

**East Lindsey District Council**

**Coastal Zone Local Development Order**

**Town and Country Planning Act 1990 (as amended)**

**Draft September 2020**

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## 1 Introduction

- 1.1 This Order is adopted by East Lindsey District Council (“the Council”) under the powers conferred upon the Council as local planning authority by sections 61A-61D of and Schedule 4A to the Town and Country Planning Act 1990 (as amended) (“the 1990 Act”) and pursuant to Articles 38 and 41 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. This Order shall be known as the Coastal Zone Local Development Order (“the Order”).
- 1.2 The Order applies in those areas shaded grey in the Plan at Schedule 1.
- 1.3 Within those areas identified in Schedule 1, the Order grants planning permission for the types of Development permitted in Schedule 2, subject to complete compliance with the general conditions specified in Schedule 3. Any Development that does not comply with this Order will require planning permission through the normal planning process. Unauthorised Development will be liable to enforcement action.
- 1.4 The Council has the power to revoke or modify this Order at any time. Development that has commenced under the provisions of this Order can be completed in the event that the Order is subsequently revoked, revised or expires provided that it still complies with the established conditions and criteria for development.
- 1.5 Before an individual Holiday Park can rely on this Order, in order to ensure compliance with the provisions of this Order, it must complete and submit to the Council:
- (a) a Notification of Development Form in the form attached to this Order at **Appendix 1**; and
  - (b) a plan identifying the individual site upon which any Development permitted by this Order is to proceed
- The Council will assess such an application to ensure that it relates to a site that has the benefit of planning permission (whether by express permission, existing use or authorised use) for the stationing of Caravans for a holiday purpose. The Council will make reasonable endeavours to confirm in writing that such an application relates to a site that benefits from such planning permission within 14 days of receipt. No Development as described in Schedule 2 may commence without receipt of such confirmation from the Council.
- 1.6 Before an individual Holiday Park can rely on the provisions contained within Part 1 and Part 2 of Schedule 2 of this Order, it must complete and submit to the Council a Flood Risk Assessment and Evacuation Plan in the form attached to this Order at **Appendix 2**. The Council will acknowledge submission of such a Flood Risk Assessment and Evacuation Plan and indicate whether it finds the Flood Risk Assessment and Evacuation Plan acceptable within 14 days of receipt. Failure by the Council to issue a response within the set timetable is to be treated as deemed acceptance of the Flood Risk Assessment and Evacuation Plan.
- 1.7 Before the commencement of Development described in Part 2 of Schedule 2 of this Order, an applicant must complete and submit to the Council a Form of Proposed Development in the form attached to this Order at **Appendix 3** along with a plan and drawings identifying the location and the design of the proposed Development. The Council will verify that the proposed Development complies with the provisions of this Order by written reply within 14 days of receipt. Failure by the Council to issue a

response within the set timetable is to be treated as deemed acceptance of the Development.

- 1.8 This Order does not alter, restrict or vary in any way, any form of Development already permitted by the Town and Country Planning (General Permitted Development) Order 2015.
- 1.9 Nothing in this Order grants consent (other than planning permission) for any activity or Development that requires other authorisation (including but not limited to advertisement regulations, building regulations, caravan licence). It remains the responsibility of an applicant to ensure that all other statutory requirements beyond the scope of the planning system are adhered to.
- 1.10 Under the terms of the Water Resources Act 1991 and the Lindsey Marsh Drainage Byelaws 1981, the prior written consent of the Drainage Board is required for any proposed works or structures within nine metres of a board maintained open watercourse or culvert (nine metres is measured from the landward toe of the bank where there is an embankment or wall or within nine metres of the top of the batter where there is no embankment or wall) or where the watercourse is enclosed within nine metres of the enclosing structure.
- 1.11 The Order comes into force on the date on which it is adopted and subject to the Council's power to revoke this Order, will remain in force for a period of 2 years from that date, expiring on the second anniversary thereof. Upon the expiry of this Order, the permitted Development rights in Schedule 2 will cease to apply to any Development that has not commenced.

Adopted by the Council on

2020

**THE COMMON SEAL OF EAST LINDSEY DISTRICT COUNCIL** was affixed to this Order in the presence of

Authorised Officer

## **2 Interpretation and Definitions**

2.1 Definitions in the Town and Country Planning (Use Classes) Order 1987 (as amended) apply to interpretations of this Order and references in this Order to a “Use Class” are accordingly a reference to the relevant Use Class set out in the Town and Country Planning (Use Classes) Order 1987 (as amended).

2.2 Terms defined within Schedule 2 and Schedule 3 have the meaning given to them there.

2.3 **“Ancillary”** means a subsidiary or secondary use closely associated or connected to the main use of a building or a piece of land

**“Caravan”** or **“Lodge”** has the same meaning given to it in the Caravan Sites and Control of Development Act 1960 as amended by The Caravan Sites Act of 1968 and The Social Landlords (Permissible Additional Purposes) (England) Order 2006 (Definition of Caravan) (Amendment) (England) Order 2006

**“Coastal Zone”** means the order lands identified in grey on the plan in Schedule 1

**“Development”** has the same meaning as defined in Section 55 of the 1990 Act

**“Flood Risk Assessment”** means a flood risk assessment submitted by an applicant to assess the level of flood risk within a Holiday Park and assess the steps required to ensure that any residents of Caravans can be evacuated safely during a period of flooding. Such an assessment will be designed in accordance with the guidance provided at Appendix 2 to this Order

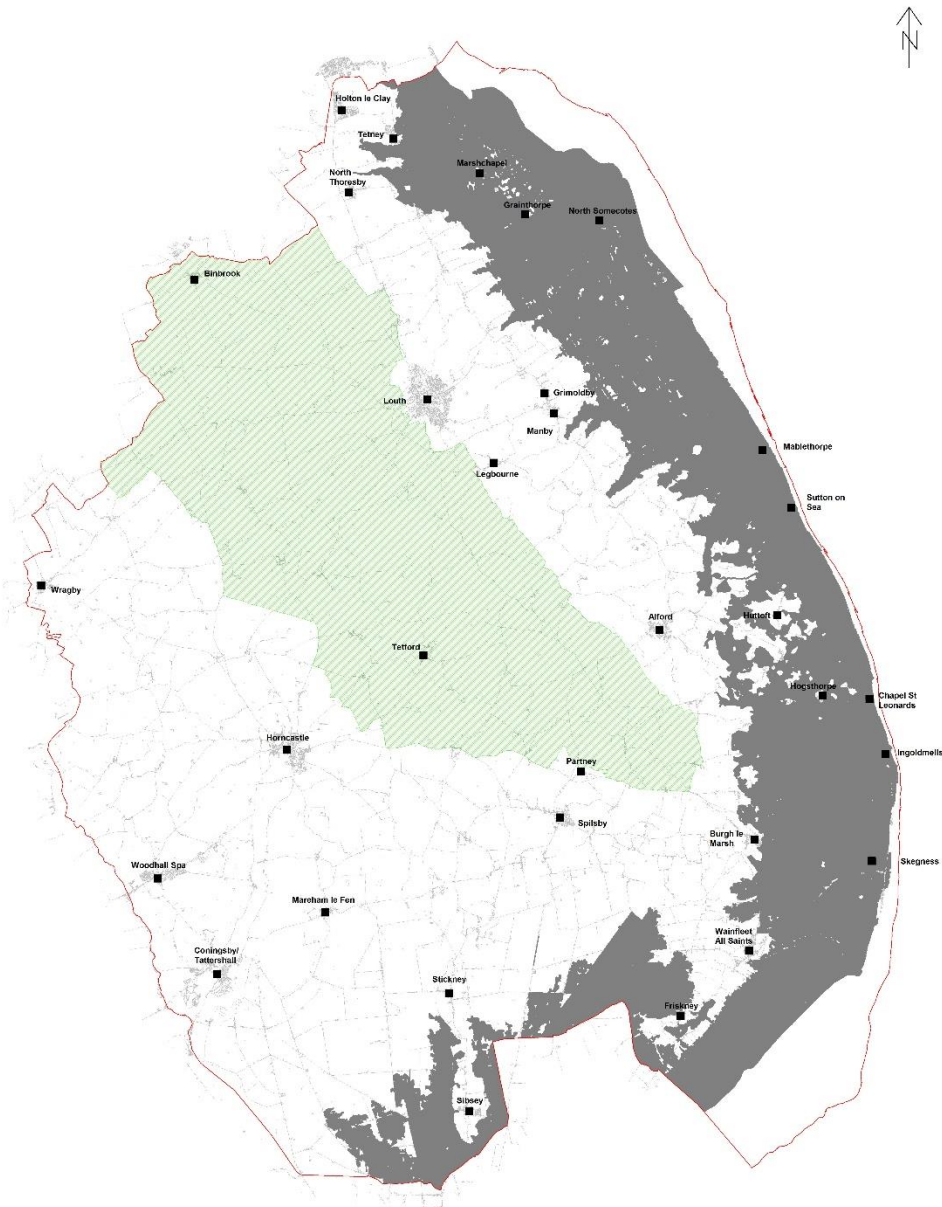
**“Holiday Park”** means any site that benefits from planning permission for the stationing of Caravans but also including lodges, log cabins, chalets, apartments and camping pitches for a holiday purpose (whether by express planning permission, existing or authorised use) and the Council has verified the same and the extent of the land included in accordance with condition 2.1 of Schedule 3 to this Order.

**“Summer Season”** means the period from 15 March to 31 October in any given calendar year

## SCHEDULE 1

### Local Development Order boundaries

The area of the Coastal Zone LDO is shown grey on the map below and is land situated within Coastal East Lindsey as defined by SP17 of the adopted East Lindsey Local Plan 2018 and including (but not confined to) the settlements of Addlethorpe, Anderby, Chapel St Leonards, Croft, Ingoldmells, Mablethorpe, New Leake, North Cotes, North Somercotes, Saltfleetby All Saints, Saltfleetby St Clements, Saltfleetby St Peter, Skegness, Skidbrook cum Saltfleetby, South Somercotes, Sutton on Sea, Theddlethorpe All Saints, Theddlethorpe St Helen and Trusthorpe.



## **SCHEDULE 2**

### **Development permitted by the Order**

In pursuance of the powers under the 1990 Act, East Lindsey District Council hereby gives notice that planning permission has been approved for the carrying out of development referred to below, subject to the general conditions in Schedule 3:

#### **1 Holiday Park use**

##### **Permitted Development**

- 1.1 Within the Coastal Zone, planning permission is hereby granted for a period of two years commencing on the [date that this Order is adopted] for the use of any Caravan, lodge, log cabin, chalet, apartment and camping pitch located within a Holiday Park for holiday purposes at any time of the year.

##### **Development not permitted**

- 1.2 Any Development that fails to comply with the requirements of, or does not supply all the information required in Schedule 3.
- 1.3 Any Development that constitutes, consists of or comprises:
- (a) Use as holiday accommodation of any structure which is not a Caravan, lodge, log cabin, chalet, apartment or on a camping pitch
  - (b) Use as holiday accommodation of a Caravan, lodge, log cabin, chalet, apartment or camping pitch as a person's sole or main place of residence
  - (c) Any increase in the number of Caravans, lodges, log cabins, chalets, apartments and camping pitches located upon a site compared to that expressly approved by the Council

#### **2 Provision of Ancillary facilities**

##### **Permitted Development**

- 2.1 Within the Coastal Zone, planning permission is hereby granted for the following Development within a Holiday Park:
- (i) The Development of buildings, structures and engineering works ancillary to the operation of that Holiday Park
  - (ii) The change of use of any building located within a Holiday Park to any use ancillary to the operation of that Holiday Park
  - (iii) The Development of a restaurant
  - (iv) The Development of a café
  - (v) The Development of a games room
  - (vi) The laying out of an equipped children's play area

- (vii) Laying out of sports pitches and facilities including swimming pools (indoor or outdoor), changing rooms and flumes
- (viii) The development of a grocery/convenience store (providing that such a store is ancillary of the operation of the Holiday Park)
- (ix) The development of a pavilion/function room/hall

#### **Development not permitted**

- 2.2 Any Development that fails to comply with the requirements of, or does not supply all the information required in Schedule 3.
- 2.3 Development is not permitted by this Order if it constitutes, consists of or comprises:
  - (a) Construction of any structure with a height exceeding 6 metres or having a Gross Internal Area exceeding 200 sq metres
  - (b) Development not required for the operation of a Holiday Park
  - (c) Development of a children's play area where the boundary of that children's play area is located within 20 metres of any residential building
  - (d) Development of any form where the boundary of that Development is located within 30 metres of a private dwellinghouse
  - (e) Development located within 300 metres of a designated European Protected Site

### **3 Minor operations**

#### **Permitted Development**

- 3.1 Within the Coastal Zone, planning permission is hereby granted for the following minor operational Development within a Holiday Park:
  - (i) Changes to the external appearance of buildings, including recladding and alterations to doors and windows
  - (ii) Changes to pedestrian access routes into a building
  - (iii) Provision of cycle parking
  - (iv) Provision of covered bin stores
  - (v) Provision of lighting columns
  - (vi) Provision of CCTV
  - (vii) Provision of canopy structures
  - (viii) Provision of ATMs
  - (ix) Provision of EV charging points
  - (x) Telecommunication apparatus



**Development not permitted**

- 3.2 Any Development that fails to comply with the requirements of, or does not supply all the information required in Schedule 3.
- 3.3 Development is not permitted by this Order if it constitutes, consists of or comprises:
  - (a) Development located within 30 metres of a private dwellinghouse

## SCHEDULE 3

### Conditions and informatives

#### 1 Use of a Caravan Park

- 1.1 The use of Caravans, lodges, log cabins, chalets, apartments and camping pitches hereby permitted shall be for holiday purposes only. Caravans, lodges, log cabins, chalets, apartments and camping pitches shall not be occupied as a person's sole or main place of residence. Any owner or operator of a site shall maintain an up to date register of the names of all of the occupiers of accommodation on a site, and of their main home address and shall make this information available to the Council upon request.

#### 2 Confirmation of Compliance

- 2.1 No individual Holiday Park can rely upon the Order until:
- (a) The Notification of Development Form in the form attached to this Order at **Appendix 1** along with a red line plan showing the extent of that Holiday Park is submitted to the Council;
  - (b) The Council has stated in writing that such an application relates to a Holiday Park that has planning permission to be used for a holiday purpose.
- 2.2 No individual Holiday Park can rely upon the Development permitted within Part 1 or Part 2 of Schedule 2 of this Order until:
- (a) A Flood Risk Assessment and Evacuation Plan in the form attached to this Order at **Appendix 2** has been completed and submitted to the Council for that Holiday Park;
  - (b) The Council has acknowledged receipt of the Flood Risk Assessment and Evacuation Plan and confirmed the start of the 14 day period for approval;
  - (c) The Council has indicated within 14 days of receipt of the Flood Risk Assessment that it is acceptable; or
- The Council has neither indicated that the proposed Flood Risk Assessment is acceptable or not acceptable and a period of 14 days has elapsed since the Council acknowledged receipt.
- 2.3 No Development permitted in Part 2 of Schedule 2 of this Order shall commence within an individual Holiday Park until:
- (a) A Form of Proposed Development in the form attached to this Order at **Appendix 3** along with a plan identifying the specific location of Development within that Holiday Park and design of any Development has been submitted to the Council;
  - (b) The Council has acknowledged receipt of the Form of Proposed Development and confirmed the start of the 14 day period for approval;

- (c) The Council has indicated within 14 days of receipt of the Form of Proposed Development that it is acceptable; or

The Council has neither indicated that the proposed Form of Proposed Development is acceptable or not acceptable and a period of 14 days has elapsed since the Council acknowledged receipt.

- 2.4 For the purposes of calculating the date by which the Council should have responded to any application, any Bank Holiday, and any day between Christmas Eve and New Year's Day inclusive each year shall not be taken into account.
- 2.5 Any Development permitted shall be carried out in accordance with the approved plans and details required to be submitted to comply with these conditions.

### **3 Conditions related to Development permitted in Schedule 2, Part 2**

- 3.1 Any Development should be sited and designed to minimise its effect on the appearance of the area.
- 3.2 Where Development relates to any building described as having for commercial or retail or leisure purposes, details of the proposed hours of opening must be included within the Form of Proposed Development.

### **4 Duration of the Order**

- 4.1 Subject to any subsequent decision by the Local Planning Authority relating to its withdrawal, modification or extension, this Order will expire upon the second anniversary of the date of adoption.
- 4.2 Upon the expiry or revocation of this Order, permitted Development rights in Schedule 2 will cease to apply to any Development that has not commenced.

### **5 Procedure for Discharging Conditions**

- 5.1 The request to discharge any of the conditions required to be met to comply with this Order can be made in writing to the Council or online to [planning.applications@e-lindsey.gov.uk](mailto:planning.applications@e-lindsey.gov.uk). In line with existing standard national charges the fee for each request is £116 and must be made at the time of the request. A request can address more than one condition.

## **APPENDIX 1**

### **Notification of Development Form**

*To follow*

## **APPENDIX 2**

### **Flood Risk Assessment and Evacuation Plan**

*To follow*

## **APPENDIX 3**

### **Form of Proposed Development**

*To follow*