



East Lindsey
DISTRICT COUNCIL

FLOOD RISK GUIDANCE FOR CARAVAN SITES' DEVELOPMENT

FEBRUARY 2015



DEVELOPMENT, CARAVAN SITES AND FLOOD RISK

This guidance note has been produced to assist those wishing to submit planning applications for the development of caravan sites within the area defined as Coastal Flood Risk in the District of East Lindsey. It is hoped that by providing guidance on what is required to accompany this type of application it will speed up the determination process.

NATIONAL PLANNING POLICY

National Planning Policy is set out in the National Planning Policy Framework (NPPF). The relevant paragraphs are 100 to 104. This document is available online at www.gov.uk/government/publications/national-planning-policy-framework The NPPF sets two tests which applicable development must pass in order to be considered for permission.

THE SEQUENTIAL TEST

The aim of this test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites in areas of lower flood risk. For developments such as caravan sites this test is difficult to pass because caravan sites are locationally based, they are on the coast so that those visiting that area have somewhere to stay.

Because in National Policy the Sequential Test remains the overarching high level mechanism through which a risk-based approach to the location of development is applied, this is the first test caravan development must pass. The Council accepts that because of the locational nature of caravan sites the sequential test can be applied within the relevant settlement where the development site is located. For you the applicant this means that all relevant applications should show that there is no-where else in the settlement that has a lesser risk of flooding and could reasonably be developed.

Once a development passes the Sequential Test it then has to pass the Exception Test

EXCEPTION TEST

The Exception Test is a more difficult and complex test to pass. It is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available.

For the Exception Test to be passed, the Flood Risk Assessment (FRA) that accompanies relevant applications must demonstrate that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- Development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

- that the development will be safe for its lifetime, taking account of the vulnerability of its users without increasing flood risk elsewhere and
- Where possible, that the development will seek to reduce flood risk overall.

The final part of the test should show that the development is also necessary and it must be demonstrated that the development provides wider sustainability community benefits that outweigh flood risk. Both this element and the above criteria have to be passed for development to be allocated or permitted.

PASSING THE EXCEPTION TEST AND WIDER SUSTAINABLE COMMUNITY BENEFIT

The Government has issued some guidance on the Exception Test. It states when talking about site allocations the following;

"Evidence of wider sustainability benefits to the community should be provided, for instance, through the sustainability appraisal. If a potential site allocation fails to score positively against the aims and objectives of the sustainability appraisal, or is not otherwise capable of demonstrating sustainability benefits, the local planning authority should consider whether the use of planning conditions and/or planning obligations could make it do so. Where this is not possible the Exception Test has not been satisfied and the allocation should not be made."

For the determination of planning applications it states;

"Local planning authorities will need to consider what criteria they will use in this assessment, having regard to the objectives of their Local Plan's Sustainability Appraisal framework, and provide advice which will enable applicants to provide the evidence to demonstrate this part of the Exception Test is passed."

"If a planning application fails to score positively against the aims and objectives of the Local Plan Sustainability Appraisal or Local Plan policies, or other measures of sustainability, the local planning authority should consider whether the use of planning conditions and/or planning obligations could make it do so. Where this is not possible, the Exception Test has not been satisfied and planning permission should be refused."

The Council does have a Sustainability Appraisal which accompanies the Local Plan. This has been out to consultation with the Core Strategy. Set out at Appendix A are the objectives from that Appraisal and their associated sub objectives, these take the form of questions, which have to be answered.

The National Planning Guidance appears to indicate that with regard to passing the Exception Test there must be a positive score against the Sustainability Appraisal. But, as with any sustainability appraisal this is not just a tick box exercise and is a matter for weighing up the information and evidence provided by yourself as the applicant and coming to a decision about whether they score positively overall.

Just filling in a form however does not really tell the Council the whole story and that the Exception Test has been passed. The completed form needs to be accompanied by relevant evidence. Think about how the scheme you are putting forward could bring wider sustainable community benefit to the community, how does this **outweigh** the

flood risk issue; this means that your development has to go beyond that normally required. Remember sustainability has three strands to it and the evidence you submit and your completion of the form should demonstrate how your scheme passes all three strands, these are;

1. Economic
2. Environmental
3. Social

Below are a number of suggestions (not exhaustive) of how you could think about this.

- You could carry out a survey of the businesses within the community, ask them how they think your business helps them, how many of your customers use their services and what impact they believe your proposal would have on them. You can use this information not only for your planning application but to assess the effectiveness of your business on the local services and facilities.
- There are 2 studies undertaken in Wales which refer to the economic impact of caravans. These are 'Caravan Holiday Homes in Wales produced by the Welsh Tourist Board and the British Holiday and Home Park Association 2003 and 'Economic Impact Assessment of the Holiday Park Industry in Wales' produced by Visit Wales and the British Holiday and Home Park Association 2011. You could have a look at these and try and relate their methodology to your business.
- Think about the landscaping you may have to put in, could you go further with it and provide additional quality space or planting for biodiversity, could this link with public footpaths, could you open green space, play areas, walks or access to footpaths to members of the wider community. Is there something special about your site, such as access to a nature area that you could not only open up but provide information boards? Are you based in area that links up to the Coastal Country Park, is there a way of linking your site with the work they doing? Are you linked with a listed building or an area which has a heritage asset in it which you could help to open up to the wider public?
- Do you have a facility such as swimming pool, gym, shop that you would be willing to open up to the wider community for their use? Has the community lost its shop and would you be willing as part of your development to provide this facility on your site?
- Is there a project set out by the parish council or other infrastructure provider such as the local doctors or school that you could help fund or carry out? This project would have to approximately costed and relate to infrastructure not revenue. You may wish to discuss this directly with the relevant infrastructure provider.
- Open up part of your facility to host community meetings or events. It may be that the local village hall is oversubscribed and you could provide additional community space for community groups.

SECTION 106 AGREEMENTS

You may be concerned that the Council will be asking you to step beyond the bounds of what you believe are reasonable in order to pass the Exception Test but we would assure you that there are rules around how any of the above can be provided within the processes of the planning system. The Council would be looking for you to sign a Section 106 agreement which legally binds you to deliver what is agreed. Section 106 agreements have to pass three legal tests;

1. necessary to make the proposed development acceptable in planning terms
2. directly related to the development
3. fairly and reasonably related in scale and kind to the development

The Council in its decision making cannot take into account matters which go beyond those tests and must have a clear indication of what funds are to be spent on before any agreement is signed.



APPENDIX A – SUSTAINABILITY APPRAISAL FORM FOR CARAVAN PLANNING APPLICATIONS

SA Objective	Sustainability Appraisal Questions Will the option / proposal:	Commentary	Positive/ Negative Contribution
<p><i>1. Protect and enhance the quality and distinctiveness of the areas' biodiversity (native plants and animals) and geodiversity.</i></p>	<p>Protect and provide opportunities for improving / enhancing sites designated for their nature conservation value / geodiversity value (local and national levels)?</p> <p>Protect the habitats and species protected by International and UK law?</p> <p>Help achieve Lincolnshire Biodiversity Action Plan (BAP) targets?</p> <p>Help to avoid / reduce the loss of / decline in seminatural habitats, agricultural habitats, urban habitats / geological resources?</p> <p>Conserve species and protect the districts overall biodiversity?</p>		
<p><i>2. Protect and enhance the quality and distinctiveness of the area's landscapes, townscapes and historic environment.</i></p>	<p>Protect and provide opportunities to enhance the distinctive landscapes (e.g. Conservation Areas, Lincolnshire Wolds AONB) within the district?</p> <p>Will it maintain and, where possible, increase the area of high-quality green infrastructure within the district – e.g. woodlands, public rights of way etc?</p> <p>Will visual aspects / amenity be compromised?</p> <p>Provide opportunities to enhance the townscapes</p>		

	<p>within the district – e.g. promotion of the repair and re-use of historic buildings?</p> <p>Maintain and Enhance the character / distinctiveness of towns and villages (including conservation areas)?</p> <p>Protect or enhance known features of historical, archaeological, or cultural interest, including their setting.</p> <p>Protect areas associated with a known high risk archaeological resource where actual and / or quality / quantity of finds is not known e.g. features associated with buried archaeology?</p>		
<p><i>3. Protect natural resources from avoidable losses and pollution and minimise the impacts of unavoidable losses and pollution.</i></p>	<p>Contribute to effective management of water resources (surface and ground waters) via a reduction in water consumption (domestic, commercial, industrial, agricultural)?</p> <p>Will it contribute to effective management of water resources (surface waters) via storage of excess precipitation?</p> <p>Reduce diffuse and point source water pollution (e.g. from STWs, commercial, industrial and agricultural sources) and therefore contribute to 'good ecological status' for all water bodies.</p> <p>Protect the habitats and species reliant on the water environment e.g. in rivers, canals, lakes, ponds and adjacent areas of wetland habitats?</p>		

	<p>Avoid an increase in light pollutants, particularly in more rural areas and the Lincolnshire Wolds AONB?</p> <p>Protect the best and most versatile agricultural land?</p> <p>Encourage appropriate use of finite resources, waste reduction and re-use and recycling of material for all new developments (construction and operational phases)?</p>		
<p><i>4. Avoid the risk of flooding (where possible) and fully mitigate against the impacts of flooding where it cannot be avoided.'</i></p>	<p>Will it minimise flood risk to people, property, agricultural land and other assets from rivers and from drainage infrastructure e.g. resulting from intense or prolonged precipitation?</p> <p>Will it minimise flood risk to people, property, agricultural land and other assets from coastal inundation e.g. via storm surges?</p> <p>Increase flood risk to people, property, agricultural land and other assets downstream of the proposed development?</p>		
<p><i>5. Promote viable and diverse economic growth that supports communities within the district.</i></p>	<p>Promote sustainable economic growth?</p> <p>Contribute to a low carbon economy in accordance with the principles set out in the Stern Report (October 2006)?</p> <p>Provide diversity in the economy and encourage sustainable business development?</p> <p>Encourage the rural economy and support farm diversification?</p>		

	<p>Assist the provision of appropriate land and premises for business activity?</p> <p>Support the growth of sectors that offer scope to reduce out-commuting, e.g. to Lincoln, Grimsby and Boston?</p> <p>Improve access to education and training, and support provision of skilled employees to the economy?</p> <p>Improve opportunities for and access to, affordable education and training (basic skills, advanced skills)?</p> <p>Promote employment opportunities and the diversification of employment opportunities (including skilled opportunities – professional and managerial occupations) and reduce the outmigration of skilled workers?</p> <p>Enable tourism opportunities to be exploited?</p>		
<p><i>6. Prioritise appropriate re-use of previously developed land and minimise the loss of the best agricultural land and greenfield sites.</i></p>	<p>Promote the efficient re-use of land and buildings for new developments and ensure that more dense developments well designed and are associated with good public transport systems to help achieve the most sustainable pattern and types of development?</p> <p>Protect the best and most versatile agricultural land?</p>		
<p><i>7. Improve accessibility to key services, facilities amenities and</i></p>	<p>Improve access to local services, facilities, places of employment and green infrastructure for all residents throughout the</p>		

<p><i>green infrastructure including the promotion of sustainable modes of access.</i></p>	<p>district?</p> <p>Provide improved and sustainable public modes of transport in both urban and rural areas and reduce the need to travel by car?</p>		
<p><i>8. Increase reuse and recycling rates and minimise the production of waste.</i></p>	<p>Reduce waste generated as part of all building programmes?</p> <p>Reduce household waste?</p> <p>Increase waste recovery and recycling (domestic, commercial etc)?</p>		
<p><i>9. Support inclusive, safe and vibrant communities.</i></p>	<p>Help achieve the most sustainable pattern and types of development with a view to developing sustainable communities?</p> <p>Improve the quality of life for communities by allowing residents to become actively involved in decision making at a local level?</p> <p>Maintain, enhance and create green infrastructure assets (e.g. green space) across the district accessible to the whole community?</p> <p>Promote more diverse and cohesive communities?</p> <p>Improve the availability and accessibility of key local services and facilities, including health, education and leisure (shops, post offices, pubs etc.) that also reduces the need to travel?</p> <p>Reduce the fear of crime, the actual levels of crime, antisocial behaviour and improve public safety?</p> <p>Promote and encourage design principles that positively reduce crime and antisocial behaviour?</p>		

<p><i>10. Ensure that local housing needs are met.</i></p>	<p>Support the provision of a range of house types and sizes, including affordable housing, to meet the identified needs of all sectors of the community?</p> <p>Enable first time buyers to purchase a home?</p> <p>Ensure the adoption of sustainable construction and design principles in line with the Code for Sustainable Homes?</p>		
<p><i>11. Increase energy efficiency and ensure appropriate sustainable design, construction and operation of new developments.</i></p>	<p>Contribute to a reduction in energy/resource consumption (e.g. domestic, commercial, and industrial).</p> <p>Lead to an increased proportion of energy needs being met from renewable sources e.g. at domestic and commercial scales?</p> <p>Ensure all new housing incorporates at least some energy saving measures?</p> <p>Lead to local developments built to a high standard of sustainable design?</p> <p>Reduce waste generated as part of all building programmes?</p> <p>Reduce household waste and increase waste recovery and recycling (domestic, commercial etc)?</p>		
<p><i>12. Encourage and provide the facilities and infrastructure for healthy lifestyles"</i></p>	<p>Ensure that adequate health facilities and infrastructure is available for present and future generations?</p> <p>Ensure health facilities are accessible to all sectors of the community?</p> <p>Reduce health inequalities across the district?</p>		

	<p>Promote healthy and active lifestyles?</p> <p>Maintain, enhance and create green infrastructure assets (e.g. green space, recreation and sports facilities, semi-wild/rural places) across the district accessible to the whole community?</p>		
<p><i>13. Positively plan for, and minimise the effects of, climate change.</i></p>	<p>Minimise flood risk to people, property, agricultural land and other assets from the sea, from rivers and from surface water drainage infrastructure?</p> <p>Increase flood risk to people, property, agricultural land and other assets downstream of the proposed development?</p> <p>Contribute to effective management of water resources (surface waters) (e.g. storage of excess precipitation)?</p> <p>Promote appropriate energy production technologies at the district scale?</p> <p>Contribute to a reduction in emissions of greenhouse gases within the district?</p>		