

From: Allan Watson
Sent: 05 January 2016 16:42
To: Programme Officer
Subject: Comment on Late Addition EX49

Dear Carmel,

1. Time for response or comment

I offer the attached comment and two scanned documents related to the late addition to the library EX49 in connection with the hearing 10th December. Edward Landor told me that he had been surprised that the late additions were not highlighted with a date for comments to be accepted by, but that Mr Pike had said after the hearing that comments would be accepted, and Ingrid Berry advised by telephone that the 5th January was the deadline. I understand that Mr Landor's comment has been accepted.

2. My comment

My comment refers to a map relied on by the Council and referred to at the hearing. I consider that this map was and is inappropriate for the purpose for which it was/is intended. Mr Pike asked the Council for clarification of the existing document, but in answer merely the same map has been offered, but this time enlarged (EX49). I attach my comment as a Word document, a copy of the more appropriate map provided by the Golf Club, which in fact originated from the Council, showing boundaries of the land. My third attachment is the recent email from Sefton Council confirming the issue of ownership. I would hope these documents and this clarification will assist Mr Pike forming a view regarding upgrading one of the access roads to site MN2.4. It does not raise a new issue.

Kind regards,

Allan Watson.

SOLGC Office

From: David Robinson <David.Robinson@sefton.gov.uk>
Sent: 18 September 2013 14:25
To: 'secretary@southportoldlinksgolfclub.co.uk'
Subject: Land ownership - Southport Old Links
Attachments: Old Links by Moss Lane 1250 scale.pdf

Dear Mr Hall/Mr Kenyon,

Further to your enquiries, please see the attached plan. The Council do not own any part of the land within the red line. Please let me know if this is not the area that you were referring to.

I hope that this helps. Please do not hesitate to contact me if you have any further enquiries.

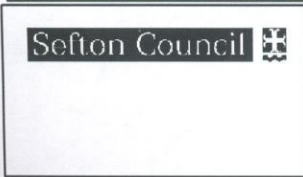
Kind regards,

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Scale 1/1250
 Centre = 336578 E 417898 N
 Date 18/9/2013

SEFTON LOCAL PLAN EXAMINATION MN 2.4, LAND AT MOSS LANE,
CHURCHTOWN

FAO: Mr Martin Pike, Independent Inspector.

Re: New document EX49

Allan Watson (496)

Sir,

I offer comments on the new document added to the library recently, EX49.

1. This is essentially the same map I referred to at the hearing on 10th December at Southport, Matter 9, supposedly demonstrating the Sefton MBC's right and ability to widen Moss Lane road to at least 6 metres and complete and widen the footway on the south side of the lane to 2 metres. That map is referred to in the SCP Transport Assessment for Cass Associates representing Redrow Homes:

"4.7 The proposals will also include providing for the continuation of the footway on the southern side of the Moss Lane carriageway, across the Old Links Golf Club frontage. This will be provided within public highway land. The adopted highway boundary obtained from Sefton Council, is included in **Appendix 4** and indicates the extent of the public highway surrounding this area and clearly demonstrates sufficient width to incorporate the footway".

It is also relied upon for New Policy MN6A. It is shown with a covering letter in Appendix 4 of the SCP Transport Assessment.

I pointed out at the hearing that the statement quoted above is grossly misleading. The map does not address boundaries, ownership or title regarding the highway, including the land constituting the frontage of the Old Links Golf Club. It is simply a diagrammatic representation confirming that the highways in the area have been adopted. The map does not demonstrate the width of anything material, there are no measurements on the map. You appeared to agree that the map was inappropriate and the council agreed to make a suitable map available which appeared recently in the library as EX49.

2. The map EX49 dated 17.12.2015 and amended by someone with the initials JHH is simply an enlarged version of the original inappropriate map. It shows the section of Moss Lane at the Golf Club with the blue colour code indicating the adopted highway extended south in a straight line approximately following the unmarked inner edge of the Golf Club's grass verge. Two measurements have also been superimposed on the map.

It might be alleged that this map indicates bad faith on the part of the council. A map showing whether a highway is adopted or private does not indicate ownership nor necessarily the extent of the public highway. Such a recently 'adjusted' document cannot be relied upon in the way the council apparently intends.

3. At the hearing Mr John Hall, the treasurer of the Old Links Golf Club, stated that the land which forms the verge constituting the club's frontage belonged to the club. He stated that the club had a letter (email) from the council confirming it (the council) did not own any part of it. This was not accepted by the council which seemed to imply (Mr Hatfield's response) that Mr Hall was misinformed. I contest this was totally unjustified. The implication is untrue, if intended. Mr Hall was taken aback and is now

understandably reluctant to take any further part in what might appear to him to be a hostile and biased examination. I visited him at the golf club on 31st December 2015 where after some discussion he kindly agreed to give me paper copies of the council's email letter and the accompanying map to which he had been referring. I have scanned the two documents which are attached to this email. The email is unequivocal ("the council do not own any of the land within the red line") and the map shows the red boundary line including the land adjacent to Moss Lane as part of the land owned by the golf club.

4. In addition Mr Hall confirms that the golf club have maintained the verge at all times over decades. They mow the grass and tend to the trees. At no time have the council contributed in any way to the maintenance of the land which adjoins the highway.

5. Therefore as I stated in my Comment on Late modification to LP, doc LP24, section PMM 110 (now New Policy MN6A), and referred to at the hearing, the council cannot possibly undertake the proposed widening of Moss Lane and a continuation of the footway to make it continuous on the south side of the lane because the public highway is simply not wide enough. The Golf Club has no intention of selling any land to the council nor the developer.

6. The importance of the need for the widening of the road and the provision of a continuous 2 metre footway to the south of the Moss Lane is manifestly accepted by the council through its inclusion in the New Policy MN6A,1, g.

The necessary widening of the road and provision of a continuous footway cannot be adequately or practically substituted with an alternative such as multiple pedestrian crossings, a footbridge or an underpass for example.

6. As the council are fully aware they do not own the land in front of the golf club but chose to produce an inappropriate map which might be interpreted as intended to mislead in suggesting it does own it, and relying on the map at a hearing, the council's good faith in other matters relating to site MN2.4 might also be considered suspect. In light of this it is appropriate to review linked issues to MN2.4, with particular reference to access. Moss Lane is the only access route for vehicles, bicycles and pedestrians from the west. Equally if not more importantly the only access route from the east is Wyke Lane.

6. It is necessary for this to be emphasised because there is a further false assertion contained in the evidence relied on by the council (and presumably accepted in good faith by you) regarding access. In the SCP Transport Assessment for Cass Associates it is asserted:

"2.5 Moss Lane continues over the bridge and appears to be signed as a cul-de-sac, although this is not the case. It provides access to residential and agricultural properties and ultimately connects to the A59 in Rufford."

This assertion is untrue and grossly misleading. It suggests that there is an alternative route east from the bridge over Three Pools Waterway which could serve to carry some of the traffic east to commuter routes further afield and thereby reducing the traffic volume on Wyke Lane.

The reality is that Moss Lane does continue east from the bridge, but as a single carriageway with no formal passing places. The lane is finished with tarmac for 3/4 of a mile only, after which it is just an un-surfaced track for approximately 3 miles. There

are huge potholes which the farmers fill in with bricks, whole and broken, and other rubble. I presume it is not adopted. It is used by farm vehicles and other vehicles, mostly 4 wheel drives, for access. Otherwise cars and even cyclists avoid using it.

7. It is implied the track connects with the A59, although the insertion of the word “ultimately” qualifies the implication. In fact the track does not connect with the A59 at all which is what a layman might infer. It connects with a lane called Berry House Road after 3 miles, which itself leads to the A59 after another 3 miles whether one turns right or left. This particular misleading statement on behalf of Redrow Homes is irrelevant since the track is relatively impassable but is another example of false information presented as evidence which the council has relied on.

8. Both the track continuing on east from Moss Lane and Wyke Lane are in West Lancashire. I had written permission to raise the question of whether Sefton had properly cooperated with West Lancashire BC in addressing the problem of transport access to the proposed site MN2.4 at the hearing on 10th December. I stated at the hearing that I wished to raise the issue of the Duty to Cooperate for discussion. As you will recall the afternoon break was called and it was indicated there would be no further discussion regarding MN2.4. I approached you and you agreed that I could raise the issue after the break. I did so as efficiently as possible, pointing out the lack of robust documentary evidence necessary to satisfy the Duty to Cooperate (DtC). I suggested that the simple letter of endorsement from West Lancs offered by Sefton could not be viewed as such evidence in the absence of any joint plan or memoranda of agreement. In reply the council simply asserted that the letter in question confirmed that the DtC had been fulfilled which is, I suggest, unacceptable. The council also stated that Wyke Lane was a detail because it is a minor road and therefore might not need to be considered regarding the DtC. This is, I suggest, incorrect. Any access road which is within a neighbouring authority is by definition strategic, regardless of its classification. I was not allowed to respond. After a comment from a councillor about the insubstantiality and “circularity” of councils mutually endorsing each other in this area the discussion was terminated.

9. The question of the Duty to Cooperate, specifically and only with respect to MN2.4, was not, I would suggest, satisfactorily discussed at the hearing 10th December. There is a lack of robust documentary evidence to support Sefton Council’s assertion that it has complied with the Duty. This applies also to the cross-boundary issues I have raised in writing previously including Character Landscape (Carr Farmlands), and the settlement that would be coalesced with Southport if MN2.4 were developed obliterating what is by Sefton Council’s own guidelines an “Essential Gap”.

10. Therefore separately and in addition to the many questions regarding the site’s soundness due to its extraordinary isolation within the green belt, and its being in a flood plane, it is apparent that Sefton Council may not have complied with the Duty to Cooperate with respect to the proposal to develop MN2.4. Since the Local Plan cannot be approved and adopted unless it is compliant in its entirety, at the start of the examination (and therefore highway and access issues cannot be deferred to the Development Control Process), MN2.4 should be removed from the list of potential sites to be allocated from the green belt and developed.