.** Leverhulme Estates suggested at several points in their evidence that **Heswall Station** would be an acceptable transport option. Mr Vogt had visited the station and accepted that it had only a single shelter, no staff, no toilet, a tiny car park, and was no-where near the centre of Heswall. But he had not used the service or sought the opinion of the few people who used it – and their opinion is not complimentary. He was unaware that the hourly bus service (73) he was recommending to use did not connect with the hourly trains and was therefore useless. In any case the last bus was 18.15 with no Sunday or Bank Holiday service. He recommended park and ride but there are only 12 parking spaces, and while park and ride could theoretically reduce car mileage, it still creates a car journey at the appeal sites. The train service is operated with forty year old diesel trains, some second hand from London Transport. All journeys to Liverpool or Birkenhead require a change at the remote and windswept Bidston station.
77. **Wirral buses** are mostly provided on a commercial basis and could be withdrawn with six week notice. Mr Vogt had not used any of the local bus services and could therefore not comment on whether they might be used.
78. **For walking** there was some debate about acceptable distances in different sets of guidance. On Wirral, account must be taken of local conditions and the older age profile of Wirral Residents. The actual experience of WGSA members is that the roads around the appeal sites are universally hostile to walking, with generally high traffic volumes and speeds. Some improvements would come with the appeal proposals. But

these are set against the increased traffic from the new developments, and the lack of coherence of walking routes outside the appeal sites.

79. **For cycling**, Mr Vogt accepted that the cycling model he used included all routes that it was theoretically possible to cycle and took no account of whether routes were **Coherent; Direct; Safe; Comfortable or Attractive**, requirements for compliance with LTN1/20, which also suggests '*Cycle infrastructure should be accessible to everyone from 8 to 80 and beyond: it should be planned and designed for everyone*'. We established after some effort that segments of cycle routes in the appeal sites themselves might accord with LTN1/20, but once outside the red line, they do not, and certainly do not form part of a network of routes. All the appeal sites fail on these grounds to genuinely encourage cycling.
80. Mr Vogt specifically mentioned **Wirral's coastal cycle route**. This is at some distance from the appeal sites, and the links are not LTN1/20 compliant. While it might perform a leisure function, it is not obvious what utility journeys from or to the appeal sites would be possible. In contrast, the section of the same route in east Wirral is ideal to link up regeneration areas.
81. Once again, the question emerged – **is the emerging local plan relevant?** The answer is yes, because sustainability is **relative** – the emerging local plan strategy identifies sites that are more accessible by existing quality sustainable modes, so overall it would increase sustainability. The clear intention of NPPF, indeed **all** government transport guidance is that **car use** and **climate change emissions** should reduce, and this implies less need to travel, shorter journeys and more active travel (walking and public transport). Once again this points to Wirral being justified in refusing the applications on sustainable transport grounds, and points to the right place for the discussion on sustainable transport being the Local Plan Examination.

Biodiversity

82. Biodiversity is fundamental to human health and well-being, a healthy planet, and economic prosperity for all people. We depend on it for food, medicine, energy, clean air, and water, as well as recreation and cultural inspiration.
83. Alongside the more prominent climate emergency, we are in a **biodiversity crisis**. The UN Kunming-Montreal Global Biodiversity Framework states: *‘The planet is experiencing a dangerous decline in nature as a result of human activity. It is experiencing its largest loss of life since the dinosaurs. One million plant and animal species are now threatened with extinction, many within decades.’* It is universally accepted that England is one of the **most nature-depleted countries in the world**.
84. Biodiversity on Wirral is especially precious, sensitive, and vulnerable. In just 60 sqm there are twelve SSSIs, 71 LWS, with 320,000 people, plus visitors. This inevitably creates pressures from people on wildlife. As a small peninsula there is only one way in for terrestrial wildlife. Practically all species need genetic interchange between populations to thrive, and all species need to move as the climate changes. All of the appeal sites **affect existing wildlife-rich sites and fragment the networks that allow species to move between them**.
85. Dr Ash, a professional ecologist who has lived in Wirral for 41 years and has 40 years of professional botanical experience in habitat creation, especially wild flower grasslands presented compelling evidence. You cannot just create any habitat anywhere. What will grow and particularly what will persist over 30 years depends on soil, management, water supply and other factors. **The proposals for grassland habitat creation are unlikely to succeed over 30 years, on Wirral's fertile clay soils.**
86. The appeal sites will inevitably concentrate pressure on nearby local wildlife sites like the ancient bluebell woodland **Harrock Wood LWS**, where 290 houses from **site A** will lead to trampling and nutrient enrichment (particularly from dogs - 1/3 of UK households own one). **Sites BCD** affect Thurstaston Common – SSSI heathland particularly sensitive to nutrient inputs as well as Barnstondale LWS. **Sites F,G** impact on Dibbinsdale SSSI, and Marfords Wood and Lowfields Wood LWS, and increase

pressure on Eastham CP, already a honeypot site. MEAS and the Appellant accepted that the SAMM recreation levy was primarily aimed at the coastal national habitats site network and not local sites.

87. The original Leverhulme Estates vision included a **SANG** to offer an alternative place for recreation and biodiversity, but the proposed habitat and methods of creation were impractical or inadequate, and alongside other issues it was inevitable it would be withdrawn. No new alternative has been offered. The SANG site identification was so inappropriate and the proposed species rich flower meadow so poorly conceived for site specific circumstances, it has caused a general distrust in the other ecology assessments and assumptions underlying the proposals put forward by the appellant.
88. The 'Homeowner Information Pack', while welcome, will be ineffective, as it is not certain the information will be read and acted upon, particularly as there is no mechanism to pass it on to succeeding owners or tenants
89. While we accept the Biodiversity Net Gain calculations theoretically show a gain, there will be an initial loss and it is not clear how habitat creation will survive 30 years of tidy householders, overzealous management, or changes in ownership or structure of management companies.
90. And to have any chance of success, monitoring is essential. Leverhulme Estates suggested that to require payment for monitoring was ultra-vires. But without outside funding, it is impossible to see circumstances in which the Council could resource it. Without monitoring and enforcement the 'theoretical' benefits of Biodiversity Net Gain cannot be confidently weighed as a positive in the planning balance, although the harms outlined certainly can be weighed.
91. All this is before you consider the cumulative effects not only of these applications, but the Leverhulme Estates vision to develop inappropriate development over 400 hectares of Wirral's Green Belt for 7,754 houses on greenfield land in comparable areas. And another dozen developers who want to build on their Green Belt land. The

cumulative effects would be to isolate Wirral's wildlife in small pockets, where it will gradually decline and die out.

92. Where new houses are built matters for biodiversity – the appropriate forum for this debate is the local plan examination.
93. In summary, on biodiversity, we believe the appeal proposals would cause harm to biodiversity, especially in reducing wildlife corridors and increasing recreational pressure on inland Site of Special Scientific Interest and Local Wildlife Sites, harm which cannot be fully mitigated by conditions and Biodiversity Net Gain. The proposed mitigation may not work or be properly enforced, especially given the reluctance to agree to cover the Council's monitoring costs.

Planning Balance

94. The applications are contrary to the existing development plan. While on the verge of replacement by the emerging local plan, it contains policies that when read against NPPF are still up to date and relevant. This is painstakingly set out in Ms Copley's evidence, which includes a comprehensive critical review in her proof appendices. In her cross examination she was not asked a single question about her analysis. Ms Copley considers the material planning consideration for each site and attributes weight accordingly in her proof appendices and concludes a negative planning balance in each case. She also considers cumulative impacts, which is not a matter properly assessed by the Appellant.
95. On the harm side of the balance are the following factors:
- Green Belt harm split into ~ Definitional ~ Spatial ~ Visual harms;
 - Ecology and biodiversity harm in the short term and not guaranteed to be satisfactorily resolved in the medium or long term.
 - Landscape character and visual adverse impacts from urbanisation of Wirral's remaining countryside;
 - Loss of Best and Most Versatile farmland;
 - Flood Risk and drainage issues;

- Lack of genuine sustainable travel options;
- High carbon Impacts; and,
- Ineffective use of land (17 dph against the potential on other sites of minimum 40 dph up to 70 on many regeneration sites in the emerging local plan).

96. On benefits we did have 22.6 ha of SANG including claimed biodiversity net gain – but this is now withdrawn. There are also:

- 788 new dwellings, up to 236 of which might be affordable subject to viability appraisal, and 41 self-build/custom build properties, if actually taken up;
- Delivery of some green and transport infrastructure ; and
- GVA and employment from the construction phase, although these would still accrue if the housing was delivered elsewhere, which would steer investment to targeted deprived areas where it is widely agreed as most needed.

Some site specific issues

97. Site 'A':

- Historic communities of Irby and Thingwall, with separate characters and important Roman and Norse/Irish Heritage remains would lose their identity in sprawl, coalescence, and encroachment;
- Remaining parcels of Green Belt would have weak boundaries, which would be difficult to protect from future speculative development.
- Attractive long views across mature woodland-edged farmland past Greasby and Meols out to Sea would be completely lost.
- The vulnerable Ancient Woodland of Harrock Wood, would be critically harmed by increased recreational use and dog waste. We do not agree the suggested tariff payments will wholly mitigate the environmental pressures arising at the inland sensitive ecological sites
- Best and Most Versatile productive Farmland would be lost
- High voltage cables are buried just a metre below the surface.
- The experience of people using Limbo Lane public right of way would be adversely impacted as the wooded walk with views of open land is permanently changed to residential rear garden boundaries.

98. Sites 'B', 'C' & 'D':

- Each site has specific issues arising, and there are cumulative impacts to consider.
- Hundreds of additional car journeys would fill narrow, winding Gills Lane with blind spots, poor or no pavement and a notorious junction on the busy Barnston Road;
- To address this nightmare junction, an additional 'rat-run' is proposed to cut through the housing estate.
- The distinct communities of Pensby and Barnston would 'merge' and a 700m view across Farmland would be lost;
- A 2.5km stretch of Green Belt running north-south would be severed.
- Best and Most Versatile productive Farmland would be lost.
- Heritage connections with the important Battle of Brunanburh destroyed.

99. Site 'E':

- Proposals would breach the 'hard Green Belt Boundary' of Whitfield Lane and Milner Road, opening up the prospect of subsequent phases up to 2km northward across Green Belt farmland.
- The view of Liverpool's Anglican Cathedral 10 kilometres away would be blocked, as would the view northward across Green Belt farmland that protects the open countryside character.
- The green setting of Heswall Primary School would be compromised;
- Best and Most Versatile productive Farmland would be lost.

100. Sites 'F' & 'G':

- The current tranquil, leafy setting of the Autism Centre at Raby Hall School is ideal. Additional car noise, dogs barking, people and vehicles passing, headlights and garden lights would precisely create the wrong atmosphere.
- Best and Most Versatile productive Farmland would be lost.

Conclusion & Recommendations

101. After considering the **22,000** pages of evidence, listening to local people, their elected local Councillors, and Member of Parliament, and from sitting through weeks of expert evidence at the Inquiry, WGSA remains even more convinced that the decision of

Wirral Council to refuse the seven applications for development of housing on sites in protected Green Belt was correct.

102. Professor Gregg, supported by the Office of Statistical Regulation and eminent demographer Professor Ludi Simpson, sets out why ONS 2014 data is both out-of-date and hugely inaccurate, and distorting of the true position for Wirral; and why the Census 2021 are actual figures showing what has actually happened since 2011 and this data is available now, checked and verified. The principle of using the best available data to inform the decision is a matter that Prof Simpson, Gregg, the OSR and WGSA and NPPF and SoS Michael Gove (in recent Statements to Parliament) all endorse. It cannot be correct to allow land in the Green Belt to be developed for housing when there is no real need, when there are harms to Green Belt purpose and other harms arising, and when there are better options. Using correct data must be a central tenant of the planning system if the public is to be able to have faith in it.

103. Whichever set of data is relied upon to establish the housing need, 788 houses (as just Phase 1 of Leverhulme Estate's plans for over 7,500 additional dwellings in the Green Belt) is significant in scale, and if allowed, the applications would undermine the local plan process which is currently in the middle of the examination into its soundness. This is intended as phase one of a much larger scheme and the in-combination and cumulative impacts have not been fully assessed.

104. The proposals are 'Cowpat Development' and contrary to policy. There **is real, lasting, and avoidable** harm to Green Belt and a **host of other harms**. The benefits do not clearly outweigh the harms and do not constitute VSC. There is a real threat to the emerging local plan and regeneration frameworks that are at a crucial stage in a 'once in a generation opportunity'. If allowed the developments will displace investment away from the deprived urban areas of Wirral where there is need onto suburban and rural communities where they will cause harm. Wirral is a unique place, agreed by every expert who gave evidence and clearly loved by its people.

105. These appeals should be refused

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