

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:	Riverside Caravan Park Jubilee Road Heacham Norfolk	
Applicant:	Heacham Holidays Ltd	
Case No:	20/01269/FM (Full Application - Major Development)	
Case Officer:	Mrs K Lawty	Date for Determination: 13 January 2021

Reason for Referral to Planning Committee – Parish Council objection and raises matters of wider concern

Neighbourhood Plan: No

Case Summary

The site comprises an existing static caravan site, known as Riverside Caravan Park. It currently comprises 225 caravans.

The site is located on the southern side of Jubilee Road. It is surrounded by other static caravan sites on all sides, but separated from the caravan park to the east by a banked sea defence.

The static caravan site has been in place for many years (established 1960's) with a restriction on the occupation of the caravans due to flood risk issues.

All of the static caravans have consent to be occupied for holiday purposes between the period 20th March and 31st October in each year.

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 in the spring and summer months of 2020 in particular.

This application therefore proposes the extension of the operation season from between 20th March and 31st October to between 6th March and 6th January up until and including the 31st December 2022 for a temporary period to recover earnings lost during the Covid-19 lockdown. This would result in an additional 10 weeks use in November – December 2021, 3 weeks use in March 2022 and 9 weeks in November – December 2022.

It would result in occupation of the site for 44 weeks of the year with only an 8 week break in January – February 2022 for this temporary period.

The key justification for the application, which is to be weighed in the balance, is Government guidance issued on 14 July 2020, in relation to this issue.

Key Issues

- * Planning history
- * Principle of development
- * Government advice
- * Flood risk
- * Precedent
- * Other material considerations

Recommendation

APPROVE

THE APPLICATION

The site comprises an existing static caravan site, known as Riverside Caravan Park. It currently comprises 225 caravans.

The site is located on the southern side of Jubilee Road. It is surrounded by other static caravan sites on all sides, but separated from the caravan park to the east by a banked sea defence.

The static caravan site has been in place for many years (established 1960's) with a restriction on the occupation of the caravans due to flood risk issues.

All of the static caravans have consent to be occupied for holiday purposes between the period 20th March and 31st October in each year.

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 in the summer months of 2020.

This application therefore proposes the extension of the operation season from between 20th March and 31st October to between 6th March and 6th January (i.e. an increase of just over 2.5 months over quieter times of the year) for a temporary two-year period to recover earnings lost during the Covid-19 lockdown.

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

Planning Committee
17 May 2021

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.

Written Statement for applications at North Beach, Putting Green & Riverside Caravan Parks (20/01265/FM, 20/01268/FM, 20/01269/FM)

PLANNING HISTORY

20/01933/LDP: Application Refused: 05/03/21 - Application for a Lawful Development Certificate which seeks confirmation that the site can be used for the siting of caravans from the 1st March - 30th November. This certificate is sought on the basis the extended season would not generate a material change of use requiring an application for planning permission.

20/01264/LDP: Application Withdrawn: 16/11/20 - Lawful Development Certificate for the proposed use of the land for the siting of caravans without restriction in regard to season of occupation

10/00689/LDE: Would be Lawful: 18/06/10 - Lawful Development Certificate - Change of use of land for permanent siting of 225 static holiday caravans for holiday occupation between the period 20th March and 31st October in each year.

Planning Committee
17 May 2021

11/00164/PREAPP: INFORMAL - Likely to refuse: 31/01/12 - PRE-APPLICATION ENQUIRY: Proposed extension of seasons

08/02548/LDE: Would be Lawful: 14/04/09 - Lawful Use Certificate: caravan site

2/02/0653/F: Application Approved: 09/07/2002 - Office extension and gas cylinder storage pound.

2/98/1527/F: Application Approved: 22/01/1999 - Erection of security barriers and alterations to site entrance (revised proposal).

DG2398: Application Approved: 07/03/1962 - Caravan site with toilet block.

DG1851: Application Approved 10/03/1960 & 10/02/1961 - Caravan site, with lavatory accommodation, water etc.

RESPONSE TO CONSULTATION

Parish Council: OBJECT - Heacham Parish Council oppose this application, 20/01269/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.

Planning Committee
17 May 2021

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.

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

Natural England: NO OBJECTION – 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
- 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.
- (Original comments)Will need further consultation - 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 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. 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 consider show 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 further period of 21 days before the operation can commence. Should the applicant wish to discuss the further information required and scope for mitigation with Natural England, we would be happy to provide advice through our Discretionary Advice Service. Please consult us again once the information requested above, has been provided

Environment Agency: NO OBJECTION - 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 31stDecember 2022unless

Planning Committee
17 May 2021

superseded by a further statement. This will therefore have no impact on the long term aim of the Local Plan policy.

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 0.8m and 2.9m, the highest depths run alongside Heacham River

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

District Emergency Planning Office: NO OBJECTION – subject to changes to flood evacuation plan.

Internal Drainage Board: NO OBJECTION – but highlight that the Public Rights of Way, known as Heacham BOAT4 and Heacham Footpath 2 are both aligned adjacent to the site. The full legal extent of these Public Rights of Way must remain open and accessible for the duration of the development and subsequent occupation.

REPRESENTATIONS

24 REPRESENTATIONS received with **10 OBJECTIONS** and **14** in **SUPPORT**, referring to the following:-

Objections:

- The increased risk on Covid-19 cases and deaths rising in what is at present a low level area - With the rapid exponential increase in Covid-19 cases and deaths in Northamptonshire and other areas from which caravan owners/hirers and other holiday makers travel to the coast it is absolutely imperative to discourage travel to areas with a comparatively low level of cases (so far) with the possibility of importing the virus.
- If this application albeit on a temporary basis is allowed it will definitely set a precedent to make the change permanent as all the caravan site owners will argue that if it is safe to open over winter in 20/21 then it must also be safe in other years. Also all owners of other coastal dwellings now subject to limited occupancy will have a good case for their properties to remain habitable all year round. It is inequitable to have one rule for Caravan site owners and another for other people.
- The extended use of the site will create a problem in the worst weather. Jubilee Road is narrow and the sites flood for an extended period during the winter months. The sites and roads are likely become dangerous with mud and potential flooding happening.
- The narrow beach access has many walkers and drivers, who will park on this road when site is unable to be used by cars due to standing water leading to constant wet

and flooded pitches. This will put residents and visitors at risk when cars are overtaking on these narrow roads that are likely to be covered in mud.

- Unless the site can guarantee that the users will not cause a danger to people and a nuisance To the community, then they should not be allowed to extend their season.
- Increased potential flood risk - The main reason that these sites are forced to close during the winter months is that there is an increased risk of flooding during this time with the associated potential risk to life.
- My understanding has always been that the restrictions on people residing during the winter months in properties located in the floodplain both in Heacham and in Hunstanton are there to protect life and limb in the event of flooding.
- Many business sectors, and not least our local pubs, cafes and restaurants, hotels, etc have suffered substantial financial loss as a result of lockdown this year but they are having to comply with current legislation, and operate, whenever possible, at severely reduced levels and continue to suffer the economic consequences.
- I do not see why caravan sites should be any different and be allowed to flout current rules.
- I therefore object strongly to all extension applications of this nature.
- We are unable to get appointments for medical amenities, additional residents during flue/pandemic period will exacerbate an already difficult situation.
- Object to the caravan sites staying open for 12 months. Not only are they in the highest flood zone which, if we are unlucky enough to have a flood anything like the 1953, 1978 or even the Hunstanton/Snettisham 2013 flood then the risk to life could be enormous.
- These caravans are seasonal holiday homes NOT residential caravans which would need gas heating much of the time during a cold Autumn and Winter producing even more carbon gases especially as the Government and Kings Lynn Borough Council are active within the Global Warming forum.
- If, they are given the go-ahead to stay open all year then the planning regulations for the many 8 and 11-month occupancy homes around the area could also be asking for 12-month residency.
- Kings Lynn and West Norfolk has a lower Covid-19 infection rate than Norwich and Great Yarmouth which seem to be the hot-spots, this could be compromised with people travelling between Heacham and their permanent homes elsewhere in the country with the possibility of contravening the Covid restrictions. I am sure many of the owners of caravans on this site will wish to travel back home at some time to check on their permanent homes.
- The sewage system in the village does not cope during the Holiday season, with Anglian Water having to use tankers to assist with the extra waste, so how will it cope if the village population is permanently increased during the Winter.
- Flood Risk - one of the reasons the sites have to close in winter is because they are between the 2 bunds; thus subject to flooding and the sites become waterlogged and unsightly in the winter.
- Tip of the iceberg scenario - if it is safe to open this winter; then the owners will contend it is safe every winter.
- The houses along the beaches also have limited occupancy status; they will contend that the extension should apply also to them.
- Our rural area has managed to keep down the CoVid-19 spread and number of cases/deaths have been low; except in the summer when there was an increase (relative to the fall elsewhere). The caravan owners are from densely-populated areas of the country with high infection/death rates. If they come to and fro during the winter

the cases here will mushroom; our health services are designed for the resident population only.

- Council Tax is not paid by caravan owners. If they are here for far longer than the normally-permitted period then they should be charged Council Tax.
- Birds flock onto the dunes, beaches, salt flats, in winter; they will be disturbed by noise and lights from the caravan parks.
- Many of the local residents are elderly or have health issues. In the current circumstances our local health facilities could not cope in the winter with an enhanced population, many of whom may be in the above categories. It seems wrong to encourage people who may live in an area with a higher infection rate to visit at this time

Support:

- This would bring in extra revenue to local traders in these hard times
- We have bought a caravan this July on Riverside and have started to use the local community. However we would love it to stay open for longer during the year and open up earlier in March as well in order for us to be able to play a bigger part of a community for longer during the year and continue to use the local services, pubs, restaurants, hairdressers, shops and theatre in Hunstanton.
- Caravan owners on this site can only bring positive outcomes to the village. We will shop at local shops and use local amenities. The numbers using the site in the autumn/winter months will not be as many as in the summer so will not cause any major problems to the village. We are responsible people who treat our caravans like our homes.
- This a beautiful site and very well run by the owners of Heacham Holidays.
- We thoroughly enjoy Autumn and Winter in Norfolk, the wildlife is amazing and the beaches second to none. We always support the local shops and restaurants when we visit as well as going to the Princess Theatre whenever we can. An extension you our season would be greatly appreciated.
- As I have family that live in the village it means I can visit more regularly as I live far away.
- I find it very surprising that a local authority can determine how many weeks per year I can use my static caravan that I have invested many thousands of pounds to enjoy my recreational time. Today's caravans have been designed for use throughout the whole year being extremely well insulated and with a full central heating system. I fully understand and appreciate they should not form a main residence.
- Many local businesses have suffered hugely because of lockdown and this could provide a vital lifeline for many.
- The 2 caravan sites on Jubilee Road owned by the applicant have been in use for longer than a majority of the houses in that neighbourhood, so the occupants of those properties are more guilty of creating more traffic through the village than caravan owners who would make far less vehicle journeys in a year. With the current local Pandemic local businesses should welcome the caravan owners contributions and hopefully sustaining local jobs.
- I can see that the extension of the season will upset the people that don't want any caravans in Heacham, the flood risk is managed very well with all the notifications sent out by the Environment agency and the systems put in place by the caravan parks, Hunstanton is on the same flood plain but they have a permanent extended season, why should Heacham be penalised?
- 2013 high tides saw Hunstanton & Snettisham flood BUT not Heacham, the caravan owners are a polite friendly bunch that bring a lot to the village, as they are already owners there would be no extra traffic or strain on local services.

- Continued siting of caravans to be allowed to be occupied on an extended season would be beneficial to local businesses including hospitality within the area. As a holiday owner I fully respect local residence and the surrounding environment.

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)

DM21 - Sites in Areas of Flood Risk

NEIGHBOURHOOD PLAN POLICIES

n/a – Heacham Neighbourhood Plan currently on consultation

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:-

- 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 under the planning permission ref: DG1851 'Caravan site, with lavatory accommodation, water etc' granted for the west part of the current site. The permission was initially granted in March 1960 and was subsequently renewed in February 1961.

The conditions attached to the decision restricted the use of the land for standing of holiday caravans only and for the period of 24th March to 31st October. During the period from 1st November to 23rd March the site should be cleared from caravans. The use should also not supersede the normal use of the land for agriculture while the total number of caravans was restricted to 155.

The caravan site use was later extended to its current size under planning permission ref: DG2398, which allowed the use of adjacent to the east land as 'Caravan site with toilet block'. The total number of caravans was restricted to 81. The rest of the condition attached to decision notice were similar to those of permission ref: DG1851.

More recently, in 2008, a Certificate of lawful use (ref: 08/02548/LDE) was granted for the lawful use of the site as a caravan site. The decision notice states that the reason for the grant of the certificate was that the applicant had demonstrated that the use of the land as a caravan site had been in use for a continuous period of at least ten years.

A Lawful Development Certificate was granted in June 2010 for 'Change of use of land for permanent siting of 225 static holiday caravans for holiday occupation between the period 20th March and 31st October in each year'.

An application for a Lawful Development Certificate seeking confirmation that the site can be used for the siting of caravans from the 1st March - 30th November was refused earlier this year. This certificate was refused as it was considered use of the site for the extended season was a material change of use requiring an application for planning permission.

Principle of development

The use of the site for the stranding of static caravans and their use for holiday purposes is well established. The principle of the use for this purpose is therefore not at 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 and harm to life.

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 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 as 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 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 not Flood Zone 3b; the functional floodplain.

The Park has two records of flooding, however, these events occurred over 40 years ago. The flooding occurred during the 1953 and 1978 flood events which caused widespread damage to the east coast.

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 Riverside 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 Tidal Hazard Mapping indicates that the site would experience flood max depths of between 0.8m and 2.9m, with the highest depths running alongside Heacham River.

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, the Environment Agency have no objection to the proposed 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 some changes to the Flood Evacuation Plan regarding flood sirens as there are no flood sirens that exist in this area and reference to them should therefore be removed. This can be covered by an informative.

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 sites 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 exception circumstance, where these 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 225 static caravans and that each caravan could potentially accommodate 6 people. Accordingly up to 1350 people could be on site at any one time if fully occupied. This is a potentially a 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.

Additionally, during consultation, Natural England stated that the 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 20/01268/FM & 20/01265/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 upon the Wash and North Norfolk Coast Special Area of Conservation (SAC), The Wash Ramsar Site and The Wash SPA the so that the combined effect can be assessed.

The submitted Shadow HRA confirmed 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 assesses whether or not it is possible to conclude that there would be no adverse effect on the integrity of the European Sites.

The Shadow HRA proposes counteracting measures for alleviating recreation pressure on the Natural 2000 sites. This comprises information boards at the camp site and information leaflets and designated dog walking routes (that avoid the designated sites completely).

The submitted Shadow HRA concludes that with 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.

A precautionary approach must be taken and if all reasonable scientific doubt of an adverse effect on a site's integrity cannot be ruled out the proposal must be refused unless an exemption is justified. In other words, where an appropriate assessment has been carried out and it 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 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 LPA 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 extended use, and to ensure that it does not have an adverse effect on the integrity of a habitats site(s), mitigation measures, as proposed in the applicant's Shadow HRA should be implemented.

These measures, including the provision of information boards and information leaflets and designated dog walking routes (that avoid the designated sites completely), could be secured by way of planning condition.

Natural England has reviewed this Shadow HRA, which covers this site alone and in combination, and is satisfied with its conclusions. They welcome the provision of the proposed educational material, which may assist in reducing existing impacts at other times of the year as well.

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 compliance, with implementation prior to use outside of 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.

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, although cumulative impacts do need to be taken into account.

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 other restrictions introduced. There are now in place government steps to recovery, but this is based upon the coronavirus 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 witnessed 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, 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

There is no doubt this is a finely balanced proposal.

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. This 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 projects given the mitigation measures proposed. Natural England raise no objection to this extended use and note that the proposed mitigation 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 witnessed 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 31st 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 caravan park from 6th March 2021 to 6th January 2022 and from 6th March to 31st December 2022 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.
- 2 Condition: The development has been determined using the following approved plans:

- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: Full 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.