

NONSUCH PARK AND THE GREEN BELT

Report of the: Head of Legal & Democratic Services
Contact: Simon Young
Annexes/Appendices (attached): Annexe 1 – 1939 Deed
Annexe 2 – 1939 Deed Map
Annexe 3 – Green Belt Study (extract)

Other available papers (not attached):

REPORT SUMMARY

This report summarises the position of Nonsuch Park in respect of “Green Belt” status, in light of the recent Green Belt Study undertaken on behalf of Epsom & Ewell Borough Council.

RECOMMENDATION (S)

(1) That the status of Nonsuch Park be noted, and that officers be instructed to undertake further investigations, and take such further action as they consider appropriate.

Notes

1 Background

- 1.1 The Green Belt (London and Home Counties) Act 1938 made provision for the establishment of a Green Belt around London. The 1938 Act remains extant. Section 235 of the Planning Act 2008, for example, defines “Green Belt land” as having “the meaning given by section 2(1) of the Green Belt (London and Home Counties) Act 1938; it is also defined in the same terms by section 230 of the Town & Country Planning Act 1990.
- 1.2 Section 2 of the 1938 Act provides that “the expression ‘Green Belt Land’ means - ...(b) any land acquired by a local authority under the powers conferred by section 3 (Acquisition of and covenants relating to land and contributions to cost) of this Act”

- 1.3 Section 3 then provides “For the purpose of establishing a Green Belt round London it shall be lawful and shall be deemed always to have been lawful - ... (c) for a local authority – (i) by agreement to acquire... any land within the area;... (iii) to contribute or agree to contribute such sum as they think fit... towards the cost incurred ... by any other local authority (whether under the powers conferred by this Act or otherwise and whether by the payment of cash or otherwise)in the acquisition of any land ...for the purposes of this Act...”
- 1.4 National planning policy states that:
- “79. 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.
80. Green Belt serves five purposes
- to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.”
- 1.5 It also states that local planning authorities should use the opportunity provided by a review of a local plan to consider Green Belt boundaries having regard to their intended permanence in the long term, so that they remain relevant beyond the plan period.
- 1.6 Epsom & Ewell Borough Council is currently conducting a partial review of its Core Strategy. This provided an opportunity to reflect upon national planning policy. To that end, the Borough Council instructed external consultants to prepare a Green Belt Study. The study assessed the performance of the Green Belt in Epsom & Ewell against the purposes set out in national planning policy. The Study will form part of Epsom & Ewell Borough Council’s Local Plan technical evidence base and will inform the preparation of new policy. The study scored each site against how it was performing against the first four of the purposes listed above (all Green Belt land is considered to make an equal contribution to the fifth purpose, hence this did not form part of the scored assessment).

- 1.7 In 1939, the deed attached at Annexe 1 was entered into by Epsom & Ewell Borough Council, Surrey County Council, London County Council and Sutton & Cheam Borough Council. The 1939 Deed notes that the parts of Nonsuch Park shown on the map attached to the Deed had been acquired by one or other of the Councils. It further states that London County Council contributed a substantial sum towards the costs of purchase, specifically referring to the 1938 Act and the intention that the land become Green Belt. Both Epsom & Ewell Borough Council and Surrey County Council separately declared their lands at Nonsuch Park to be part of the Green Belt around London.
- 1.8 On the face of it, following the definition in the 1938 Act referred to above, the land covered by the 1939 Deed is Green Belt. This area comprises most of Nonsuch Park. We are not aware of anything to change that situation, though it is possible that, at some point, this designation could have changed.
- 1.9 It appears that the land referred to in the 1939 Deed has not been shown on maps as forming part of the Green Belt. It is not immediately apparent why this is the case. It may be that the requisite notice was not provided to the Minister in 1939 – perhaps events at that time overtook matters.
- 1.10 The Green Belt study therefore proceeded on the basis that the land at and adjoining Nonsuch Park was not part of the Green Belt. The study found that land at and adjoining Nonsuch Park performed highly against one of the purposes and moderately against two of the other purposes, to give an overall score comparable with many other Green Belt sites.
- 1.11 The whole of Nonsuch Park (a wider area than that covered by the 1939 Deed), is currently designated by Epsom & Ewell Borough Council as a Strategic Open Space, and County-wide Site of Nature Conservation Importance. In practice, these designations provide a high degree of protection for the retention of the site as open space. Formally recording a green belt designation will make little practical difference, though it would engage the relevant national planning policies.

2 Proposals

- 2.1 It is proposed that Borough Council officers liaise with colleagues in other authorities (in particular Surrey County Council and the London Borough of Sutton) to explore whether there is any explanation as to why the land is not recorded as Green Belt, and to take such steps as might be required to regularise the situation.

3 Financial and Manpower Implications

- 3.1 *Finance Officer's comments: There are no financial or manpower implications arising from this report.*

4 Legal Implications (including implications for matters relating to equality)

4.1 **Monitoring Officer's comments:** *When land has Green Belt status, certain restrictions apply to its use and development, under the 1938 Act and otherwise. It is not considered that anything has been authorised which in substance conflicts with those restrictions. However, it is important that the status of the land be properly recorded.*

5 Sustainability Policy and Community Safety Implications

5.1 There are no sustainability or community safety implications arising from this report.

6 Partnerships

6.1 Nonsuch Park is managed by Epsom & Ewell Borough Council and the London Borough of Sutton, acting in partnership, and working with Surrey County Council.

7 Risk Assessment

7.1 There are no material risks arising from this report.

8 Conclusion and Recommendations

8.1 In conclusion, it is noted that the likely Green Belt status of a large part of Nonsuch Park should be investigated, and appropriate action be taken to ensure this status is properly recorded.

WARD(S) AFFECTED: Nonsuch Ward (EEBC);