

East Lindsey District Council

Coastal Zone Local Development Order 2020

Town and Country Planning Act 1990 (as amended)

Statement of Reasons

Contents

Introduction	3
Purpose of the Order	3
Legislative framework for the Order process	4
Description of the Order site and surroundings	4
History of the sites and other consents	5
Flood risk and public safety	5
Description of the Development permitted by this Order	5
Lifetime of the Order	7
Justification for creating this Order	7
Planning Policy Context	8
Environmental Context	10
Supporting Evidence Base	11
Consultation Process	11
Legal Advice	11
Appendices	12

1 Introduction

- 1.1 East Lindsey District Council (“the Council”) is proposing to make a Local Development Order (“the Order”) covering that part of the district which it has defined as “the Coastal Zone” on the attached plan. The Coastal Zone is shown grey on the map and is land situated within Coastal East Lindsey as more particularly defined by Policy 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.
- 1.2 Within the Coastal Zone, the Order will permit the operation of Holiday Parks for holiday purposes outside of the traditional summer season and will encourage investment in facilities by Holiday Park operators.
- 1.3 Within the Coastal Zone, planning permission will be 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 the Order.
- 1.4 The Order will also permit certain other defined forms of ancillary or minor development which would otherwise require planning permission.

2. Purpose of the Order

- 2.1 The purpose of the Order is to assist Holiday Parks within the Coastal Zone with their recovery from the economic impact of Covid-19 as well as encouraging the broader economic regeneration of the area.
- 2.2 Under current planning permissions, most Holiday Parks are permitted to operate between 15th March and 31st October in each calendar year (“the summer season”). Due to the Covid-19 pandemic and central government regulation of domestic travel, the 2020 summer season has been very badly affected with Holiday Parks remaining closed. The economy of the Coastal Zone very largely depends upon the Holiday Parks and so their recovery is vital to ensure a recovery from the pandemic.
- 2.3 This Order is in accordance with commercial objectives set by central government. On 14 July 2020, the government published a written ministerial statement to support the culture and tourism sectors by both preventing the loss of theatres, concert halls and live music performance venues and encouraging local planning authorities to exercise their discretion in relation to planning conditions for caravan, campsites and Holiday Parks. The statement encourages local planning authorities not to undertake enforcement action which would unnecessarily restrict the ability of caravan, campsites and Holiday Parks to extend their open season. The statement came into effect on 14 July 2020 and will remain in place until 31 December 2022 unless superseded by a further statement.

2.4 On 16th July 2020, the Council sealed and adopted The Fantasy Island Local Development Order which provides planning permission for the stationing of Caravans within the Fantasy Island site as well as other defined types of development.

3. Legislative framework for the Order process

3.1 Local Development Orders were introduced in the Planning and Compulsory Purchase Act 2004 and, in effect, grant planning permission for the specific form or type of development detailed in the Order either conditionally or unconditionally. More detailed provision on LDOs is contained within sections 61A to 61D and Schedule 4A of the Town and Country Planning Act 1990 (as amended) and articles 38 and 41 of the Town and Country Planning (Development Management) (Procedure) Order 2015 (the “DMPO”).

3.2 The Growth and Infrastructure Act 2013 simplified the LDO process by removing the requirement to formally consult the Secretary of State prior to adoption. This enabled local authorities to approve an LDO immediately after reviewing and taking account of local consultation responses. This was replaced by a requirement to notify the Secretary of State, via the National Planning Casework Unit, as soon as practicable after adoption of an LDO.

3.3 The 2013 Act also removed the requirement for LDOs to be reported as part of an Authorities’ Monitoring Report obligations. However, the progress of the Order will be assessed and it has been designed to allow the Council to closely monitor development.

3.4 The DMPO came into force on 15 April 2015 as a consolidation of the Town and Country Planning (General Development Procedure) Order 1995 and subsequent instruments which amended that original Order. Article 38 paragraph (1) of the DMPO outlines that where a Local Planning Authority proposes to make an LDO they shall first prepare:

- (a) A draft of the order; and
- (b) A statement of their reasons for making the order.

3.5 Article 38(2) of the DMPO stipulates that the statement of reasons shall contain:

- (a) A description of the development that the order would permit; and
- (b) A plan or statement identifying the land to which the order would relate.

4. Description of the Order site and surroundings

4.1 Within the Coastal Zone, the ambit of the Order will be limited to those Holiday Parks which already benefit from planning permission (whether by way of express planning permission, existing use or authorised use) for the stationing of Caravans for holiday purposes. Accordingly, the Order will only apply to those sites which already do or lawfully could have holiday Caravans sited upon them. On such sites, holiday accommodation will include Caravans but also lodges, log cabins, chalets, apartments and camping pitches.

- 4.2 Currently there are around 24,490 static Caravans located in the Coastal Zone. The Coastal Zone is characterised by large scale lively seaside resort activity areas but also features pockets of wild coast and a coastal country park. Many Holiday Parks are located in proximity to the foreshore area which has sand dunes and associated sand dune habitat. The majority of Holiday Parks within the Coastal Zone are located either in or close to the towns of Skegness and Mablethorpe which offer safe and traditional family holidays.

5. History of the site and other consents

- 5.1 The Order only benefits those sites which have the benefit of extant planning permission (whether by way of express planning permission, existing use or authorised use) for the stationing of Caravans for holiday purposes. This means that for any site to benefit from this Order, such a planning permission must already be in place.
- 5.2 Before an individual Holiday Park can rely on this Order, in order to ensure compliance with the provisions of it, 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 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.

6. Flood risk and public safety

- 6.1 The Council recognises that the Coastal Zone is located within an area at risk of flooding. Further, the Council recognises that Caravans are of fragile construction and at risk of damage during poor weather. Poor weather is most likely to occur outside of the summer season.
- 6.2 Accordingly, 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.
- 6.3 This is to ensure that the risks associated with bad weather and flooding are minimised.

7. Description of development permitted by this Local Development Order and relevant conditions

- 7.1 Within the Coastal Zone, planning permission will be 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 the Order.

7.2 Within the Coastal Zone, to allow scope for investment and development within Holiday Parks, planning permission will be granted for the following ancillary forms of Development defined in Part 2 of Schedule 2 to the Order:

- (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.

7.3 Within the Coastal Zone, planning permission will also be granted for the following minor operational Development within a Holiday Park defined in Part 3 of Schedule 2 to the Order:

- (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.

7.4 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. This is in order to minimise impact on visual amenity or other interests of acknowledged importance.

- 7.5 For all categories of Development, a number of restrictions and limitations apply which are set out in conditions contained in Schedule 3.

8. Lifetime of the Order

- 8.1 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.

- 8.2 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.

9. Justification for creating this Local Development Order

- 9.1 The tourist sector is the bedrock of East Lindsey's economy. Holiday Parks for Caravans, lodges, log cabins, chalets, apartments and camping are a vital part of the tourist sector. Most of this accommodation is located within the Coastal Zone, identified as the area of highest coastal flood risk according to the Environment Agency's Coastal Flood Hazard Map.

- 9.2 Holiday Parks attract large numbers of staying visitors to East Lindsey every year. This generates substantial direct and indirect expenditure within the Holiday Parks themselves and the wider economy, supporting large numbers of jobs in businesses that service the tourist sector. There are approximately 24,490 static Caravans in the Coastal Zone.

- 9.3 Each year, the owners and operators of Holiday Parks invest millions of pounds in the development of new facilities and the improvement of existing sites. This investment is not confined to basic site infrastructure such as roads and bases. A number of operators have developed high quality dining and entertainment facilities, some of which are open to the general public and which thereby elevating the tourist offer within the Coastal Zone more generally. This sort of investment helps to support the wider economy by providing employment in the construction, maintenance and building supplies sectors as well as in food, catering and entertainment trades.

- 9.4 As a result of the "lockdown" measures introduced by the United Kingdom central government on 23rd March 2020 in response to the Covid-19 pandemic, the economy of the Coastal Zone and its main towns of Skegness and Mablethorpe has closed down. Holiday Park use within the Coastal Zone is mostly restricted to the summer season which runs from 15th March to the 31st October each year.

- 9.5 As a result of the pandemic, the 2020 summer season will be severely curtailed. Moreover, the low skilled and seasonal workers in the district who rely on trade during the summer season will struggle to find employment due to reduced visitor numbers, a shorter summer season and fewer resources as Holiday Parks recover from the pandemic.

- 9.6 Research carried out by the University of Southampton and the Centre for Towns has shown that Skegness and Mablethorpe are at the highest risk of economic damage resulting from the Covid-19 lock down.
- 9.7 Through detailed consultation with local business and during the administration of business grants, the Council has repeatedly been told that the best way to mitigate the impact of the Covid-19 pandemic would be to lengthen the summer season. As they provide a very significant part of the district's holiday accommodation, Holiday Parks and Caravans will play the most important role in any scheme to lengthen the summer season.
- 9.8 Skegness and Mablethorpe have been invited by the UK Government to apply for the Towns Fund worth up to £50 million. This recognises the need for general regeneration in coastal urban areas which manifest high levels of social, economic and environmental deprivation. The Prospectus for the Towns Fund indicates that regeneration should be achieved through a variety of innovative planning mechanisms, including the use of a Local Development Order.
- 9.9 A number of local employers in the tourism sector have indicated that they would invest more in local communities and offer greater employment opportunities if tourism increases outside of the summer season.
- 9.10 In line with the commercial objectives set out by central government, by making this Order, the Council seeks to achieve the following objectives:
- (a) Mitigate the impact of the Covid-19 pandemic in the Coastal Zone by allowing Holiday Parks to allow the occupation of static Caravans outside of the summer season. This will create a longer holiday season and will provide greater economic opportunities for Holiday Park operators;
 - (b) Encourage investment by the owners/operators of Holiday Parks by making it easier for them to develop additional features such as restaurants, cafes, playgrounds and other entertainment facilities;
 - (c) Assist with general regeneration objectives for the towns within the Coastal Zone;
 - (d) Create an evidential basis for the viability of a winter season across the district in advance of the review of the East Lindsey Local Development Plan due to take place in April 2022.

10. Planning policy context

- 10.1 The Order is consistent with and will help to deliver a number of objectives contained in national and local planning policies and guidance.
- 10.2 The National Planning Policy Framework ("NPPF") advises that local planning authorities should consider using Local Development Orders to relax planning controls for particular areas or categories of development where the impacts would be acceptable and in particular where this would promote economic, social or environmental gains for an area.

10.3 Policy SP19 within the Core Strategy considers the provision of Holiday Accommodation within the Coastal Zone:

“Strategic Policy 19 (SP19) - Holiday Accommodation

1. The Council will support proposals for hotels and bed and breakfast accommodation within the towns, large, medium and small villages in the coastal area providing proposals do not have any ground floor sleeping accommodation.

2. Within the defined Serviced Holiday Accommodation areas, development will be supported for the change of use or removal of hotels and bed and breakfast accommodation if there is evidenced justification to show:

- There is no longer a need for that hotel or bed and breakfast business and;
- That it cannot be sold as an on-going concern. Any hotel or bed and breakfast should be advertised for a minimum period of six months before being released for other uses.
- Conversions of hotels into flats or houses in multiple occupation will need to demonstrate they will be safe from the risk of flooding.

3. Change of use of buildings for holiday accommodation will be supported provided they meet the following criteria:

- Should not be sold separately from the parent landholder; and.
- Do not have any ground floor sleeping accommodation; and
- Maintain for inspection by the Local Planning Authority, an up to date register of names and main addresses of all those occupying the development.

4. No further caravan development will be permitted in the area between Ingoldmells and Addlethorpe to prevent further coalescence of these settlements and place a level of protection on this green open space between them.

5. The Council will support new and extensions to caravans, log cabins, chalets, camping and touring site development where sites adjoin or are in a town, large or medium village, providing it can be demonstrated that they add to the built and natural environment by the provision of extensive landscaping and green infrastructure, do not cause unacceptable harm to the wider landscape, protected or important habitats and they are connected to the existing settlement by road and footpath.

6. The Council will support caravans, log cabins, chalets and camping and touring sites in the open countryside only where it can be shown that these sites do not cause unacceptable harm to the character of the countryside, on the wider landscape, on protected or important habitats or species. New sites must demonstrate that they are directly related to an existing tourism facility and show how users of the site will access the nearest town, large or medium settlement with pedestrians and vehicles being segregated or be accessible by public transport.

7. Occupancy of caravan, log cabin, chalets, camping and touring sites will be limited to between 15th March and 31st October in any one year, or the following Sunday, if the

31st does not fall on a Sunday, except where it is proposed to extend the area of or redevelop an existing site that currently has a different occupancy period, but where no net increase or an overall reduction by an improved layout or density in the number of caravans, log cabins or chalets would result. In such cases, the existing occupancy period will continue to be applied to the whole site.

8. The Council will not support all year round occupancy or permanent living in caravans in the coastal area.”

- 10.4 Whilst SP19(7) restricts development outside of the summer season, a Local Development Order can relax planning controls where the impacts are acceptable. Policy SP19 is generally supportive of the provision of holiday accommodation and policy SP17 supports development that will encourage employment opportunities and extend the tourism market within Skegness.
- 10.5 The East Lindsey Local Plan 2018 restricted development within the Coastal Zone primarily due to concerns related to flooding. It is likely that a forthcoming review of the Local Plan will begin to widen the scope of what is permitted and with a clear flood assessment and attendant evacuation plan provided for each Holiday Park, it will ensure that flood risk is minimised. Detailed, costed plans for the construction and maintenance of long term coastal defence to give effect to the Shoreline Management Plan’s strategy of “holding the line” are being collated by the Council and this work, once completed, will also help reduce the flood impact.

11. Environmental context

- 11.1 Regulation 32 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 applies to Local Development Orders. Any Development which is to be carried out under a Local Development Order which is listed in Schedule 2 of the Regulations must first be screened to determine whether it will result in likely significant environmental effects.
- 11.2 Schedule 2 of the EIA Regulations describes various forms of development and related thresholds which qualify as potentially requiring environmental assessment. Under part 12 of the table in Schedule 2, it is recognised that permanent camp sites and Caravan sites, where the area of the development exceeds 1 hectare fall within this definition. As a result, the Order has been screened to assess the environmental consequences of the development permitted. It has been determined that no likely significant environmental effects would result, either on a stand alone basis or in combination with the Fantasy Island Local Development Order and an Environmental Impact Assessment is not needed.
- 11.3 Pursuant to Regulation 80 of the Conservation of Habitats and Species Regulations 2017 as amended by the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 (the “Habitat Regulations”) the habitat regulation assessment provisions apply to the making of a Local Development Order. Development is not permitted where it is likely to have a significant effect on a European Site or a European offshore marine site unless it is directly connected with or necessary to the management of the site. A screening opinion has been undertaken which demonstrates that no significant effects would result from the development permitted by the Order, either on a stand alone basis or in combination with the Fantasy Island Local Development Order.

- 11.4 The Order site falls within an area of high flood risk on the Environment Agency's Flood Hazard mapping. As a result a condition has been added that a **Flood Risk Assessment and Evacuation Plan** is submitted by every applicant which wishes to take advantage of the Order, prior to the commencement of Development in Part 1 and Part 2 of Schedule 2.

12. Supporting evidence base

- 12.1 Local Development Orders are subject to the same technical scrutiny as planning applications and the Local Planning Authority has to be satisfied of the suitability of an area for the proposed development and its future sustainability. Local Development Orders must draw on a range of surveys and studies that have de-risked a large part of the development process for landowners and developers with an interest in the Order areas. The critical supporting evidence is set out in the following documents:

- (a) EIA Screening report
- (b) Habitat Regulation screening report

13.1 Consultation process

- 13.1 It is a requirement that Local Development Orders are the subject of local consultation. LDO consultation procedures are set out in article 38 of the Town and Country Planning (Development Management Procedure (England) Order 2015. Consultation must include any person with whom the Local Planning Authority would have been required to consult on an application for planning permission for the development proposed to be permitted.
- 13.2 This Order has been prepared by the Council after extensive consultation, including two meetings of a Reference Group which contained representatives from the Council, Lincolnshire County Council, the Environment Agency and multiple Holiday Park owners.
- 13.3 Copies of the draft Order and this Statement of Reasons have been made available for inspection on the Planning Register, Council website and at the principal offices of the Council.

14. Legal advice

- 14.1 This Statement of Reasons and the Order have been prepared by Squire Patton Boggs (UK) LLP, planning lawyers of 6 Wellington Place, Leeds LS1 4AP who confirm that it complies with the statutory requirements as set out in the Town and Country Planning Act 1990 (as amended) and the Planning and Compulsory Purchase Act 2004 and requirements of current Government guidance.

Appendices

1. Local Development Order boundaries map