

East Lindsey District Council

Coastal Zone Local Development Order 2020

Town and Country Planning Act 1990 (as amended)

9 October 2020

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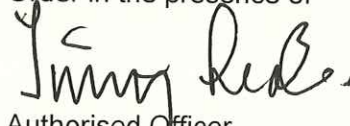
1 Introduction

- 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 2020 ("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 the plan at 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 continues to comply at all times with the established conditions and criteria for Development.
- 1.5 Firstly, before an individual Holiday Park can rely on this Order, in order to ensure compliance with the provisions of this Order, the applicant(s) must submit to the Council:
- (a) written **Notification of Qualification**;
- The Council will assess such written **Notification of Qualification** to ensure that they relate 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. No Development otherwise permitted by this Order shall take place without approval of the same from the Council in writing.
- 1.6 Secondly, before an individual Holiday Park can rely on the provisions contained within Part 1 and Part 2 of Schedule 2 of this Order, the applicant(s) must complete and submit to the Council a **Flood Risk Assessment and Evacuation Plan**. The Council will allow for a consultation period lasting no less than 21 days following receipt. No Development shall take place until the Council has approved the **Flood Risk Assessment and Evacuation Plan** in writing, the terms of which shall be implemented in full thereafter.
- 1.7 Thirdly, no Development described in Part 2 of Schedule 2 of this Order shall take place until the applicant(s) has submitted to the Council a written **Notification of Proposed Development** along with a plan and drawings identifying the location and the design of the proposed Development. No Development shall take place until the Council has approved such **Notification of Proposed Development** and plan/drawings in writing, the terms of which shall be implemented in full thereafter. The Development shall be retained as approved.
- 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 (as amended).

- 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 licences). 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 9 October 2020

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


Authorised Officer



13450

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 The following definitions apply in this Order:

"Ancillary" means a subsidiary or secondary use closely associated or connected to the main use of a building or a piece of land;

"Caravan" 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 land that is the subject of this Order identified in grey on the plan in Schedule 1;

"Development" has the same meaning as defined in Section 55 of the 1990 Act;

"European Protected Site" means a European protected:

- (a) Special Area of Conservation; or
- (b) Special Protection Area; or
- (c) Ramsar wetland.

"Flood Risk Assessment and Evacuation Plan" means a flood risk assessment and evacuation plan submitted by the applicant(s) to assess the level of flood risk within a Holiday Park and assess the steps required to ensure that any residents of the Holiday Park can be evacuated safely during a period of flooding. As a minimum it shall address the following matters;

- (a) Description of proposed Development;
- (b) Compliance with sequential test (if required as detailed in the NPPF);
- (c) Compliance with exception test (if required as detailed in the NPPF);
- (d) Site specific flood hazards;
- (e) Tidal flooding (if applicable);
- (f) Fluvial flooding (if applicable);
- (g) Surface water flooding (if applicable);
- (h) Groundwater flooding (if applicable);
- (i) Flood risk management;

- (j) Flood control measures;
- (k) Flood mitigation measures;
- (l) Evacuation plan; and
- (m) Any other matters that the Council shall from time to time reasonably require

“Gross Internal Area” means the area of a building measured to the internal face of the perimeter walls at each floor level;

“Holiday Park” means any site that benefits from planning permission for the stationing of Caravans for a holiday purpose but also including lodges, log cabins, chalets, apartments and camping pitches (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;

“NPPF” means the National Planning Policy Framework (February 2019) as amended;

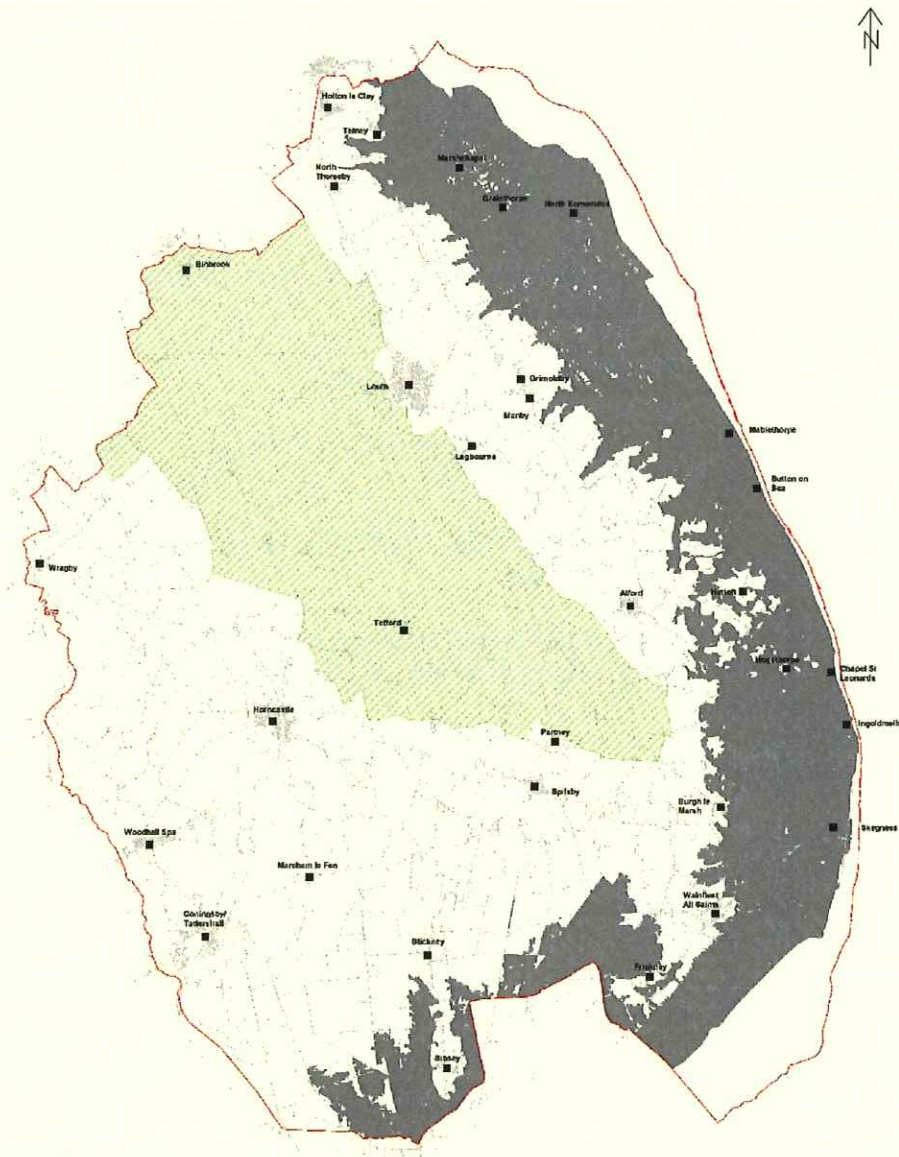
“Notification of Proposed Development” means written notice served on the Council by the applicant(s) in accordance with this Order which specifies the location and a sufficient description of the proposed Development including design, scale and appearance”

“Notification of Qualification” means (1) written notice and (2) accompanying red line plan or other plan or annotated aerial photograph sufficient to identify the site served on the Council by the applicant(s) in accordance with this Order which demonstrates that the relevant site benefits from planning permission (whether by express permission, existing use or authorised use) for the stationing of Caravans for a holiday purpose and which identifies the relevant permission, certificate and/or circumstances which authorises such use.”

SCHEDULE 1

Local Development Order boundaries

The area governed by the Order is shown grey on the map below and is land situated within Coastal East Lindsey as more particularly 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.



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SCHEDULE 2

Development permitted by the Order

In pursuance of the powers under the 1990 Act, the 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 9 October 2020) 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 within the period commencing 1 March and concluding on 5 January of the following calendar year in each of the two years covered by this Order.

Development not permitted

- 1.2 Any Development that fails to comply with the requirements of, or does not supply all the information required as relevant 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 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 or authorised 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:
- (a) The Development of buildings, structures and engineering works Ancillary to the operation of that Holiday Park;
 - (b) The change of use of any building located within a Holiday Park to any use Ancillary to the operation of that Holiday Park;
 - (c) The Development of a restaurant or café;
 - (d) The Development of a games room;
 - (e) The laying out of an equipped children's play area;

- (f) Laying out of sports pitches and facilities including swimming pools (indoor or outdoor), changing rooms and flumes;
- (g) The Development of a grocery/convenience store (providing that the scale of such a store is Ancillary of the operation of the Holiday Park); and
- (h) 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 as relevant 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 total combined height exceeding 6 metres above ground level or having a Gross Internal Area exceeding 200 sq metres;
 - (b) Development which is not Ancillary to 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 a private dwellinghouse;
 - (d) Development of any form other than (c) above 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:
 - (a) Changes to the external appearance of buildings, including recladding and alterations to doors and windows;
 - (b) Changes to pedestrian access routes into a Caravan, lodge, log cabin, chalet, apartment, camping pitch or other building on the Holiday Park;
 - (c) Provision of cycle parking;
 - (d) Provision of covered bin stores;
 - (e) Provision of lighting columns;
 - (f) Provision of CCTV;
 - (g) Provision of canopy structures;
 - (h) Provision of ATMs;
 - (i) Provision of EV charging points; and
 - (j) 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

Conditions

1 Use as a Holiday 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 Qualification

No Development shall take place until the applicant(s) has submitted to the Council:

- (a) written **Notification of Qualification**;

The Council will assess such written **Notification of Qualification** 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. No Development otherwise permitted by this Order shall take place without approval of the same from the Council in writing.

3 Flood Risk Assessment and Evacuation Plan

No Development in Part 1 and Part 2 of Schedule 2 shall take place until the applicant(s) has submitted to the Council:

- (a) written **Flood Risk Assessment and Evacuation Plan**

The Council will allow for a consultation period lasting no less than 21 days following receipt. No Development shall take place until the Council has approved the **Flood Risk Assessment and Evacuation Plan** in writing, the terms of which shall be implemented in full thereafter.

4 **Notification of Proposed Development**

No Development in Part 2 of Schedule 2 shall take place until the applicant(s) has submitted to the Council

- (a) written **Notification of Proposed Development**; and
- (b) a plan and drawings identifying the location and the design of the proposed Development.

No Development shall take place until the Council has approved such **Notification of Proposed Development** including plan/drawings in writing, the terms of which shall be implemented in full thereafter. The Development shall be retained as approved.

5 **Development permitted in Part 2 to Schedule 2**

- (a) Any Development permitted in Part 2 to Schedule 2 should be sited and designed to minimise its effect on the appearance of the area.
- (b) Where Development permitted in Part 2 to Schedule 2 relates to any building described as having a use for commercial or retail or leisure purposes, details of the proposed hours of opening must be included within the written **Notification of Proposed Development**.

Informatives

6 **Duration of the Order**

- (a) Subject to any subsequent decision by the Council relating to its withdrawal, modification or extension, this Order will expire upon the second anniversary of the date of adoption.
- (b) 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.

7 **Procedure for Discharging Conditions**

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. 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.