

AGENDA ITEM NO: 8/2(b)

Parish:	Heacham	
Proposal:	Temporary use of land for the siting of caravans for holiday occupation on an extended season between 6th March and 6th January (following year) up until and including the 31st December 2022.	
Location:	Putting Green Caravan Park Jubilee Road Heacham Norfolk	
Applicant:	Heacham Holidays Ltd	
Case No:	20/01268/FM (Full Application - Major Development)	
Case Officer:	Mrs N Osler	Date for Determination: 13 January 2021 Extension of Time Expiry Date: 16 April 2021

Reason for Referral to Planning Committee – Called in by Cllr Parish

Neighbourhood Plan: No

Case Summary

The site comprises an existing static caravan site, known as Putting Green Caravan Park. It currently benefits from an extant permanent permission granted in November 1975 for the all year round siting of 137 caravans for occupation as holiday accommodation between 1st April to 30th September (inclusive) in any one year. The occupational period was extended by a Lawful Development Certificate in June 2011 to cover the period between 20 March and 31 October (inclusive) in any one year.

The site is accessed from Jubilee Road to the south and is bounded to the north, south and east by other caravan sites and to the west by 'beach services', beach huts and the beach.

Earlier this year the caravans were not able to be used due to the restrictions imposed by the government relating to the coronavirus pandemic.

This proposal seeks the extension of the season for occupation for a temporary period of time to compensate for loss of use during 2020.

This application therefore proposes the extension of the operational season from the current season of between 20 March and 31 October to between 6 March and 6 January up until and including the 31 December 2022 for a temporary period to recover earnings lost during the Covid-19 lockdown. This would result in an additional 9.5 weeks between 1 November 2021 and 6 Jan 2022, two weeks between 6 March and 20 March in March 2022 and 7.5 weeks between 1 November and 22 December 2022.

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The key issue to be considered is that this extends the holiday season into the period of highest flood risk from the temporary periods, although there are also other key issues which are summarised below.

Key Issues

- * Background / Planning history
- * Principle of development
- * Government advice
- * Flood risk
- * Precedent
- * Nature conservation sites
- * Other material considerations

Recommendation

APPROVE

THE APPLICATION

The site comprises an existing static caravan site, known as Putting Green Caravan Park. It currently benefits from an extant permanent permission granted in November 1975 for the all year round siting of 137 caravans for occupation as holiday accommodation between 1st April to 30th September (inclusive) in any one year. The occupational period was extended by a Lawful Development Certificate in June 2011 to cover the period between 20 March and 31 October (inclusive) in any one year.

The site is accessed from Jubilee Road to the south and is bounded to the north, south and east by other caravan sites and to the west by 'beach services', beach huts and the beach.

Earlier this year the caravans were not able to be used due to the restrictions imposed by the government relating to the coronavirus pandemic.

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The key issue to be considered is that this extends the holiday season into the period of highest flood risk from the temporary periods, although there are also other key issues which are summarised below.

SUPPORTING CASE

This statement is written on behalf of Heacham Holidays who own four holiday parks in Heacham, of which three (North Beach, Putting Green and Riverside) are the subject of

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planning applications for temporary extension of season for consideration by the Planning Committee.

The main reason for the submission of these applications is to help the holiday park business to recover from the impact of the two periods of forced closure during the ongoing Covid-19 pandemic in accordance with recently published Government Guidance (July 2020).

Heacham Holidays, like other holiday park operators, needs to offer their holiday accommodation for an extended season to make up for the loss of 3.5 months from late March to early July 2020, as well as the additional months closure in November 2020, to remain viable as a business.

The government guidance seeks to outwardly support the tourism sector during these difficult times and Heacham Holidays needs to use this assistance and effectively manage its business in the short-term. In doing so, they will be able to support the local economy through increased visitor spend in the quieter season.

The current season for Heacham Holidays' above-mentioned parks runs from the 20th March to 31st October. The applications would allow for a small increase in the period of occupation from between 6th March and 19th March at the beginning of the year and from 1 November to 6th January (following year) at the end of the season up until and including the 31st December 2022, in accordance with the Government guidance. It is also important to note that 5 of the holiday caravans at North Beach are already permitted to be occupied from the 1st of March or Maundy Thursday (whichever is sooner).

Although the Parks are located within areas at risk of flooding, they are situated behind an Environment Agency flood defence which provides a 1 in 50-year standard of protection. The parks are all signed up to receive Environment Agency Flood Warnings and have robust and up to date flood evacuation plans in place to safely remove and relocate visitors off site in the event of a flood warning. The Environment Agency raise no objection to these temporary season extensions.

The proposed season extensions can be considered sustainable development that will have economic and social benefits and will not adversely affect the environment. Heacham Holidays, therefore, respectfully requests the planning committee to approve the temporary extension of season to between 6th March and 6th January (following year) up until and including the 31st December 2022.

Thank you, in anticipation, of your support for local business.

PLANNING HISTORY

20/01266/LDP: Application Withdrawn: 03/11/20 - Application for a lawful development certificate for the proposed use of site for the siting of caravans without restriction in regard to the season of occupation. This certificate is sought on the basis that year-long use of the site would not generate a material change of use requiring an application for planning permission

11/00704/LDE: Application Permitted: 30/06/11 - Lawful Development Certificate: existing use of land as a static holiday caravan park for holiday occupation between the period 20 March to 31 October in each year

10/00691/LDE: Was Lawful: 18/06/10 - Lawful Development Certificate - Change of use of land for permanent siting of 137 static caravans for holiday occupation between the period 1st April and 30th September in each year

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2/02/0910/F: Application Permitted: 07/02/03 - Creation of first floor office for caravan site

2/97/1712/F: Application Permitted: 13/01/98 - Alteration to entrance to caravan site

2/97/0092/F: Application Refused: 20/03/97 - Continued use of the caravan as site office and sales location without complying with cond.1 of planning permission 75/1117/F to allow use for 12 months of the year

2/75/1117/F: Application Permitted: 21/11/75 – Application for permanent planning permission [for the siting of 137 caravans for occupation between 1st April and 30th September]

DG3543: Application Permitted: 29/01/65 – Temporary consent (expiring 31 Oct 1982) to increase the number of caravans on site from 120 to 125

DG2410: Application Permitted: 26/01/63 – Temporary consent (expiring 31 Oct 1970) to increase caravan standings from 80 to 120

No earlier permission could be found; although clearly DG2410 amended a previously approved permission.

RESPONSE TO CONSULTATION

Parish Council: OBJECT Heacham Parish Council oppose this application, 20/01268/FM, our reasons are as follows, they are based on extensive local knowledge, which we feel is very important in this situation. (They are not based on flood risk assessments or AW figures as these are due to be re-assessed and are at variance with each other.)

We really do appreciate the economic reasons for this application but feel that environmental and human factors are far more important in this case.

- Seasonal restrictions are due to newer flood risk assessments by the EA
- The seasonal restrictions have been in place for many years based on lower figures. The risk is now much greater, making less sense than ever for this change. If an extension to the season goes through at this time, then there will be fewer grounds for argument next year and in subsequent years. These greater risks may endanger lives
- Due to Global Warming water levels throughout the country are rising and unpredictable flooding is occurring, so we should be very cautious about the wisdom of dismissing the rules we have in place
- We have in recent years suffered from bouts of very heavy rainfall, the land has become saturated and the absorbency has lessened, and new ponds are forming
- We had several flood warnings and very high tides lately and much of the Norfolk coast has suffered from severe erosion of land into the sea
- The caravans on these sites are not built for occupation in the winter and have insufficient insulation for this use. If you have ever been in one on a cold summer's evening you will know they are barely warm then, let alone in a freezing winter. This in turn will lead to extensive use of heaters which may not be of the proper regulation for use in caravans and certainly not environmentally friendly
- The impact of a winter season on the local populace is great in many ways including the pressure on our Doctor's surgeries and the hospital. They already must cope with more sickness within our aged community, with winter ailments like flu and now of course Covid-19. This will increase the pressure on them considerably as most of these caravan owners are not young people either
- The logic of encouraging visitors, in a colder Covid season, from mingling with locals, especially toing and froing from place to place, is not sound

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- The impact on wildlife - winter roosts need a rest too, particularly nesting birds on the coast, not least those birds who have migrated to their winter feeding grounds – these should not be underestimated
- One of our Borough Councillors got an MBE for his good work with the Covid Crisis, it would be a shame for him if our levels of infection went higher because of the wrong decision in his own Ward.

Highways Authority: NO OBJECTION As the site is long established and operates for most of the rest of year already, in highway and traffic terms there will not be an unacceptable impact for use of the site over the winter period, therefore we do not wish to object.

PROW: We have no objection in principle to the application but would highlight that access to the site is via a Public Right of Way, known as Heacham Byway Open to All Traffic 3. There is no responsibility upon the Highway Authority to maintain the route to facilitate private vehicular access. It would be expected that any damage caused to the Public Right of Way by the exercise of the private rights remains with the private rights holders to repair.

The full legal extent of this PROW must remain open and accessible for the duration of the development and subsequent occupation.

Natural England: NO OBJECTION

All three caravan parks are adjacent to the following designated sites:

- The Wash Special Protect Area
- The Greater Wash Special Protection Area
- The Wash and North Norfolk Coast Special Area of Conservation
- The Wash Site of Special Scientific Interest

The Wash provides important winterfeeding areas for waders and wildfowl outside of the breeding season. The enormous numbers of migrant birds that use the site are of international significance and are dependent on the rich supply of invertebrate food found here. The saltmarsh and shingle communities are also of considerable botanical interest. The site is also a very important breeding ground for the Common seal, containing the largest colony in western Europe.

We understand from the documents provided that the applicant would like to extend the visitor season from March – October to March – January for a two-year period.

Natural England recommend that the Local Planning Authority considers how the period of extension may impact the sensitive interest features of the Wash and whether it will result in an increase in recreational disturbance impacts over winter. Any impacts should be considered both alone and in combination, including the possible collective effects of a seasonal extension for all three caravan sites.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England’s advice. You must also allow a further period of 21 days before the operation can commence.

Following receipt of the requested information outlined above Natural England raises **NO OBJECTION** stating that: *“Natural England are satisfied with the conclusions of the HRA and welcome the provision of educational materials including:*

** information boards and leaflets which highlight the sensitivity of designated interest features*

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** mapped alternative routes for dog walkers away from sensitive sites.*

We note that the extended season is until December 2022, should the season be extended further, please consult us again."

Environment Agency: We have **NO OBJECTION** to the proposed development but wish to make the following comments.

As of the 14th July 2020, an extension to the open season can be acquired for caravan, campsite and holiday park owners. Please note that this is for a temporary period and will expire on the 31st December 2022 unless superseded by a further statement.

This will therefore have no impact on the long term aim of the Local Plan policy. For reference this can be found at: <https://www.gov.uk/guidance/coronavirus-covid-19-planning-update-on-cultural-venues-and-holiday-parks--2#extension-to-the-open-season-of-a-caravan-campsite-or-holiday-park-for-a-temporary-period>.

We have no objection to the proposed extension, but strongly recommend that the measures proposed in the submitted flood plans are adhered to.

Our Tidal Hazard Mapping indicates that the site would experience flood max depths of between 0.7m and 2.4m, with the southern half of the park receiving the highest depths.

Your Authority must be satisfied with regard to the safety of people (including those with restricted mobility), the ability of such people to reach places of safety including safe refuges within buildings and the ability of the emergency services to access such buildings to rescue and evacuate those people.

Please be aware that we do not normally comment on or approve the adequacy of flood emergency response and evacuation procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users and professional partners including your Authority.

Emergency Planning Officer: **NO OBJECTION** subject to any permission being conditioned in accordance with the amended Flood Evacuation Plan submitted in October 2020.

REPRESENTATIONS

Eight letters of **OBJECTION/CONCERN** have been received. The reasons for objection can be summarised as:

- Flood risk; if it is safe to open this winter owners will contend it is safe every winter
- Houses along the beaches have limited occupancy; they will contend that the extension should apply to them as well
- It will result in an increase in Covid cases and health services for local people will be put under strain from the visitor population
- We should be discouraging travel from outside of the area to reduce the spread of Covid; not encouraging it
- They should have to pay council tax if they're open all year
- Impact on wildlife
- The local sewerage system cannot cope with the present waste disposal let alone an increase
- Most people visiting the park use their cars and therefore there will be increased pollution

- The caravans will require heating that would not normally be required; thus increasing pollution

14 letters of **SUPPORT** (all from outside of the borough) have been received. The reasons for support can be summarised as:

- Benefits the local economy
- Caravan owners are fully aware of the flood risk issues, and it's their decision
- It is a safe environment to live in whilst the pandemic is happening
- Will give caravan owners more flexibly to use their caravans.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS07 - Development in Coastal Areas

CS08 - Sustainable Development

CS10 - The Economy

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM11 – Touring and Permanent Holiday Sites

DM18 – Coastal Flood Risk Hazard Zone (Hunstanton to Dersingham)

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2019

PLANNING CONSIDERATIONS

The main issues for consideration in this case are:-

- Background / Planning history
- Principle of development
- Government advice
- Flood risk
- Precedent
- Nature conservation sites
- Other material considerations

Background / Planning history

The caravan site use on this site has been established since the early 1960s. Over the years temporary seasonal occupational permissions gave way to a permanent seasonal occupational permission granted in 1975 under application 21/11/75 which granted permanent planning permission for the siting of 137 caravans for occupation between 1st April and 30th September in any one year.

The seasonal occupancy of the caravans was later extended by virtue of the grant of a Lawful Development Certificate (11/00704/LDE) for holiday occupation between the period of 20 March to 31 October in each year.

Principle of Development

The use of the site for the standing of static caravans and their use for holiday purposes is well established. The principle of the use for this purpose is therefore not an issue. The key issue is the temporary extended use of the site for holiday purposes during months of the year which have historically been prevented due to the perils of flood risk, harm to life and putting at danger those that would be involve in rescue operations.

Government Advice

On 14th July 2020, the government published a written ministerial statement to support the tourism sector and specifically the season extension of caravan, campsites and holiday parks encouraging local planning authorities (LPAs) to exercise their discretion in relation to planning conditions for such sites.

This was updated in January 2021 to cover use of caravans as permanent residence if they have no alternative accommodation (because of the impact of coronavirus). This is not relevant to the current application.

This statement sets out the approach LPAs should take to decision making for these venues that have been made temporarily vacant by Covid-19 business disruption. LPAs are encouraged 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 14th July 2020 and will remain in place until 31st December 2022.

The relevant government guidance states that where the open season of a caravan park is limited by planning condition, park owners should speak to their local planning authority who can advise whether planning permission is necessary. It adds that where there may be particular concerns about flooding, as in the subject case, applicants are encouraged to seek advice from the Environment Agency (EA) before submitting the application.

On 22 February 2021 the government issued guidance in the 'COVID-19 Response - Spring 2021' and on 24 February 2021 their 'Reopening businesses and venues'. This sets out a 'roadmap' for recovery after Covid-19, identifying with different steps for recovery

In terms of caravan parks the following applies:-

Step 2 - no earlier than 12 April

Self-contained holiday accommodation in which all facilities (including for sleeping, catering, bathing, and indoor lobbies and corridors for entry and exit) are restricted to exclusive use of a single household/support bubble will reopen.

Step 3 - no earlier than 17 May
Remaining holiday accommodation can reopen.

Flood Risk

This site is in a high risk flood area. It is Flood Zone 3 and is located behind an Environment Agency flood defence which provides a 1 in 50-year standard of protection. The flood defence consists of an earth and sand embankment.

The SFRA shows that the Park is located within Flood Zone 3a but not Flood Zone 3b; the functional floodplain.

The submitted site specific FRA concludes that 'subject to ensuring the emergency contacts, flood warning contact details and evacuation plan remain in place and up to date, we consider that there is no reason why on the grounds of flood risk the application should not be granted permission to extend the season of operation of Putting Green Caravan Park to between 6th March and 6th January for the next two years to recover from the effects of the Covid-19 pandemic.'

The EA's Tidal Hazard Mapping indicates that the site would experience flood max depths of between 0.7m and 2.4m, with the southern half of the park receiving the highest depths.

In regard to risk the EA state that the Local Planning Authority 'must be satisfied with regard to the safety of people (including those with restricted mobility), the ability of such people to reach places of safety including safe refuges within buildings and the ability of the emergency services to access such buildings to rescue and evacuate those people.'

The EA do not normally comment on or approve the adequacy of flood emergency response and evacuation procedures accompanying development proposals, as they do not carry out these roles during a flood. Their involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users and professional partners including the Local Authority.

However, given the unique circumstances, the Environment Agency have no objection to the proposed temporary extension, but strongly recommend that the measures proposed in the submitted flood plans are adhered to. The EA consider the temporary nature of this extended use would have no impact on the long term aim of the Local Plan policy.

The Emergency Development Officer raises no objection subject to conditioning any permission in accordance with the amended Flood Evacuation Plan.

This section of coastline is at very high risk with only a one in 50 year (2% annual probability) standard of protection. The required standard of protection from tidal flood risk, as stipulated in the NPPF, is one in 200 years (0.5% annual probability).

The preamble to Policy DM18 refers at para C.19.8. 'Considering the risks associated with the seasonality of each of the highest astronomical tides, the probability of storm surges, and wave action severity, reports undertaken for the Borough Council concluded the only safe period of occupancy was between 1st April and 30th September each year. Occupation outside these dates at this location could not be considered safe due to flood risk and would therefore be contrary to the National Planning Policy Framework/Practice Guidance.'

Policy DM18 states that seasonal occupancy limited to between 1 April and 30 September and applications to remove, relax or vary (by way of extension) any existing seasonal occupancy condition will be resisted.

Clearly the proposed extended use of the site outside the agreed safe periods in Policy DM18 is at odds with the wording of the policy. However, the proposal is for a temporary period only in response to a national pandemic situation. Economically the country has suffered untold financial losses and the government has sent out a strong message to aid recovery.

It is acknowledged that the use of the caravan sites for this additional period would occur within the highest flood risk period of the year.

That said, the EA raises no objection to the proposal for this limited time period only. For this short time period only, for this site, they consider that if the applicant signs up to the EAs flood warning service and provided flood evacuation measures are safely in place and that people are able to reach places of safety and safe refuges within buildings where emergency services can access for rescue and evacuation, they do not raise objection.

This would be an exceptional circumstance, where the extended use of the site would take place for a limited time only, outside the scope of the recommended policy occupation period. Members would need to be satisfied that there are sufficient exceptional circumstances, through the unprecedented coronavirus pandemic, to justify such a use, contrary to the general aims of the policy and the NPPF.

Nature Conservation Sites

The caravan park is adjacent to the following designated nature conservation sites:

- The Wash Special Protect Area (SPA)
- The Greater Wash Special Protection Area (SPA)
- The Wash and North Norfolk Coast Special Area of Conservation (SAC)
- The Wash Site of Special Scientific Interest (SSSI)

The Wash provides important winter feeding areas for waders and wildfowl outside of the breeding season. The enormous numbers of migrant birds that use the site are of international significance and are dependent on the rich supply of invertebrate food found here.

The saltmarsh and shingle communities are also of considerable botanical interest. The site is also a very important breeding ground for the Common seal, containing the largest colony in Western Europe.

It is acknowledged that the scale of this caravan park is 137 static caravans and that each caravan could potentially accommodate 6 people. Accordingly up to 822 people could be on site at any one time if fully occupied. This is a potentially significant number of additional visits to the wider coastal area and the designated areas and your officers required additional information in order to assess the impact of the proposed extended use.

During consultation, Natural England stated that the Local Planning Authority (LPA) should consider how the period of extension may impact the sensitive interest features of the Wash and whether it will result in an increase in recreational disturbance impacts over winter. Any impacts should be considered both alone and in combination, including the possible collective effects of a seasonal extension for all three caravan sites (including LPA ref's 20/01265/FM & 20/01269/FM also on this agenda).

Accordingly the applicant has submitted a Shadow Habitat Regulation Assessment (HRA) to assist the local planning authority, as the competent decision making authority, to determine whether the proposals are likely to have a significant effect on any European sites and proceed to the Appropriate Assessment where significant effects cannot be ruled out.

The submitted HRA considers the impact of all three caravan sites so that the combined effect on protected sites can be assessed.

The extended use is proposed for a temporary period only. Over the remaining proposed period to December 2022, the granting of permission would result in a total of approximately 5 months, or 21.5 weeks, of additional use, should Covid regulations permit the use of caravans for holiday purposes. In this case 10 weeks would include the whole of November and December 2021, ending at the beginning of January 2022, 3 additional weeks at the beginning of March 2022 and another 9 weeks in November – December 2022.

There would be an impact in terms of increased human activity on the site along with potential for pets, including dog walking. Increased recreation places increasing demands on the management of designated nature conservation sites and can cause impacts to the designated interest features. ('Visitor surveys at European protected sites across Norfolk during 2015 and 2016', Panter, Lily & Lowen)

However, this part of the beach is open to members of the public all year round. This is a material consideration and must be considered against any potential harm to nationally important nature conservation sites that might be caused by any temporary increased use of this caravan site.

The HRA submitted by the applicant provides details on the European sites likely to be impacted by the project. It claims that three European sites are likely to witness disturbance arising from the increased winter use of visitor accommodation from the extended use of the three caravan parks by proximity. These are the Wash and North Norfolk Coast Special Area of Conservation (SAC), The Wash Ramsar Site and The Wash SPA.

The HRA refers to the publication: "Visitor surveys at European protected sites across Norfolk during 2015 and 2016" by Footprint Ecology. This identified that tourist development within proximity of the Norfolk European sites will contribute 'in combination' to recreational pressure within those sites that will require mitigation.

The survey work identified different patterns of visitor activity during summer and winter months. It found that half of the holiday makers visiting nearby European sites at Snettisham and Holme, which are closest to the application site, during the winter period came from caravan sites. However, the winter period was classed as the period between 10-19 September rather than full winter months. Clearly the winter period in the study (September) is different to the winter period for this application.

The other impact on European sites is from dog walkers, who may be from holiday makers or locally exercised.

Overall, the HRA states that the increase in winter visitors to the park will be offset by the lack of visitors during the parks forced shutdowns in 2020. Despite this, it is acknowledged that there will be an increase in winter visitors to the designated sites from the increased winter use of the parks. However, the HRA finds that the percentage increase of recreational use over the current use in the period November to January cannot be readily determined as there are no baseline figures for the months in question at Snettisham (the closest study site).

The HRA found that the wintering wader populations on the Wash were not currently significantly impacted by human disturbance during the intertidal foraging period at the time of the study. The current visitor numbers to the Wash were in most locations well below the numbers likely to cause an issue but future impacts due to increased disturbance should not be completely discounted.

The impacts of this development, in combination with increases in visitor numbers resulting from other such developments in the area, have the potential to increase the recreational pressure on the features that the Washes are designated for.

The HRA found that because the project is not directly connected with or necessary to the management of the European sites and is likely to have an 'in-combination' significant effect on the identified sites when considered without the counteracting measures (as required by the recent ruling made by the CJEU in the case of *People over Wind and Sweetman vs Coillte Teoranta* ref: C – 323/17), an Appropriate Assessment is required under the Habitat Regulations 2017. This will ascertain whether or not it is possible to conclude that there would be no adverse effect on the integrity of the European Sites.

Counteracting measures for alleviating recreation pressure on Natura 2000 sites are proposed within the HRA. This comprises an information board and information leaflets and designated dog walking routes (that avoid the designated sites completely).

A community information board is proposed to be provided at each of the caravan parks at access points onto the beach. The community information board will detail the importance and sensitivities of nearby designated sites and identify alternative less-sensitive routes to promote walking away from the designated sites. It will also assist in conveying information and educating residents on how to avoid impacting wildlife and ecologically sensitive habitats, particularly when dog-walking in the local area.

In addition, the Shadow HRA recommends that leaflets will be provided to all visitors setting out a similar level of information as on the information boards. This information will not only mitigate any impacts over the winter period, it will be also useful to assist in educating visitors to help mitigate impacts at other times of the year as well.

The submitted Shadow HRA concludes that due to the counteracting measures identified, particularly the provision of information boards and information packs, the project will not have an adverse effect on the integrity of the Wash and North Norfolk Coast Special Area of Conservation (SAC), The Wash Ramsar Site or The Wash SPA, either alone or in combination with other plans and projects. It maintains that this may also assist in reducing existing impacts at other times of the year as well.

On the basis of the findings of the HRA the LPA has conducted an Appropriate Assessment.

Members should be aware that the Local Authority (competent authority) is required to determine whether a proposal is likely to have a significant effect on any European site and proceed to the Appropriate Assessment stage where significant effects cannot be ruled out. Where an appropriate assessment has been carried out and results in a negative assessment, or if uncertainty remains over the significant effect, consent can only be granted if there are no alternative solutions for the development, there are Imperative Reasons of Over-riding Public Interest (IROPI) and compensatory measures have been secured. Therefore, consent should only be granted for plans and projects once the relevant competent authority has ascertained that there will either be no Likely Significant Effect, or (if that is not possible) that there will be no adverse effect on the integrity of the European Site(s) in question.

The findings of the Appropriate Assessment are that:

- The impacts of this development, in combination with increases in visitor numbers resulting from other such developments in the area, have the potential to increase the recreational pressure on the features that the nature conservation areas are designated for.

- The proposed extended use is for a temporary period of time only. Any impact will be short lived with no anticipated long term impact upon the European sites.
- The increase in winter visitors to the park will be offset by the lack of visitors during the forced shutdowns of the caravan parks in 2020.
- the proposal (in isolation or in combination) will not adversely affect the integrity of the European sites. The coherence of the ecological structure and function, across the whole area, that enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was designated will not be adversely affected given the temporary nature of the proposed extended use.

In order to avoid or reduce any direct adverse effects that may be caused by the proposed temporary extended use, and to ensure that it does not have an adverse effect on the integrity of a habitats site(s), mitigation measures, as outlined above, are proposed in the applicant's Shadow HRA.

Natural England has reviewed this Shadow HRA, is satisfied with its conclusions and welcomes the provision of the proposed educational material.

In conclusion, the temporary nature of the proposed extended use, alone and in combination with other sites, would not result in harm to the integrity of the protected nature conservation sites due to the counteracting measures identified. If Members seek to approve the application it is recommended that a planning condition be imposed seeking the implementation of these mitigation measures in a timely manner and a period of three months is given as an appropriate period of time for the submission of details, with implementation prior to use outside the regular season.

Other material considerations

Precedent

Parish Council and third party concern has been raised to the precedent that approval of this application might set if all or other sites along the coast sought the same extended use period. Concern has also been raised that if use of the caravan site is found to be acceptable in winter months for one year, what is to prevent this from being acceptable in the next few years.

In response to this, each case would be considered on its own merits. Each application would need to be supported by the appropriate supporting information, including a Flood Risk Assessment, a site specific Flood Evacuation Plan, HRA as appropriate and an agreement that this would be a temporary arrangement only in response to extraordinary circumstances.

The site specific issues would then need to be considered on an individual basis, as for any planning application. There would be no automatic assumption that because one site might be acceptable another nearby site would be the same, although site specific reasons would need to be given if a proposal was refused.

In this case the applicant has provided the required background information and the EA has confirmed that they do not consider this temporary arrangement would be at odds with the wider aims and objectives of the policies of the Local Plan in regard to flood risk.

Similarly the impact upon nature conservation sites has been considered for this short term period only.

It is considered that there are extraordinary circumstances in place through the coronavirus pandemic that need to be considered on a short term basis alongside the long term, strategic policies already in place in the development plan.

Economy

National guidance and Local Plan policies, including Policy CS10, encourage sustainable economic growth and recognise that tourism industries are key elements of the economic and social vibrancy of the borough. They contribute to the regeneration and growth of the area.

Policy CS10 states that the Council will promote opportunities to improve and enhance the visitor economy by supporting tourism opportunities throughout the borough.

Like the rest of the country, this borough has witnessed a significantly quieter annual tourist offer due to lockdown and restrictions introduced through the tier system. There are now in place government steps to recovery, but this is based upon the corona virus being under control and there is no guarantee how this might evolve over time.

The government changes have been introduced to help the nation recover from the devastating economic losses witnesses during the pandemic so far. By supporting this proposal it would go some way to assisting local businesses through the potential in increased spending power of the additional visitors. In a borough where tourism is such an important economic function, the benefits of the proposal upon the local economy are a key consideration that is part of the planning balance.

Local Services

Third party concern has been raised regarding limited resources, such as access to doctors and dentist etc. However, the borough is a tourist area and it is not anticipated that there would be any greater demand than at other times of the year.

Spread of Covid-19

Third party comments regarding the spread of covid-19 are noted. However, if the government guidance is followed then there should be no greater impact. The way the population conducts itself is not a land use issue or a material planning consideration in this case.

CONCLUSION

The application site is in a sensitive location in terms of flood risk and nature conservation. It is an existing caravan site, but with restricted occupational use given the dangers associated with flooding along this part of the coast.

The dangers from flood risk and the risk to human life from high tides will still be present, but the use is only proposed for a short period of time to overcome the pandemic situation. This is part of the planning balance that must be considered as part of this application.

In terms of the impact upon nature conservation sites of national importance, an Appropriate Assessment has been undertaken by the LPA which finds that the proposed temporary extended use of the site will not have an adverse effect on the integrity of the Wash and North Norfolk Coast Special Area of Conservation (SAC), The Wash Ramsar Site or The Wash SPA, either alone or in combination with other plans and projects. The proposed mitigation measures may also assist in reducing existing impacts at other times of the year as well.

Government changes have been introduced to help the nation recover from the devastating economic losses witnesses during the pandemic so far. By supporting this proposal it would go some way to assisting local businesses through the potential in increased spending power

of the additional visitors. In a borough where tourism is such an important economic function, the benefits of the proposal upon the local economy are a key consideration that is part of the planning balance. Officers put significant weight on this and the written Ministerial Statement of 14th July 2020.

On balance, for the reasons above, it is recommended that the proposal be supported but subject to planning conditions restricting the extended use for a temporary period only, to end on the 31 December 2022.

RECOMMENDATION:

APPROVE subject to the imposition of the following condition(s):

- 1 Condition: This permission is for a temporary period only and allows the extension of seasonal use of land for the siting of 137 caravans for holiday occupation from 6th March 2021 to 6th January 2022 (inclusive) and from 6th March 2022 to 31st December 2022 (inclusive) and it shall expire on the 31st December 2022.
- 1 Reason: To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004. The extension of seasonal use of land for the siting of caravans for holiday occupancy in areas at risk of flooding would not normally be entertained and this temporary permission is granted in exceptional circumstances to enable additional occupation of the caravans on the site due loss of occupation due to Covid-19.
- 2 Condition: The development has been determined using the following approved plans:
Site Location Plan Ref:02B731197/PG/OC01.
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: Details of the mitigation measures identified within the Shadow Habitat Regulations Assessment (HRA) Screening Matrix And Appropriate Assessment Statement by Philip Parker Associates, namely the provision of information boards and information packs conveying information and educating residents on how to avoid impacting wildlife and ecologically sensitive habitats in the European nature conservation sites, particularly when dog-walking in the local area, shall be submitted to and approved in writing by the local planning authority within three months of the date of this permission. Prior to the use of any caravans after 31st October (outside the regular season), the boards shall be installed and shall thereafter be retained in situ. Leaflets shall be provided to all visitors to the site during these additional weeks for the full duration of this temporary permission.
- 3 Reason: To ensure that the development takes place substantially in accordance with the principles and parameters contained within the HRA.
- 4 Condition: The development shall be operated in full accordance with the Flood Risk Assessment and Amended Flood Evacuation Plan (dated October 2020) that accompanied the application.
- 4 Reason: To reduce the risks associated with flooding in accordance with the NPPF and Development Plan.