

CORPORATE SERVICES OVERVIEW AND SCRUTINY COMMITTEE

Monday, 10 November 2008

<u>Present:</u>	Councillor	L Fraser (Chair)	
	Councillors	C Meaden C Teggin J Crabtree	P Southwood J Keeley
<u>Deputies</u>	Councillors	C Blakeley	
<u>Cabinet Member</u>	Councillor	S Holbrook	
<u>In attendance:</u>	Councillors	J Green R K Moon Mrs L Rennie	

21 **CALL-IN OF CABINET MINUTE 213 (16/10/08) - LAND AT THE WARRENS, THINGWALL ROAD EAST, THINGWALL**

At its meeting held on 16 October 2008, the Cabinet considered the report of the Director of Law, HR and Asset Management which sought approval, in principle, for the disposal of an area of land at the Warrens Nursery in order to facilitate the construction of a health centre, subject to planning permission being obtained.

The Cabinet (minute 213) resolved,

“That

(1) the land at the Warrens Nursery be declared surplus to requirements and authorises its disposal, subject to planning permission being obtained and satisfactory terms being agreed;

(2) the District Valuer be jointly commissioned by the Council and the PCT to determine the value of the premium for lease;

(3) any provisionally agreed terms of disposal be reported to a future Cabinet; and

(4) any objections received in respect of the disposal of Public Open Space, associated with this proposal, be reported.”

Cabinet minute 213 was called in by Councillors Jeff Green, Tom Anderson, Geoffrey Watt, Lesley Rennie, and Chris Blakeley on the following grounds:

Arrowe Country Park comprises some 250 acres of open parkland and deciduous woodland. Another 150 acres is taken up by an adjacent municipal 18 hole golf course and formal areas. The park woodland contains many fine examples of Oak, Ash and Beech as well as conifers such as Scots Pine and Cedar.

Some of its more unusual trees include Redwood, Cedar of Lebanon, Maidenhair and Indian Bean tree. The woodland birds include Rooks, Magpies, Jays, Nuthatches, Tree Creepers and Great and Lesser Spotted Woodpeckers. Areas of grassland and woodland edges are now being cared for as wildflower meadows which attract butterflies such as Small Heath, Skipper and Speckled Wood at the woodland edge. The lake and brook provide a habitat for various species of birds, and those prepared to wait long enough may catch sight of a kingfisher as it darts along the brook. Ponds scattered throughout the park are breeding grounds for a variety of pond life including frogs, newts, damsel and dragonflies. Arrove Country Park is situated in the centre of the Wirral Peninsula between the rural and urban areas and is the gateway to Wirral's Countryside.

Arrove Country Park is not only highly valued for its peaceful pathways and woodland walks, it also has a toddler's play area as well as a children's adventure playground, plus many recreational facilities which include Golf, Pitch & Putt, Tennis, Bowls, Football, Angling, Orienteering and a Horse Track.

1. We therefore believe that the decision made by Cabinet on the 16 October to declare land within Arrove Country Park 'Surplus to Requirements' breaks the commitments made by the Council to local residents, and the wider Wirral Communities and will impact on the integrity of 'Arrove Country Park'.
2. We do not believe that this land can be declared surplus to requirements by the Council as it is clearly defined by the Council as being Arrove Country Park.
3. The land is also shown on the Council's Unitary Development Plan (UDP) as being Greenbelt land. The Council has always, until now, defended Greenbelt land. We see no reason for this position to be changed.
4. The land in question is criss-crossed with community footpaths linking with Arrove Country Park Woods, bordering the golf course, if this sale goes forward then all of the community footpaths will be lost forever.
5. We believe that if the Cabinets decision to declare this land surplus to requirements is upheld, that it sets a dangerous, deplorable precedent that will pose a massive threat to all of our green, open and leisure spaces.
6. We also believe that any development of this site would not only cause loss of greenbelt and green space that the public have enjoyed for years, but it will also cause irreparable harm to wildlife and habitat.

22 **CHAIR'S OPENING REMARKS**

The Chair welcomed everybody to the meeting, made introductions and explained the procedure which the meeting would follow. With the Committee's permission, she asked that one further witness be heard, David Hall, representative of Local Agenda 21.

23 **DECLARATIONS OF INTEREST/PARTY WHIP**

Members were asked to consider whether they had personal or prejudicial interests in connection with the item on the agenda and, if so, to declare them and state what they were.

Members were reminded that they should also declare, pursuant to paragraph 18 of the Overview and Scrutiny Procedure Rules, whether they were subject to a party whip in connection with the item to be considered and, if so, to declare it and state the nature of the whipping arrangement.

Councillor Blakeley made the following declaration –

“I am a deputy on this Committee and am only in attendance because my colleague Councillor Wood is unavailable.

However, I believe it is important to note that I am also a signatory of the ‘Call-In’ and as such, it could be argued that I have pre-determined my decision on this matter. Pre-determination is a matter that is referred to in the Standards Board Code of Conduct. So Chairman I can assure you, the Committee members, council officers and members of the public that I am prepared to be open minded and consider the arguments and points made about this specific issue and will make my decision accordingly.”

Councillor Blakeley expressed his concern regarding communications from solicitors acting on behalf of the PCT to the Council’s legal section asking them to elicit potential questions which the PCT’s representative, Mr Coleman may be asked, prior to the meeting. Councillor Blakeley also expressed his concern that the Committee might be directed as to what questions it could and could not ask particularly in respect of planning issues.

The Director of Law, HR and Asset Management’s representative responded that the committee should confine itself to the Cabinet decision of 16 October for the disposal of land and should not discuss any planning matters. Inevitably people might touch on the planning aspect but he would be happy to interject if he felt planning issues were being debated.

24 EXPLANATION OF THE CALL-IN BY LEAD SIGNATORY

Councillor J Green, as lead signatory, addressed the Committee on the call-in. He referred to the PCT having previously put in a speculative planning application for a polyclinic on other land at the Warrens Nursery site without first speaking to the Council. He suggested that it was considered only polite if one public body wishing to do something on another public body’s land should consult first. The PCT had continued with an appeal process even though they knew land was not being sold. He stated that it behoved the PCT to see if there was more appropriate land where a health centre could be built. One option could have been a development in conjunction with the new Pensby Children’s Centre.

It would set a dangerous precedent if the Council were to declare this land surplus to requirements as the Cabinet could decide to sell other public land. All parties on the Council had a good record of protecting greenbelt land.

Responding to questions, Councillor Green stated that he had used the term polyclinic as a generic term for whatever the PCT was hoping to build on the land, be it a health centre or whatever. He understood the land did form an integral part of Arrowe Country Park.

25 **EVIDENCE FROM CALL-IN WITNESSES**

The Chair informed the meeting that Councillor S Quinn was not in attendance as she had declared a prejudicial interest by virtue of her employment with Wirral PCT.

The Chair informed the meeting that Councillor M Redfern was unable to attend due to work commitments.

Councillor Bob Wilkins – Ward Councillor

Responding to questions from the Committee Councillor Wilkins stated that he supported the Cabinet decision. Although he was not happy to declare greenbelt land in general surplus to requirements, he was happy for this piece of greenbelt land to be declared surplus. The condition of this site was very bad, like a post industrial wasteland and not a virgin green area.

He had been contacted by about 50 residents since January 2008 with many different opinions. On the PCT's previous proposal to build on the 'demonstration gardens' site, representations had been evenly divided for and against.

Rod Tann – Wirral Society and Wirral District Council for the Protection of Rural England

Responding to questions from the Committee, Mr Tann stated that the selling off of this land would send out a message that the Council's overriding aim was to make money from the selling off of land and that it was alright for greenbelt land to be built on. The site should be cleared and revert to open space or, with Wirral so short of allotments, it would make an ideal location for allotments.

The Wirral Society had approximately 400 members, 2 of whom had expressed disagreement with the Wirral Society's stance on this matter, although all 400 had not been consulted members were kept well informed. If any members had had serious concerns about the Society's views he would have hoped that they would have contacted the Society.

Stuart Dodd – local resident

Responding to questions from the Committee Mr Dodd stated that he used the site for dog walking and had done for the last 25 years. He, along with others, had been encouraged by staff at the Warrens to use the land for dog walking.

Roz Lightfoot – Friends of Arrowe Country Park

Responding to questions from the Committee Ms Lightfoot stated that it would be a crime to build on the land where wildlife could often be seen.

Sandra Tripp – Friends of Arrowe Country Park

Responding to questions from the Committee Ms Tripp agreed that building on the site would adversely affect residents as they regarded it as part of the park. The site could be used for allotments. She commented that she wouldn't have a problem with the site being used for a horticultural training centre.

Mrs V Curtis – Chair of Friends of Arrowe Country Park

Responding to questions from the Committee Mrs Curtis circulated a number of maps including the Council's own tourist map of the park which showed the Warrens as being within the boundaries of the park. She had always walked in the area and the Council had encouraged the public to act as unpaid security staff. The land had always been considered a community resource and any development would be totally inappropriate. If the land were to be used for a horticultural training centre she would be happy to assist in its development.

Kate Noonan – Local resident

Responding to questions from the Committee Ms Noonan stated that as a resident of Irby she opposed the selling off of the land. The wildlife would not remain if a building was put up on the site.

Ann Hamilton - Friends of Arrowe Country Park

Responding to questions from the Committee Ms Hamilton said that the land should remain as greenbelt for all the wildlife there.

Ken Conchie - Local resident

Responding to questions from the Committee Mr Conchie stated that he enjoyed walking his dogs on the site and objected to any trees being cut down.

Iris Stubbs - Friends of Arrowe Country Park

Responding to questions from the Committee Ms Stubbs stated that the area of land was still used by the public for walking and the enjoyment of wildlife. The land could be used for allotments or an agricultural facility.

Archie Galloway – Local resident

Responding to questions from the Committee Mr Galloway stated that the area was open land and should remain as such. He supported its use for allotments or horticulture. The buildings there now were not really intrusive.

Barry Lello – Chair of Wirral Footpaths and Open Spaces Society, Member of Wirral Greenbelt Council and Vice-President of Merseyside and West Cheshire Ramblers Association

Responding to questions from the Committee Mr Lello stated that although buildings on the site could be declared surplus to requirements the Cabinet should not and probably could not declare the land, which was part of Arrowe Park and greenbelt, surplus to requirements. He had no problem if a horticultural training centre were to open on the site as he thought it was probably a false economy for the Council to buy plants in.

Les Poole – Friend of Arrowe Country Park

Responding to questions from the Committee Mr Poole stated that he had previously been employed in the parks and cemeteries section of the Council and was opposed to the proposed sale of the land. He suggested it could be used as a horticultural training centre for young people and used to grow food to supply the hospital.

Sandra Billington – Local Resident

Responding to questions from the Committee Ms Billington stated that she used the land to walk her dogs as it was a beautiful place for wildlife. She would like to see a horticultural use for the land.

Peter Okell – Local Farmer

Responding to questions from the Committee Mr Okell voiced his objection to the proposed sale of the land and said that it could not be treated as a brownfield site as then every person within a mile of the site could put in for planning permission to build.

Peter Hallet – Friends of Arrowe Country Park

Responding to questions from the Committee Mr Hallet expressed his fear that if the PCT were to build on the land it could be turned into a mini Arrowe Park Hospital.

Gary Mellor - Friends of Arrowe Country Park

Responding to questions from the Committee Mr Mellor stated that the area of land provided a valuable corridor for a variety of wildlife.

Margaret Campbell – Allotments Group

Responding to questions from the Committee Ms Campbell put forward the case for allotments on the site. She said that she had been on the waiting list for an allotment for the last two years and gave statistics of numbers waiting for allotments in a variety of areas on the Wirral. There were no allotments in Irby, Thingwall, Pensby or Clatterbridge. The Council had a statutory duty to provide allotments if they felt there was sufficient demand and people should have access to one near to where they lived.

The Council was currently awaiting the results of an open spaces audit and now was not the right time to be selling off land. She also stated that she had no objection to the land being used for a horticultural training centre.

David Hall – Wirral Local Agenda 21 and Tree Warden

Responding to questions from the Committee Mr Hall expressed his fear at the number of trees which could be lost if the site were developed by the PCT. The Council should be encouraging its use as a private horticultural enterprise as this could be a valuable educational resource.

The Chair adjourned the meeting at 8.45pm for a 10 minute break.

The Committee resumed at 8.58pm and in the absence of Mr G Sandland, Mrs V Curtis agreed to be questioned on the Warrens Cottage. She was unable to give an answer on the tenure of the property though she did state that the building was within the curtilage of Arrowe Country Park.

26 EVIDENCE FROM CABINET MEMBER'S WITNESSES

Sam Hird – Asset Manager, Department of Law, HR and Asset Management

Responding to questions from the Committee, Mr Hird stated that he was not aware that the Council had offered the PCT any other sites. The only part of the land that was within the boundary of Arrowe Country Park was that area where a proposed access to the site was required. The area of the Warrens was not designated as part of the Park in the Unitary Development Plan, although all the area was greenbelt land.

Both Mr J Lester, Head of Cultural Services in the Council's Regeneration Department and the Department of Law, HR and Asset Management's representative confirmed that this was the case and the UDP adopted by the Council in 2000 showed the area under discussion to be deliberately excluded from Arrowe Country Park as it was an operational area, the only piece of land that was not proposed for the access route.

Mr Hird went on to say, in response to further questions, that the Council had looked at the possibility of developing a social enterprise on the site but that nothing had come of this. The Cabinet report did say that the PCT could have the land if they obtained planning permission and if satisfactory terms were agreed. No approach had been made to the Council regarding a private horticultural use. The land could be sold or leased and constraints could be imposed if the land was leased.

Glen Coleman – Head of Bebington and West Wirral Locality, Wirral PCT

Responding to questions from the Committee Mr Coleman stated that as far as he was aware the Council had not offered any other suitable land to the PCT. The PCT had looked at many sites over the last 8 years and many factors were taken into consideration including the fact that it was greenbelt land. The PCT would not actively go out looking for greenbelt land to build on. Looking for a site on greenbelt

land was not a preferred option. A firm of planning consultants had undertaken the assessments and the Warrens site had come out top. The second site had scored some way behind in its assessment and there were some substantial issues with it.

The last site assessment was in September 2008 on the 'demonstration gardens' site of the Warrens. Subsequent to this the Council had opened negotiations on the site now under discussion but there had been no site assessment of this land. It was not the preferred option as it hadn't been assessed and he did not know whether it would become the preferred option.

He apologised to the Committee that he did not have any of the site assessment documentation with him but would be happy to provide this information to the Committee. Had he been aware discussion would take place about the other site (demonstration gardens) he would have brought that information with him.

Consultation had taken place with the public over the planning application submitted last year and overall this had been positive but with a number of objectors. If the latest suggested site were to become a preferred option then full public consultation would take place and the PCT would want to work with the local residents to make the site as open as possible.

The Chair expressed her disappointment that Mr Coleman had not brought any information to the meeting about the consultation.

Jim Lester – Head of Cultural Services, Department of Regeneration

Responding to questions from the Committee Mr Lester stated that it would be possible to return the land to open space although this had not been considered in any detail or costed. The Warrens was generally thought of as a separate site for management purposes and not as part of the park. It maybe considered within the curtilage but not as part of the park. There were no public footpaths on the definitive map of the site but he was aware of an application made for a footpath.

There were approximately 500 people on the waiting list for an allotment. The Warrens had not been looked at as a possible site for allotments as they were generally on enclosed sites secured against public access. When the land was no longer required for operational purposes as a nursery the land had then become an estates management issue. Staff were trained outside of Wirral in horticulture as it was cheaper to do so than train them in-house.

Having heard all the witnesses the Chair then allowed Mrs V Curtis to address the Committee once more. Mrs Curtis then summed up the case of the witnesses opposed to the proposed disposal of the area of land.

27 SUMMING UP BY MOVER OF THE CALL-IN

Councillor Green addressed the Committee and thanked the Chair, Committee and witnesses for the exemplary way in which the call-in had been handled.

He stated that having listened to all the discussion nothing he had heard had changed his mind. All parties had previously protected the greenbelt and it should continue to be protected. He welcomed the positive comments which had been made

about the potential use of the site for allotments or some sort of horticultural school. The possibility of some sort of social enterprise on the site was something that could also be pursued. People had a right to believe that the Warrens site was within Arrowse Park and as such was protected.

If the land was released to the PCT, Councillor Green suggested that over a period of time they would come back and ask for more land. An overwhelming case had been made against the proposal and the matter should be referred back to the Cabinet as he didn't think that it had been thought through.

28 SUMMING UP BY CABINET MEMBER

Councillor Holbrook addressed the call-in point by point and in respect of paragraphs 1 and 2 stated that the evidence was clear from the 2000 UDP that it was unambiguously not part of Arrowse Country Park.

On paragraph 3 he agreed that the land was greenbelt but nothing in the Cabinet decision would change the Council policy on greenbelt land. It was for the Planning Committee to decide whether any development in the greenbelt was inappropriate or not.

On paragraph 4 he stated that although he was aware of an application for the creation of an additional footpath and he had heard evidence of an informal use of the site by walkers there was no evidence that any footpath would be lost.

On paragraph 5 he commented that this would not set a precedent as the Cabinet was very strong on the matter having specifically ruled out the PCTs proposed development of the adjacent site. Every issue would stand or fall on its own merits.

On paragraph 6 the suggestion that irreparable harm to wildlife and habitat would be caused would be something to be considered in relation to any future planning application.

Councillor Holbrook went on to say that the end of nursery provision at the Warrens had been endorsed unanimously at the Education and Cultural Services Select Committee on 23 November, 2005. The Council had made every effort to find alternative uses for the site but to no avail.

29 COMMITTEE DEBATE

Councillor Blakeley commented that although the land in question was not designated as recreational land in the UDP it was within the curtilage of Arrowse Country Park and was greenbelt. There was a shortage of allotments on Wirral and the land could be used for such a purpose. The Council had a proud history of protecting greenbelt land and if this land was sold off it would give a message to developers that it was ok to build on greenbelt land on Wirral.

Councillor Southwood commented that the debate was not about building on greenbelt land but rather about the proposed disposal of land.

Councillor Crabtree commented that he would like nothing more than to see a horticultural training centre on Wirral but with falling rolls in the horticultural industry and the current economic climate there would be no call for this and the area of land should be declared surplus to requirements.

Councillor Teggin commented that the UDP map had clearly shown that although the land was greenbelt it was not part of Arrowe Country Park. Protecting greenbelt was not within the remit of this Committee but rather the Planning Committee. If the land were to be built on it would not be setting a precedent as there had already been intrusions onto greenbelt land in the past. If confirmed that one footpath did cross the site it should be maintained whatever the future use of the site. There was still a substantial part of the Warrens site not recommended for disposal.

30 COMMITTEE DECISION

It was moved by Councillor Blakeley and seconded by Councillor Keeley, that –

“(1) This Committee believes that the decision made by Cabinet on 16 October, 2008, to declare the land surplus to requirements, breaks the commitments made by the Council to local residents and the wider Wirral communities and will impact on the integrity of ‘Arrowe Country Park’

(2) This Committee does not believe that this land can be declared surplus to requirements by the Council as it is clearly defined by the Council as being Arrowe Country Park.

(3) This Committee notes the land is also shown on the Council’s Unitary Development Plan as being greenbelt land. This Council has always, it appears until now, defended greenbelt land. This Committee sees no reason for this position to be changed.

(4) This Committee notes that the land in question has a community footpath linking with Arrowe Country Park woods, bordering the golf course. This Committee therefore believes if this decision to make the land surplus to requirements is endorsed then this community footpath will be lost forever.

(5) This Committee notes the gradual erosion of Arrowe Country Park with the expansion of Arrowe Park Hospital.

(6) This Committee believes that any development of this site would not only cause loss of greenbelt and green space that the public have enjoyed for many years but it would cause harm to wildlife and habitat.

(7) This Committee believes that if the Cabinet’s decision to declare this land surplus to requirements is upheld, that it sets a dangerous precedent that will pose a massive threat to all our greenbelt and open and leisure spaces.

(8) This Committee therefore requests that Wirral Primary Care Trust seek a more appropriate site.

(9) Therefore this Committee asks Cabinet to rescind its decision of the 16 October.

(10) This Committee also notes the local residents' overwhelming support for allotments and a horticultural training centre on this site and asks Cabinet, with some urgency, to investigate the practicality of such a provision."

It was then moved by Councillor Meaden and seconded by Councillor Crabtree that –

"This scrutiny Committee recognises the strong feelings of the witnesses to this Committee. The issue in front of the Committee is simply whether or not the Council should dispose of this land. Any decisions on planning matters are for the Planning Committee and if necessary the Planning Inspector to decide. That is the proper forum for many of the views expressed tonight. In the light of the current condition of the site and the Council's need to dispose of it, this Committee endorses the Cabinet recommendations."

Councillor Blakeley's motion was put and lost (3:4)

Councillor Meaden's motion was put and carried (4:3)

Resolved (4:3) – That this scrutiny Committee recognises the strong feelings of the witnesses to this Committee. The issue in front of the Committee is simply whether or not the Council should dispose of this land. Any decisions on planning matters are for the Planning Committee and if necessary the Planning Inspector to decide. That is the proper forum for many of the views expressed tonight. In the light of the current condition of the site and the Council's need to dispose of it, this Committee endorses the Cabinet recommendations.