

Coastal planning

Planning

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The Development Plan system



Rachel Whaley, Associate at GVA Hotels and Leisure, provides an update on planning issues affecting parks in coastal locations. This includes rollback policy, coastal access and the importance of certain coastal locations for protected bird species

Planning applications for rollback

Our initial experience when dealing with applications for rollback was that, despite the good intentions of rollback policy, when it came to dealing with an actual proposal there was still a reluctance to see site boundaries extended further into the countryside. There was also a lack of understanding amongst local planning authorities of how caravan parks operated, and so they would still insist on the development achieving 100 years' protection from erosion risk. Working within these policy constraints, it was almost impossible to promote a scheme that delivered a sufficient number of pitches to address the problem.

A breakthrough came with some very detailed national Planning Policy Guidance in 2010 comprising a supplement to PPS25 which focused purely on Development and Coastal Change. This document required local planning authorities to identify Coastal Change Management Areas in areas likely to be affected by physical changes to the coast and for them to be clear as to what development will be appropriate in these areas.

The guidance gave very clear and specific guidance on appropriate 'time horizons' for different types of development. This helpfully included camping and caravan parks as being appropriate even in short-term risk areas (defined as being at risk within the next 20 years). In the medium to longer risk areas, developments such as hotels may be acceptable provided that they have significant economic and social benefits to the community. More permanent development, including residential, would not be allowed.

On the back of this it became easier to argue to the local planning authorities that a holiday caravan development scheme demonstrating, say, 35 years' protection from risk of erosion (in terms of distance from the coast) was appropriate as it was reasonable to expect that a holiday caravan may in any case be replaced after 30 years. The point was also made that caravans can in fact be easily removed in advance of the pitch becoming at immediate risk and the surrounding land restored to an attractive appearance if required.

Following publication of the National Planning Policy Framework (NPPF) in 2012, this guidance has been condensed into just four paragraphs. In summary, when assessing applications within a Coastal Change Management Area, development will be considered appropriate where it can be demonstrated that:

- it will be safe over its planned lifetime and will not have an unacceptable impact on coastal change
- the character of the coast including designations is not compromised
- the development has wider sustainability benefits
- the development does not hinder the creation and maintenance of a continuous signed and managed route around the coast.

In recent years, we have seen proposals for site extensions under rollback policy more readily accepted with the lifespan of a holiday caravan being considered appropriate justification for the extent of protection from erosion that the available distance from the cliff edge will provide.

We have also seen local planning authorities being more proactive in ensuring that the development will have adequate protection from future erosion risk. In one case, a row of caravans had to be omitted from the scheme to demonstrate the required distance. In another, the whole scheme was approved but was subject to a condition requiring submission of a rollback strategy to be reviewed each year with provision made for relocation of any caravans identified as being at risk. *continued...*

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Economic benefits

In terms of demonstrating wider sustainability benefits, the significance of the holiday park industry to the local economy is now much more readily acknowledged by local planning authorities. We have also seen recommendations of approval for relocation of entertainment facilities associated with the park on the grounds of their contribution to the local economy through tourism.

With a caravan holiday pitch capable of generating between £7,000 - £15,000 spending per annum in the local economy from visitors and the park operator (depending on whether they are privately-owned holiday homes or holiday rentals), the importance of reinstating these lost pitches is easier to quantify. Even if the officers accept this, the point can never be overemphasised when seeking to persuade a planning committee.

Compulsory Purchase Orders

The question is sometimes asked whether a local planning authority would or should consider use of Compulsory Purchase powers to secure land for rollback of caravan parks, given their importance to the wider local economy. As a result of the costs involved in pursuing this option, it would be necessary to demonstrate that the financial benefit to the local economy was so significant that it was in the public interest to incur the cost of pursuing

a Compulsory Purchase Order. The local authority would also need to support the proposal in the first instance, so we would expect them to have either allocated the site specifically for the purpose of rollback or approved planning permission for the development.

Coastal Access – new rights of public access

The Marine and Coastal Access Act 2009 made provision for the creation of a continuous public footpath around the coastline of England and Wales. Work is well underway on the England Coast Path and the Government has put additional funding in place to speed up the process and ensure that the route is completed by 2020.

There was much concern amongst BH&HPA members at the time of its launch about the implications of a new public access being imposed across their park. The legislation identifies a number of categories of 'excepted land' where the new Coastal Access rights will not apply. These include, for example, racecourses, aerodromes, land used as a railway or highway and school playing fields. Further categories of land are also classed as excepted but the Act gives powers for Natural England to recommend that the trail should cross that land on an access strip. These categories include land which is part of a licensed caravan or camping site and land which forms part of a golf course. The access strip would normally be four metres wide – two metres either side of the line of the route.

As a general rule, the route of the coastal path at touring or holiday park locations would be to pass it on the seaward side of the park where space allows. Where this is not achievable, Natural England will

seek agreement with the park owner to align the path through their park using existing access routes. The guidance advises that once the route of the coastal path has been established through the park, it will remain possible to make adjustments to the route if the park owner later decides it is necessary to make changes to the site layout.

There are a number of stages involved in getting each stretch of the path completed. When developing proposals for each stretch of the path, Natural England will contact local landowners and others with legal interest in the land to be affected. This is to seek their views on the initial proposal, as well as consulting with appropriate organisations to ensure that key sensitive features are protected.

A formal public consultation period commences when the proposed route is submitted to the Secretary of State for Defra for approval. Anyone can make representations on this document, including owners/occupiers of affected land who may still have concerns. The Secretary of State decides whether to approve the proposals in Natural England's report based on representations or objections and the recommendations from the Planning Inspectorate.

On some stretches the new right of access is already available; others are still being worked on. Further details on the stage of Coast Path sections in your region can be found online.¹

The Coastal Path Wales was overseen by the former Countryside Council for Wales (now Natural Resources Wales) and the 870-mile route from the outskirts of Chester in the north to Chepstow in the south was completed and opened in May 2012.

Protected bird species

Another issue which has a major impact on development proposals on the coast relates to sections of the coast which are designated as protected sites, including Sites of Special Scientific Interest, Special Protection Areas and Special Areas of Conservation.

Along the coast, many of these designations are due to the coastal habitat supporting protected bird species during the winter months and also certain migratory birds during spring and autumn.

If a park is within or adjacent to a designated area, then the impact of a development on the protected birdlife will require detailed assessment. The NPPF places great emphasis on this, even stating that the presumption in favour of sustainable development does not apply where development requires appropriate assessment under the Birds or Habitats Directives. This can involve extensive survey work, typically twice monthly during the winter months. Assessing the impact of development may require surveying visitor movements too - particularly those walking dogs. The potential for disturbance can then be assessed and where mitigation is recommended, measures could include provision of signage on the park to inform visitors of the importance of the site to the birdlife, requesting them to keep dogs on leads, and in some cases limiting access to the coastline at certain times where the land/access rights are in members' control.

The Development Plan system

When considering development proposals in these locations, it is definitely advisable to consult an ecologist from the outset as there could be need for pre-application discussions with Natural England, scoping of survey work to be agreed and Habitats Regulations to consider. This could involve several months of work before an application is ready to be submitted which can impact on project timings.

Summary

- local planning authorities are becoming more positive and proactive in facilitating development under rollback policy. There is now a greater understanding of how caravan park development can be managed within areas of coastal change
- park owners are expected to be more proactive in monitoring and planning for the erosion risk on the park and need to demonstrate this in their planning applications
- plans to develop the England Coastal Path are progressing and landowners should be involved in negotiations from the outset. Parks are not exempt from the new access rights but there should be flexibility in the process to accommodate future changes on the park that may impact on any route negotiated across it
- many areas of coastline are designated as European conservation sites due to their habitat for overwintering and migratory protected species of birds. Extensive survey work is usually required to assess the impact of any development proposal on these protected sites/species so forward planning is essential.



Martin Taylor, Director of Planning at GVA Hotels and Leisure, provides guidance

Why should residential and holiday park owners care about the Local Plan? It is key for all park businesses to be aware of the importance of the Local Plan for their area, and Neighbourhood Plan (where one exists), in controlling new development and to understand how to influence the production of the new Local Plans for their business interests.

The concept

The Development Plan system has been through a period of upheaval over the last decade as successive governments have sought to increase the speed and efficiency of the planning system and give people a greater say in the development and growth of their local areas.

Two lines of thought underline these changes.

Firstly, if a clear and recently adopted Plan exists at a local level, developers will have a clear indication whether they will get planning permission for their proposed development and therefore applying for that permission should be quick and straightforward.

Secondly, if local people have been fully involved in the production of that Local Plan, then there will be little or no opposition to development proposals. In fact, local people will welcome the development, and all the benefits it brings, with open arms.

As we all know, life, and planning is never quite that simple!

Key changes

In 1974, the Structure-Local Plan system that many may recall was introduced. In this system, Structure Plans were produced by county councils to provide an overall framework and Local Plans were produced by district, borough and city councils to provide the detail to fill that framework out at a local level.

The Structure Plan system lasted for a good 30 years, so it couldn't have been that bad. However, it was criticised for the length of time it took to bring the adopted Plans into place. The Planning and Compulsory Purchase Act 2004 therefore abolished County Structure Plans and instead brought in the higher level Regional Spatial Strategies (RSS). At the same time, Local Plans were to be replaced by Local Development Frameworks (LDF) over a period of three years.

However, an immediate problem presented itself in that the Local Development Frameworks could not really be prepared until the RSS had been adopted. This, in turn, required the setting up and staffing of Regional Planning Bodies, gathering evidence, and gaining the agreement of diverse political assemblies, public consultation and examination by an Inspector. Therefore, few RSS were completed by the time the incoming government abolished them in 2011, let alone by 2007.

Meanwhile, the Local Development Framework was, and still can be, divided into an overarching Core Strategy and then a series of Development Plan Documents (DPDs). The Core Strategy sets the overall vision for the future development of the area along with local housing and employment targets, where this housing and

employment would go in general terms, and the infrastructure (schools, roads, etc.) that would be required.

Development Plan Documents then detail the local planning policies and site allocations to deliver the aspirations of the Core Strategy. This is where we get the Site Allocations DPDs and Development Management Policies DPDs. There may also be Area Action Plan DPDs for particular areas of change such as town centres, regeneration areas or urban extensions.

Quite how all these (RSS, Core Strategy, Site Allocations, Development Management and Area Action Plan DPDs) were meant to be delivered within three years from 2004 is beyond me, and proved beyond most councils. As added incentive to push councils to prepare this suite of Plans within three years, any pre-2004 planning policies required the approval of the relevant regional government office to be 'saved' beyond 2007. Therefore 'Saved Policies' are referred to in many planning decisions.

So that was the 'simplified' planning system between 2004 and 2011, which is still with us in part, but has been subject to further modification by the last government, which removed all regional government and spatial strategies soon after election, but re-added a third tier of Neighbourhood Plans with the Localism Act 2011. They have also recommended that local authorities revert to producing just one single 'Local Plan' rather than Core Strategies and a plethora of DPDs – however this will all take time.

As well as adding Neighbourhood Plans, the Coalition sought to tidy up the plethora of national Planning Policy Guidance notes and Statements. These were replaced in March 2012 with a single National Planning Policy Framework reducing 2,000 pages of national policy down to just 50. This *continued...*

Further information

¹ England Coast Path: improving public access to the coast: <http://tinyurl.com/k5eflmp>

has made national planning policy much simpler to deal with. In March 2014, the Government published an online National Planning Practice Guidance which similarly condensed a range of previously long, unwieldy and repetitive supporting guidance documents.

Local Plans

Currently, most Local Plans are made up of many documents consisting of:

- any policies that have been 'saved' from Plans adopted before 2004 or 2007, and which have not been superseded by policies in subsequently adopted DPDs
- the Core Strategy – many, but not all, councils have now adopted these for their area
- the Site Allocations DPD – allocating sites for housing and employment to meet the needs identified in the Core Strategy; many councils now have these and others are working on them
- the Development Management Policies DPD – detailing policies to guide development proposals; fewer councils have these and rely instead on saved policies
- a Policies Map – this details the Local Plan and National Planning Policy Designations (e.g. Green Belt, Landscape and Ecology designations), town centre and settlement boundaries, housing and employment sites on a map base. It used to be called the 'Proposals Map', and those councils that have not progressed very far with their LDF may still rely upon an old Proposals Map.

Some local authorities have also produced, or are working on, Area Action Plan DPDs. Many authorities which have not

progressed very far with their Development Management DPDs are now simply working on a new Local Plan instead (combining the Core Strategy and other DPDs all into the same Plan).

When I wrote an explanation of Local Plans for the Association 10 years ago, we had a wall of shelves with Local Plan Statements and Proposals Maps. However, now all these Local Plan documents and policy maps are available online, which makes them much easier to view and helps to ensure the latest version is being used.

Why are they important?

Local Plans are important because they are the key document by which local authorities determine planning applications.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Opportunity to influence

As it develops its Local Plan, the local planning authority must show that it has consulted with the local community, including local businesses, and produce a **Statement of Community Involvement**. This forms a part of the LDF suite of documents and must be consulted upon, submitted for examination, and adopted in the same way as all the documents that will make up the Local Development Framework. It sets out how the local authority will involve the local community in the production of its Local Development Framework and will mention the community groups that will be involved.

Park businesses should ensure that they become closely involved in the process of developing the Local Plan and that they are on the council's emailing list for consultation at each stage of production of each document.

Responding to consultation

BH&HPA members in their representations to the local authority should emphasise the positive social and economic contributions that their park(s) make(s) to the local community, as well as how they can be accommodated within and enhance the local environment.

Holiday parks

It is important to stress:

- the substantial economic value of having caravan parks in the area. For example, research carried out by Visit Wales and BH&HPA in 2012 found that each privately-owned caravan holiday home generated total spending of £7,525 in the local economy each year
- visitors' spending is both 'on park' and 'off park' – in terms of food, entertainment and general household shopping
- jobs – holiday parks provide a valuable source of employment locally. The same research found that 496,000 holiday park units generated 53,000 direct and indirect jobs in the UK – that's one job for every 10 caravans
- many parks are small/family-owned businesses that provide work for local service industries so have a greater positive impact on the local, often rural, economy
- holiday parks make a valuable contribution to environmental sustainability – many operate within the David Bellamy Conservation Award Scheme
- park facilities, such as swimming pools, function rooms and shops, are often available for use by local

people, providing services which would otherwise not be available

- growing demand for short-break stays – especially in the shoulder months. Holiday parks help to satisfy that demand by extending the holiday season to the benefit of the local economy

- it is often the custom from park customers which sustains local village businesses (pubs, post offices etc.) which would not otherwise be viable nor available to the local community

■ Government's National Planning Policy Framework (Paragraph 28) says: *'... Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development... support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.'*

Holiday park owners have the scope to present a very strong case to secure their involvement in the development of Local Plan documents.

Residential parks

Residential park owners and managers should emphasise the importance of residential park homes in providing lower cost single storey housing, and allowing older people to downsize and free up larger homes for younger families in the local area, while freeing up capital to help enhance/form pensions in retirement.

This accords with paragraph 50 of the National Planning Policy Framework which states that local authorities should: *'... Plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities...).'*

It also accords with National Planning Practice Guidance which advises that: *'The need to provide housing for older people is critical given the projected increase in the number of households aged 65 and over accounts for over half of the new households ... providing more options for older people to move could also free up houses that are under occupied. ... Many older people may not want or need specialist accommodation or care and may wish to stay or move to general housing that is already suitable, such as bungalows, or homes which can be adapted to meet a change in their needs. Local authorities should therefore identify particular types of general housing as part of their assessment.'*

Do not be put off by officers stating that park homes are not acceptable in the countryside outside settlement boundaries. There are plenty of examples of local authorities and planning inspectors who have accepted that park homes can be compatible with a rural location, provided that location is sustainable which – if it adjoins a significant settlement – it should be.

All parks

Having identified the social and economic value of the industry, park businesses will need to identify, and provide evidence of, the growing demand for holiday caravans and/or residential park homes in their area which cannot be satisfied from within existing consented areas.

This will be further support for any representations BH&HPA members wish to make to the local planning authority in favour of an allocation of new areas for holiday or home park development in its Site Specific Allocations.

Local Plans in Scotland, Wales and Northern Ireland

Scotland, Wales and Northern Ireland all have similar local planning systems to the English system above, if less complicated by the recent politically inspired changes in England.

Essentially, each local authority is responsible for developing a Spatial Plan for their area and has a duty to consult with local businesses as well as local people in the preparation of that Plan. The voice of business tends to be stronger at a local level further from London and the South East due to the greater importance attached to job creation, so this is a good opportunity for park owners to be heard.

In Scotland, each local authority is responsible for a Local Development Plan and a Strategic Development Plan produced jointly by the local authorities that make up that city region. Outside the city regions, there is just a single tier Local Development Plan. At a national level, Scotland has its own National Planning Framework, which sets out the long-term spatial development strategy for Scotland alongside a Scottish Planning Policy and Planning Advice Notes.

In Wales, each Unitary Authority is required to prepare a Local Development Plan for its area (which are replacing the former Unitary Development Plans). At a national level, there is a Wales Spatial Plan, Planning Policy Wales, Technical Advice Notes and Ministerial Interim Planning Policy Statements.

BH&HPA members in Northern Ireland will be aware of the current shake up of local government with the merger of smaller authorities into 11 new councils from 1 April 2015 and the devolution of planning powers from the national Department of Environment. This will lead to a period of new Local Development Plan formulation and members should be ready to play their part in influencing those Plans to allow for the future expansion of their parks in response to housing need and tourist demand.

Get involved, get support

It is absolutely essential that BH&HPA members get involved in the production of Local Plans and any Neighbourhood Plans being produced in their areas as these will fundamentally affect future decisions on planning applications and therefore the development of park business. ●

Further information

BH&HPA Journal article, 'Local Plans in England', July-August 2012: <http://tinyurl.com/mcm6du5>

Recent BH&HPA planning guidance, March-April 2015: <http://tinyurl.com/qf5vd4g>