

Report to: **Strategic Planning Committee**



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Review date for release N/A

Potential for designation of a Green Belt in the West End of East Devon

Report summary:

On the 13 February 2024 this committee resolved that a report be brought to Committee as soon as possible setting out the options of exploring a Green Belt designation in the West End of the District. This report provides commentary around such a proposition highlighting that, from officer review, it would be inappropriate to seek to pursue the option of Green Belt designation. There would be very significant tests to meet to secure designation and that designation itself (if successful) could lead to wider potential adverse impacts.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

That committee does not endorse the proposal to seek to designate a Green Belt in East Devon.

Reason for recommendation:

To ensure Members of committee are aware of the challenges and risks involved in seeking a Green Belt designation and to provide clarity that this is not regarded as an appropriate policy option to pursue.

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Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Democracy, Transparency and Communications
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities
- Tourism, Sports, Leisure and Culture

Equalities impact Low Impact

Climate change Low Impact

Risk: Medium Risk;

Links to background information

Links to background documents are contained in the body of this report.

Link to Council Plan

Priorities (check which apply)

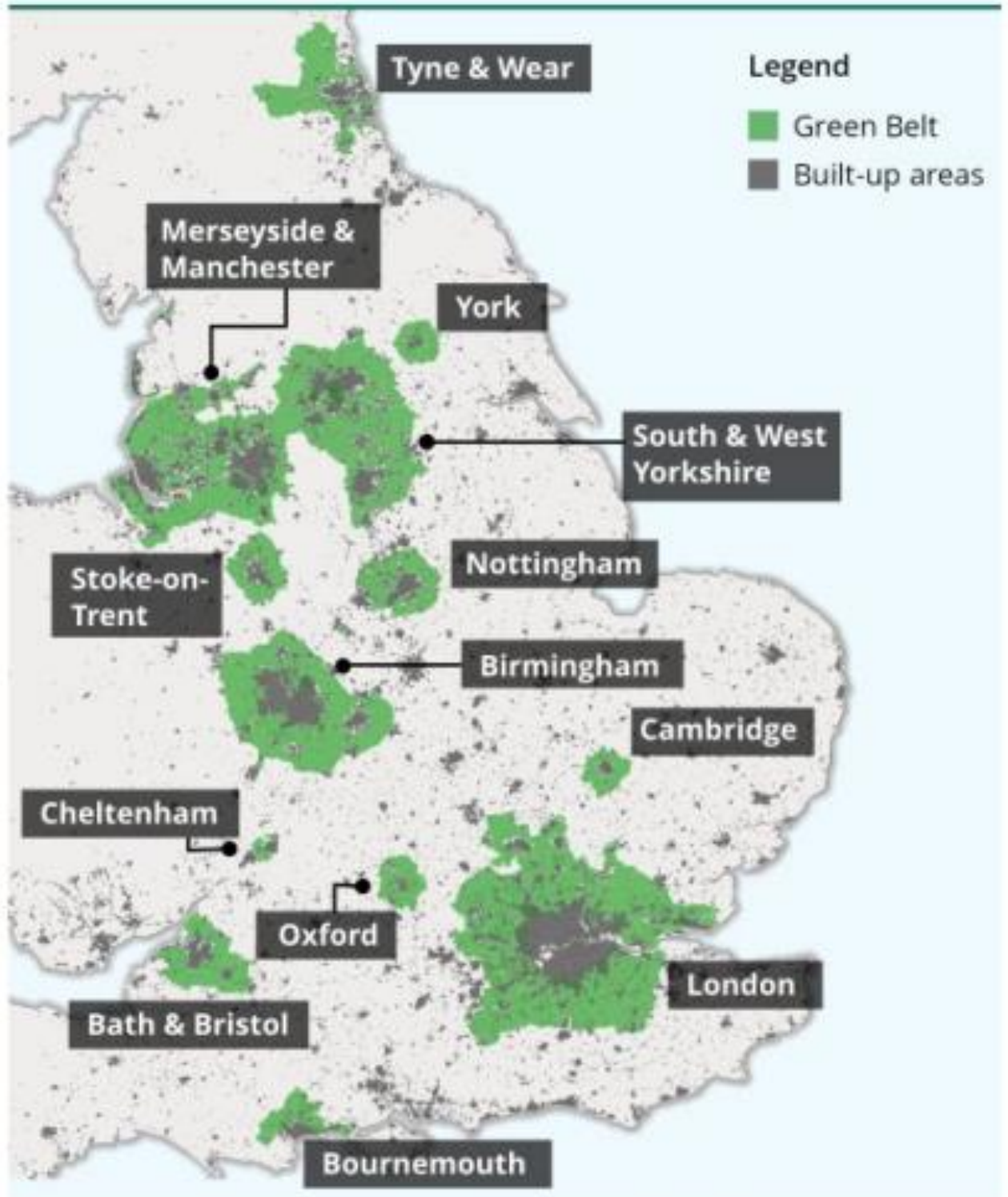
- Better homes and communities for all
 - A greener East Devon
 - A resilient economy
-

1. Historical background and Green Belts in England

- 1.1 Green Belts are a formal planning designation that place very considerable constraints on the potential for development in the designated area. Conceptual thinking around ideas and relevance of green belts can be traced back to the 19th century (if not before) but specific legislation providing for designation first arrived in 1938.
- 1.2 The first Green Belt designated in England was around London and this was followed in the 20th century by a number of subsequent designations. Whilst existing Green Belt boundaries are subject to period changes and amendments, and this can be a very challenging exercise – even where minor changes are proposed, it is many years since any brand new Green Belts have been designated in England.
- 1.3 The map below/over the page shows the areas and extents of Green Belts in England with the one around London outlined in red. Typically, and by clear design, Green Belts have (for the most part) been drawn and defined to run around the full outer edges of major urban areas extending some way into adjoining countryside. They are typically large (some extremely large) though there are some outliers that are smaller. The smallest at around 700 hectares being the Green Belt between the towns of Burton on Trent and Swadlincote (at the Staffordshire/ Leicestershire border). The nearest Green Belts to East Devon are found around the major conurbations of Bristol/Bath and Bournemouth/Poole.

Where is England's Green Belt land?

Green Belt boundaries as at March 2023



Source: DLUHC, [English local authority Green Belt dataset, 2020/21 boundaries](#) [Accessed 4 December 2023]

2. Government policy for Green belts

2.1 The role and function of Green Belts, as set out in Government policy and guidance, has evolved and changed over the years, but the NPPF, as at December 2023 states:

“142. The Government attaches great importance to Green Belts. The fundamental aim of 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.

143. Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*
- c) to assist in safeguarding the countryside from encroachment;*
- d) to preserve the setting and special character of historic towns; and*
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

144. The general extent of Green Belts across the country is already established. New Green Belts should only be established in exceptional circumstances, for example when planning for larger scale development such as new settlements or major urban extensions. Any proposals for new Green Belts should be set out in strategic policies, which should:

- a) demonstrate why normal planning and development management policies would not be adequate;*
- b) set out whether any major changes in circumstances have made the adoption of this exceptional measure necessary;*
- c) show what the consequences of the proposal would be for sustainable development;*
- d) demonstrate the necessity for the Green Belt and its consistency with strategic policies for adjoining areas; and*
- e) show how the Green Belt would meet the other objectives of the Framework.”*

2.2 Any proposal for seeking the establishment of a new Green Belt in East Devon would need to be considered against and within the context of the above considerations. We would stress, however, that the following considerations are fundamental in respect of achievement of a Green Belt.

- i. It would be fraught with challenges;
- ii. It would be time consuming to establish a case and evidence;
- iii. It would be a complex exercise to justify a case;
- iv. It could prove to be very expensive to amass relevant evidence;
- v. there are very serious concerns around whether it would be successful; and even if successful there may be unexpected negative impacts arising.

2.3 Further to the above, we would highlight that any proposal for designation could be expected to be very rigorously assessed by a Planning Inspector at Examination. Seeking a new Green Belt designation would be a very unusual local plan aspiration and as such could be expected to be very carefully scrutinised.

- 2.4 But even before getting to plan Examination there is a very real possibility that any proposal for designation, or the local plan itself, could be ‘called-in’ by the relevant Minister who may veto the proposal. Whilst Paragraph 142 of the NPPF indicates that the Government attaches great importance to the designation of Green Belts, it is suggested that this perhaps relates to those already established as opposed to new proposals coming forward. There are many critics of the worth and value of Green Belts and their relevance for today.

3. Key issue for consideration in respect of possible Green Belt designation

- 3.1 This section of this report returns to the five considerations for designation set out in paragraph 143 of the NPPF (a to e) – see sub-headings and commentary below. But we would also highlight that the NPPF does set out in paragraph 143 that “*The general extent of Green Belts across the country is already established*”. It might be inferred, though it’s recognised that it is not stated, that the expectation is that new ones should not really be defined. With respect to meeting the criteria (setting out in policy) the NPPF does not specify whether at least one should be met, or more than one or all of them. Though it is suggested that the more that can be demonstrated the stronger any case may be expected to be.

NPPF Para 114 – Criterion a) - demonstrate why normal planning and development management policies would not be adequate

- 3.2 As Members will be aware there are draft local plan policies at the West End that provide for development. There are also, already, significant policy tools and constraints that apply in the adopted local plan, and that have been proposed in the emerging local plan, that cover the West End of the District. These include settlement boundary and countryside protection policies, Green Wedges, an enlarged Clyst Valley Regional Park, floodplains and environmental and heritage designations. Plus there are substantive tracts of National Trust owned land that is not readily developable (much understood to be inalienable), notwithstanding planning policy limitations.
- 3.3 Bearing in mind the existing planning policies and those proposed in the new plan, there would be a need for a very strong case to justify why Green Belt designation is required and why existing and new emerging local plan policies are not appropriate or adequate. We would suggest that providing such a case would be very challenging.

NPPF Para 114 – Criterion b) - set out whether any major changes in circumstances have made the adoption of this exceptional measure necessary

- 3.4 We note that the new draft local plan does propose substantial new development in the vicinity of Exeter and as such there are some changes in circumstance and characteristics for this part of East Devon. Such changes can also be read in recognition that Paragraph 144 itself refers to potential justification being where new settlements or major urban extensions are proposed. As such, against such concerns, there may be a case for Green Belt designation in East Devon. This is particularly so in respect of the new town, but with respect to urban extensions we would question

whether such proposals in the new draft local plan could really be described as major in the context of this NPPF reference. We would highlight that the urban extensions that already are being built are being successfully accommodated without a Green Belt in place. Furthermore, Cranbrook includes substantive open green space and parkland within the built form areas and also large green areas to the town edges.

NPPF Para 114 – Criterion c) - show what the consequences of the proposal would be for sustainable development

- 3.5 In the absence of a complete and comprehensive assessment it would be very challenging to provide anything approaching a full rigorous critique of what is an open ended criterion of ‘sustainable development’. If assessment is deemed appropriate it may sit most logically within the on-going local plan sustainability assessment work. However, at this stage, we would highlight ‘Sustainability Objectives’ set out in the Sustainability Appraisal for the draft local plan - [sa-of-pos-consultation-draft-lp_2022.pdf \(eastdevon.gov.uk\)](#)
- 3.6 In the table below/over the page we set out some commentary around some of the possible impacts of Green Belt designation when measured against Sustainability Appraisal objectives. We do so in the specific context of the constraining impacts on development that Green Belt designation could be expected to have, though we do also seek to comment more widely. We would stress the commentary does not aim to be comprehensive and full in coverage of every matter – but it does give a flavour of some key considerations.

Sustainability objective	Commentary around Green Belt impacts – especially in the context of limiting development potential
<p>1. Biodiversity</p> <p>To conserve and enhance the habitat and wildlife of our natural environment</p>	<p>The non development of Green Belt designated land might be expected to have positive impacts (or more precisely resist some negative impacts) though with Biodiversity net gain coming into force this may not hold true. Of more concern, however, is the possible impact that not building on any designated Green Belt land (with much of the land close to Exeter not being of high wildlife value) places an extra burden on development of land elsewhere in East Devon, much of which is of higher wildlife value.</p>
<p>2. Landscape</p> <p>To conserve and enhance the special qualities and distinctive character of our landscapes, undeveloped coast and seascape</p>	<p>By displacing development to other parts of East Devon a Green Belt designation would place extra development pressure on parts of the District that are of high landscape value. This specifically includes National Landscape areas and also undeveloped coastal areas.</p>
<p>3. Historic and built environment</p> <p>To conserve and enhance our heritage assets and promote high quality design and accessibility in new development</p>	<p>The parts of the district that are close to Exeter have features of built environment importance. Whilst Green Belt designation may have some general positive benefits on resisting adverse impacts on designated features and buildings such assets do already benefit from particular protection, so real net impacts of designation assets may be limited.</p>
<p>4. Climate change and carbon emissions</p> <p>To minimise greenhouse gas emissions</p>	<p>One of the researched concerns in England is development ‘jumping the Green Belt’ - i.e. being built in locations that are away from major urban areas (in our case specifically Exeter but also such attractors as employment sites in the West End of East Devon). Any development that is displaced away from Exeter may lead to longer distance travelling for jobs and other purposes with less attractive public transport options. One impact (and research has shown this elsewhere in England where Green Belts exist) could be greater carbon emission levels from extra travel, and there are concerns around associated increased congestion.</p>
<p>5. Climate change adaptation</p> <p>To adapt to the possible effects of climate change</p>	<p>Green Belt land could provide scope for climate change adaption measures, such measures may not be restricted under plan policy.</p>

<p>6. Land resources</p> <p>To utilise our land resources efficiently and minimise their loss or degradation</p>	<p>Much of what could be Green Belt designated land is high quality agricultural land and as such designation may protect such land from loss and could see real net benefits therefore occurring.</p>
<p>7. Water resources</p> <p>To utilise our water resources efficiently and minimise their loss or degradation</p>	<p>The River Clyst, leading to the Exe Estuary, is of water quality concern and significance. Resisting development may have net benefits in this catchment. However, other rivers and catchments in East Devon are also of importance and any displaced development could adversely impact on them.</p>
<p>8. Homes</p> <p>To provide and maintain a sufficient supply of good quality, financially accessible homes of mixed type and tenure to meet East Devon's needs.</p>	<p>Green Belt designation could place significant constraints on potential for development, in particular close to Exeter where there is strong market demand. As such designation may have adverse impacts.</p>
<p>9. Health and well-being</p> <p>To support healthy and active communities where people have access to attractive and functional recreation spaces</p>	<p>Green Belt land is not specifically designated on account of being attractive and of recreational value. There is, however, specific local plan policy, in the form of the Clyst Valley Regional Park that is explicitly geared towards securing outputs around this objective. So whilst a Green Belt designation would not be expected to directly lead to health benefits other pro-active policy initiatives should.</p>
<p>10. Access to services</p> <p>To provide accessible and attractive services and community facilities for all ages and interests.</p>	<p>One of the attractions of developing close to Exeter, in land that could be Green Belt, is that it is close to very good services and facilities. Unless displaced development were to go to (some) East Devon towns new dwellings may well end up in locations that are more remote from services and thus in locations with lower levels of access.</p>
<p>11. Jobs and employment</p> <p>To foster a strong and entrepreneurial economy and increased access to high quality skills training to support improved job opportunities and greater productivity.</p>	<p>The West End of East Devon has been a focal point for new high-quality jobs. Restrictions on development could prejudice further economic growth potential in this part of the District and as such have net adverse economic impacts.</p>

<p>12. Town centres</p> <p>To safeguard and strengthen the vitality and viability of town centres.</p>	<p>Displacement of development from a possible Green Belt designated area, if that displacement went to our existing towns, could lead to net positive benefits. Though it would depend on where any displacement was to go.</p>
<p>13. Connectivity and transport</p> <p>To connect people and businesses digitally and physically through the provision of broadband, walking, cycling, public transport, road networks and other transport infrastructure both within and beyond East Devon.</p>	<p>One of the attractions of development in the West End is that connections, by East Devon standards, are very good. Green Belt designation, leading to displaced development, could go to locations that are not so good.</p>

3.7 The above table highlights some possible sustainable development benefits that may arise from Green Belt. However, the overall concern is one of there potentially being greater net negative impacts. One of the real issues is where any future development, displaced by Green Belt designation, would be located. The highly challenging issue is whether such locations, especially given the assets and constraints across much of East Devon, would be better locations for development – the real concern is that they would not and, as such, net negative sustainable development impacts would occur.

NPPF Para 114 – Criterion d) - demonstrate the necessity for the Green Belt and its consistency with strategic policies for adjoining areas;

3.8 Notwithstanding that there are some (though generally limited) existing Green Belt designations that do not wholly or largely wrap around major urban areas any Green Belt that was just in the West End of East Devon would be an outlier in respect of the typical national use of the designation. If a case for a Green Belt were to be more fully robust it would be likely to be most credible if it wrapped around most or all of the City of Exeter (or at the very least assessment of potential boundaries, if not finally designated, included all land around the City). In this respect it would be an Exeter Green Belt that extended into adjoining local authority areas. We are not aware of the City Council (or of Teignbridge or Mid Devon councils) pursuing the option of seeking a designation.

3.9 Any proposal to designate a Green Belt, specifically if it were pursued just for land in East Devon, would generate significant Duty to Cooperate concerns and discussions. More explicitly it could also generate objections from neighbouring authorities if they saw unreasonable constraints coming into play. A Planning Inspector at plan

Examination could be expected to very carefully scrutinise Green Belt proposals in the light of any objections from neighbouring authorities.

NPPF Para 114 – Criterion e) - show how the Green Belt would meet the other objectives of the Framework.

3.10 At this stage we have not sought to address this consideration. Not the least because it is not immediately clear how it would be undertaken without a paragraph-by-paragraph critique of the NPPF. Notwithstanding this fact, however, text above and elsewhere in this report is relevant to many aspects of the NPPF.

4. Other planning considerations relevant to possible Green Belt designation

4.1 We would also highlight, in addition to the above, other considerations that would be relevant to potential Green Belt designation.

4.2 There is a permanency to Green Belts, they must be looked upon as designations that run way beyond the life of a local plan – perhaps 30, 40 or 50 years or more into the future. Whilst this permanency may have attractions for some it does raise questions around meeting longer term development needs and challenges. In this context any assessment for designation would need to consider long term development needs, for example potentially into the 2040s, 2050s or beyond and consider how any boundary definition might provide for this longer-term growth. In this respect drawing a Green Belt might not be expected to be a simple ‘blanket-coverage’ policy area. It could well be expected that holes or gaps could be left within it around its edges to accommodate or at least allow for future development. It almost implies a case of needing to plan now for development over the next 30 or 40 or more years, or at least have a clear expectation of where it would go and as such to not put the Green Belt in those locations. This in its own right could cause concern for those in areas that are not proposed to be designated.

4.3 We would also highlight that it would inevitably take a long time to amass relevant evidence to support a designation. We do not consider, given the time involved in respect of the work needed, that it would be possible to progress a local plan to a Regulation 19 stage of plan making this year (or early next). As such we would suggest that it would not be possible to get an adopted local plan by the end of December 2026 – the deadline the Government has advised of before a new local plan making system comes into operation and old-style plans must be adopted.

4.4 One of the reasons the work on designation would take so long is that it would involve, and require, very detailed and careful analysis work to determine the position of boundary lines. This report by reference and inference highlights some of the matters that would be relevant in line definition. But boundary considerations would need to drill into far more and greater detail than that used for other ‘more regular’ policy boundaries. There would be the need for very precise assessment work with explicitly worked up, tested and reviewed criteria established to determine how boundaries would be defined – this alone could take a long time and be complex. There may also be the need to consult on the criteria and then there would be the lengthier job of actually applying the criteria in practice.

4.5 'Inner' Green Belt boundaries would fall around built-up and urban areas and villages, these might be simpler to establish, though still not without significant challenges. 'Outer' boundaries, however, are likely to be far more challenging as they could be expected to run through large areas of open countryside. It could be very challenging to establish which fields, for example, may be worthy or appropriate for inclusion in a Green Belt, through the assessment process, and which, potentially adjoining, are not.

5. Conclusions

5.1 From officer assessment we would see very substantive challenges in respect of any attempt to secure a Green Belt in East Devon. We would raise significant challenges in terms of gaining Government support and we would highlight major challenges in reaching and exceeding the very high thresholds that need to be satisfied to secure a designation.

5.2 We would also highlight that as work on the Clyst Valley Regional Park expansion continues, and specifically master planning on the new community progresses, there may be very real opportunities to address some of the development pressure concerns that members may feel exist. Furthermore, these other work streams provide the opportunity to undertake and plan for positive and proactive outcomes in a way that the development restrictive nature of Green Belts does not actively provide for (noting NPPF references to Green Belt purpose).

5.3 Should a Green Belt ultimately be sought we would suggest that the matter be researched over a longer time period and outside of and beyond the work of the local plan that is currently being progressed. Further work on seeking Green Belt designation would require extra staffing resources and would have additional cost implications.

5.4 In conclusion, should Committee wish to pursue a Green Belt option, we would suggest it should fall to another later local plan and that required work should be properly planned out and budgeted for. It may be that specialist consultants would need to be engaged, noting that, even for just existing Green Belt reviews, many planning authorities will employ consultants to undertake work.

Financial implications:

There are no direct financial implication resulting from the proposed recommendation. However, with any further work additional costs are likely and therefore new budget requirements will need approval and financing.

Legal implications:

The legal implications are covered in the report.