

APP/M0655/W/17/3178530

Appeal by: Satnam Millennium Ltd Site Address: Land at Peel Hall, Warrington

WBC Rebuttal – Rule 6 party PoE Vol 3 - Green Belt

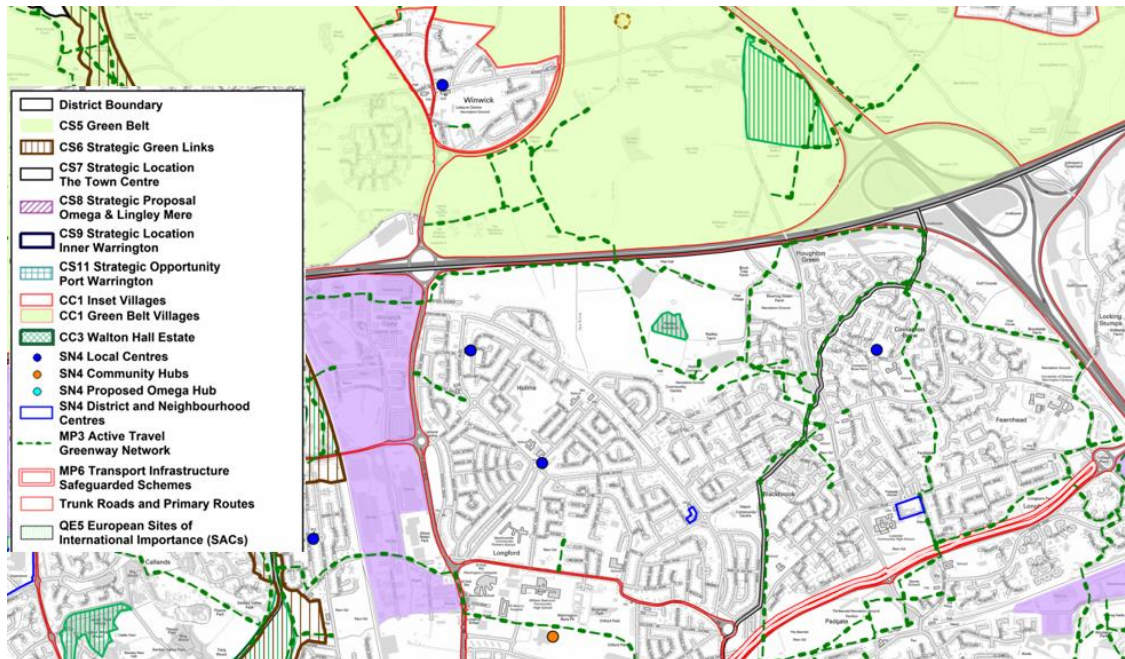
1. Introduction

- 1.1 The Rule 6 Party evidence from Margaret Steen disputes the claim by both Warrington Borough Council and the Appellant that Peel Hall does not form part of the Green Belt. The Rule 6 party considers part of the site to be within the Green Belt. The Rule 6 party consider that the adjoin parcel of land to the west of Peel Hall known as Winwick Farm remains within the Green Belt.
- 1.2 The Rule 6 party consider that there is no documentary evidence that Winwick Farm was officially removed from the Green Belt.

2. WBC response

- 2.1 It is acknowledged that in respect of the High Court Judgement concerning the adoption of the UDP in 2006 (copy appended to this rebuttal), the judgement found in Satnam's favour and the application succeeded on the principal ground and the UDP proposals map was quashed, insofar as it included Satnam's land at the Peel Hall site within the Green Belt. At that time Satnam did not own the western portion of the current Peel Hall appeal site so this was not removed from the Green belt by the High Court Judgement. This land to the west is referenced in the Rule 6 party evidence as Winwick Farm.
- 2.1 The anomaly of the land referenced as Winwick Farm was corrected by the Local Plan Core Strategy (LPCS) (2014) when it was adopted. Policy CS5 of the LPCS makes clear in the 3rd paragraph that the boundaries of the Green Belt are as shown on the Policies Map. The accompanying Policies Map shows the Green Belt boundary in the vicinity of Peel Hall following the M62 – see extract below. The exclusion of this land from the Green Belt was not challenged at the Examination in Public (EIP) or subsequently in the High Court.

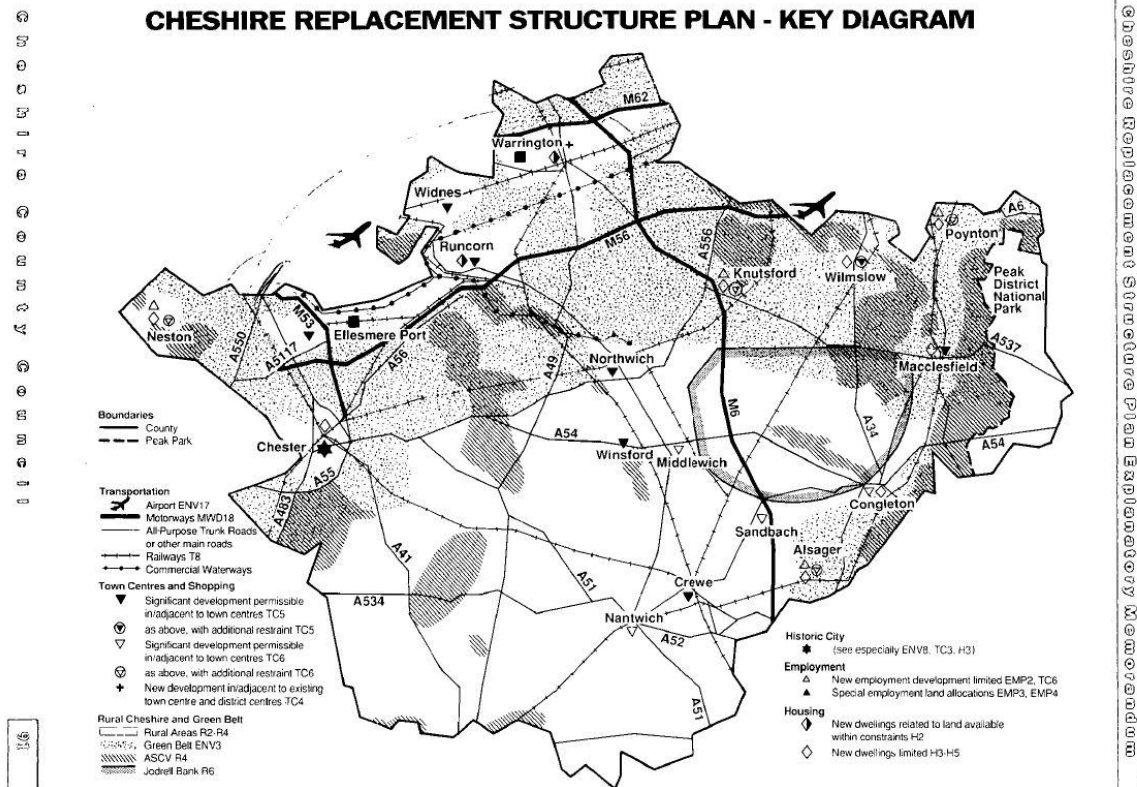
LPCS 2014 POLICIES MAP EXTRACT



2.2 The Rule 6 party evidence of Margaret Steen references the Examination of the Local Plan Core Strategy 2014 where there were no proposals to review the Green Belt boundary. Indeed it is acknowledged by WBC that this is the case, however further consideration of the 2007 High Court judgement is required and regard must be had to the relationship to the Cheshire 2001 Structure Plan.

2.3 In the 2007 High Court Judgement (para 52 and 53) the judge made it clear that the general extent of the Green Belt was fixed through the Cheshire 2001 Structure Plan and that the accompanying Key Diagram showed that to the north of Warrington the Green Belt was shown as extending to the M62 as its southern boundary and that was the only reasonable interpretation of the Key Diagram.

CHESHIRE REPLACEMENT STRUCTURE PLAN - KEY DIAGRAM



2.4 The LPCS 2014 is consistent with the Structure Plan interpretation of the Green Belt boundary to the north of Warrington. Policy CS5 states that the Council will maintain the general extent of the Green Belt and that the boundaries of the Green Belt in Warrington are shown on the Policies Map, which is consistent with the Cheshire Structure Plan 2001 policy ENV3 and the accompanying Key Diagram (Both show the boundary of the Green Belt in north Warrington following the M62).

3. Conclusion

3.1 The LPCS was adopted in 2014, although a high court challenge in 2015 resulted in the removal of elements of the housing policies from the Local Plan. The Green Belt boundaries were confirmed in the 2014 LPCS and are unchanged by the 2015 High Court challenge and are therefore reflected on the LPCS 2014 policies map. The boundary of the Green Belt is defined by the M62 and none of the Peel Hall appeal site is included in the Green Belt.