

# Response 857

## Respondent Details

Information	
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

## PART A - About You

1. Please complete the following: Please note the email address (if provided below) will be sent a full copy of the submitted response and a unique ID number for future reference (pdf attachment).

Name of person completing the form: Sheena Louise Cox

Email address: [REDACTED]

2. What type of respondent are you? Please select all that apply.

A local resident who lives in Warrington

3. Please complete the following:

Contact details	
Organisation name (if applicable)	-
Agent name (if applicable)	-
Address 1	[REDACTED]
Address 2	[REDACTED]
Postcode	[REDACTED]
Telephone number	[REDACTED]

## PART B - Representation Form 1

1. To which part of the Local Plan does this representation relate? From the drop down list please select one option.

Policy MD2 Garden Suburb

2. Does your comment relate to a specific paragraph (s) or policy sub-number (s)? Please select one option.

Both of the above

**If a paragraph or policy sub-number then please use the box below to list:**  
MDA2.3 Detailed Site-specific Requirements New Homes 18. New homes will be delivered in the Garden Suburb across the following locations: c. New Garden Village adjacent to A50 – approximately 1,800 homes (1,000 within the Plan Period)

3. Do you consider the Draft Local Plan is: Please select one option in each row.

	Yes	No
Legally Compliant		X
Sound		X
Compliant with the Duty to Co-operate		X

4. If you have answered 'No' to any of the options in the above question then please give details in the box below of why you consider the Draft Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

In publishing the National Planning Policy Framework (NPPF) in 2012 the government sought to bring together what had become a weighty and disparate body of planning guidance within a single policy of "sustainable development".  
With regard to the Green Belt the NPPF confirmed previous policy regarding its importance and states in the relevant paragraphs: "The fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence."  
As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.  
When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Warrington Borough Council has not demonstrated the requisite "very special circumstances" required to infringe upon the Green Belt.

A recent case illustrates that Warrington Borough Council's plans for the Garden Suburb are illegal, since the plans do not meet any of the exceptions made provision for in the NPPF, nor do the supposed future planning requirements meet "very special circumstances".

As per the recent case of Timmins v Gedling Borough Council, both the High Court and then the Court of Appeal ruled that the local planning authority permission for a new cemetery be quashed since it did not fall into one of the exception categories indicated in paragraph 89 of the NPPF.

Paragraph 89 of the NPPF provides that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt subject to certain exceptions. The Six/56 and Garden Suburb development plans do not meet these exceptions.

6. Please set out what modification(s) you consider necessary to make the Draft Local Plan legally compliant or sound, having regard to the test you have identified above where this relates to soundness. (NB please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally compliant or sound. It would be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Warrington Borough Council must demonstrate that the provision of the Six/56 and Garden Suburb developments constitute "exceptional circumstances" to harm the protected Green Belt.

7. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination? Please select one option.

No, I do not wish to participate at the oral examination

You have just completed a Representation Form for Policy MD2 Garden Suburb. What would you like to do now? Please select one option.

Complete the rest of the survey (Part C)