

**Local Plan Draft Policies ECN6: New Build Tourist Accommodation, Static Holiday Caravans & Holiday Lodges & Extensions to Existing sites; ECN7: Use of Land for Touring Caravan & Camping Sites; ECN 8: New-Build & Extensions to Tourist Attractions; and ECN 9: Retaining an Adequate Supply & Mix of Tourist Accommodation**

Summary: This report considers the representations made at Regulation 18 stage of plan preparation and seeks to agree the final versions of Policy ECN6: New Build Tourist Accommodation, Static Holiday Caravans & Holiday Lodges & Extensions to Existing Sites; Policy ECN7: Use of Land for Touring Caravan & Camping Sites; Policy ECN 8: New-Build & Extensions to Tourist Attractions; and Policy ECN 9: Retaining an Adequate Supply & Mix of Tourist Accommodation

Recommendations: **1. It is recommended that members endorse the revised Policies ECN6, ECN7, ECN8 and ECN9 recommending to cabinet and delegating responsibility for drafting such an approach, including that of finalising the associated policies to the Planning Manager.**

Cabinet Member(s)	Ward(s) affected
All Members	All Wards
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**1. Introduction**

1.1 The emerging North Norfolk Local Plan has been subject to public consultation at regulation 18 stage during May and June 2019. This report is one of a number of reports that seeks to finalise the draft Local Plan policy approach in relation to consideration of the consultation responses and the finalisation of the supporting evidence. At the end of the process a revised Draft Local Plan incorporating justified modifications will be produced for the authority in order to consult at Regulation 19 Draft Plan publication stage ahead of subsequent submission for examination. At such a stage the Plan will be subject to consideration by an independent inspector against a number of legal tests and soundness tests to determine if it is legally compliant, justified, effective, and has been positively prepared. A binding report will be produced, which will determine if the Draft Plan is sound, with or without

further modifications, following which the Plan can be formally adopted by the Council.

- 1.2 Tourism is vital to North Norfolk's economy; in 2017, 8,827,700 trips were made to North Norfolk (day and staying), accounting for a total tourism value of £505,109,250. Further, tourism accounts for 28.4% of all employment (Destination Research, n.d. p. 2)<sup>1</sup>. The tourism economy of North Norfolk is heavily dependent on the quality of the natural environment; the District provides an extremely diverse tourism offer, primarily due to its varying landscape comprising an attractive coastline, much of which is within an Area of Outstanding Natural Beauty (AONB), extensive countryside, coastal birdlife, seaside resorts, historic towns and villages and the Norfolk Broads.
- 1.3 Supporting the District's tourist industry is therefore recognised as being of great importance, but it must not be at the expense of the assets and attractions that draw people into the area. It is recognised that within North Norfolk visitor pressures can give rise to concerns in environmentally sensitive locations such as the Norfolk Coast AONB, the coastal Natura 2000 sites, North Norfolk Heritage Coast and The Broads, and related strategies<sup>2</sup> and studies<sup>3</sup> confirm that policy needs to recognise the more restricted capacity of these areas
- 1.4 **The purpose** of this report, is following a review of regulation 18 consultation feedback to seek Members endorsement of the final suite of policies that address tourism for future Plan making ahead of Regulation 19 consultation and then submission of the Plan.

## **2. Background and Update**

- 2.1 The purpose of Policy ECN6 is to set out the locations that are acceptable for new tourist accommodation and the approach to extensions. The starting point is that new permanent residential development is not appropriate within a CCMA. In line with the requirements of the NPPF and Policies SD11 and SD 12 of the Draft Local Plan. As such new tourist accommodation within the Coastal Change Management Area (CCMA) is not in principle acceptable, but there is some room to allow for adaptation with regards the existing static holiday Caravans & Holiday lodges if the landscape and the natural environment is not harmed. The policy seeks to encourage roll back from the CCMA, but it is also acknowledged that this might not always be out of the CCMA entirely. This ties in with wider policies and the Council's aspiration to relocate these sites away from the cliff-tops.
- 2.2 Policy ECN 7 sets the locations that are acceptable for Touring Caravan and Camping Sites within the District, whilst Policy ECN 8 sets out the approach towards new build tourist attractions and extensions to these.
- 2.3 The purpose of Policy ECN 9 is to protect the supply of tourist accommodation within the District, recognising the important role that this

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<sup>1</sup> Economic Impact of Tourism North Norfolk – 2017.

<sup>2</sup> *The primary aim of the Sustainable Tourism in the Broads 2016 – 2020 is 'To develop, manage and promote the Broads as a high quality sustainable tourism destination, in keeping with its status as an internationally renowned environment' (The Tourism Company, 2016, p. 18).*

<sup>3</sup> *The AONB Tourism Impact Analysis found that tourism in the AONB should be controlled and managed to mitigate negative impacts.*

plays towards the local economy and, in some cases, the additional services and facilities that are supplied as a result.

### **3. Feedback from Regulation 18 consultation**

- 3.1 All of the Regulation 18 consultation feedback has been published in the Schedule of Responses, previously reported to Members. For information, the feedback for the three draft policies is contained within Appendix 1 to this report and summarised below. Overall, the number of responses to the policies was limited, however, the respondents did raise some key issues. The comments are summarised below for each draft policy:

#### Policy ECN 6

- 3.2 Individuals: Seven members of the public made comments through the consultation period. Three objections were raised regarding the degree to which the flexibility of the policy, with some arguing that it is too restrictive and others arguing that it is too permissive. Two comments were made in support of the policy, whilst other comments were general that development should not be at the expense of policies relating to the environment and design.
- 3.3 Parish and Town Councils: One response from Bacton Parish Council that cliff top caravans would have a detrimental impact upon the landscape.
- 3.4 Statutory Bodies and Organisations:

The Broads Authority raised the need to differentiate between residential caravans and holiday caravans.

The Environment Agency set out that if development were permitted in the CCMA adequate warning and evacuation measures should be in place.

The Norfolk Coast Partnership requested that the AONB be mentioned in the policy more.

Other comments focused on the need to differentiate between all hotels and new hotels and setting out that the policy is too restrictive and not flexible enough.

#### Policy ECN 7

- 3.5 Individuals: Two responses from the public during the Regulation 18 Consultation. One response sets out the need to allow for further tourist development that is not at the expense of environmental policies, whilst another response stated that the policies should be more permissive.
- 3.6 Parish and Town Councils: Bacton & Edingthorpe Parish Council stated that caravan development on cliff tops not supported due to impact on development.
- 3.7 Statutory Bodies and Organisations:

The Environment Agency set out that the exception test is also required for Flood Zone 2 as well as Flood Zone 3. Measures should be put in place to ensure that these do not become permanent.

Others commented that the policy should be more flexible.

Policy ECN 8:

3.8 Individuals: One response set out the need to allow for further tourist development whilst not at the expense of environmental policies

3.9 Parish and Town Councils: None

3.10 Statutory Bodies and Organisations:

Norfolk Coast Partnership support the policy.

Kelling Estate stated that there is no need to impose blanket restriction on development in the AONB, Heritage Coast or Undeveloped Coast. This is contrary to the NPPF.

Policy ECN 9

3.11 Individuals: One response stating that development should not be at the expense of environmental policies and should be subject to similar requirements as HOU 06.

3.12 Parish and Town Councils: None

Statutory Bodies and Organisations: Kelling Estate commented that parts 1 and 2 are separate clauses and should use an 'or' and that wording should be placed in the supporting text to encourage countryside development through large estate management.

Wells NP Group stated that development around Wells should be restricted based on survey data of residents.

**4. National Policy**

4.1 The revised National Planning Policy Framework (NPPF) was published in February 2019. This policy framework and guidance provide the overarching policy approach, which is summarised below.

4.2 Relevant NPPF paragraphs:

- 83: Policies should enable sustainable tourism and leisure developments which respect the character of the countryside.
- 84: Use of previously developed land and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

- 86: Main Town Centre uses should be located in town centres, then in edge of centre locations, and only if suitable sites are not available should out of town centre sites be considered.
- 167: Plans should reduce risk from coastal change by avoiding inappropriate development in vulnerable areas and not exacerbating the impacts of physical changes to the coast. They should identify as a CCMA any area likely to be affected by physical changes to the coast, and:
  - a) be clear as to what development will be appropriate in such areas and in what circumstances; and
  - b) make provision for development and infrastructure that needs to be relocated away from CCMA's.
- 168: Development in a CCMA will be appropriate only where it is demonstrated that:
  - a) it will be safe over its planned lifetime and not have an unacceptable impact on coastal change;
  - b) the character of the coast including designations is not compromised;
  - c) the development provides wider sustainability benefits; and
  - d) the development does not hinder the creation and maintenance of a continuous signed and managed route around the coast
- 169: Local planning authorities should limit the planned lifetime of development in a CCMA through temporary permission and restoration conditions, where this is necessary to reduce a potentially unacceptable level of future risk to people and the development.
- 170: Protection of the landscape and provision of net gains for biodiversity.
- 172: Great weight given to conserving and enhancing landscape and scenic beauty in the AONB, which has the highest protection in relation to these issues.

## **5. Coastal Change Policies within the emerging Local Plan**

- 5.1 Members will be aware that Policies SD 11 and SD 12 were discussed at the October meeting of the Planning Policy and Built Heritage Working Party. Policy SD 11 seeks to reduce the risk from coastal change by managing the types of development that would be supported and sets out that no new permanent residential development will be permitted in the Coastal Change Management Area. Policy SD12 interlinks with Policy SD11 in order to make provision for development and infrastructure that needs to be relocated from the Coastal Change Management Area (CCMA), which are set out in the Shoreline Management Plans (SMP's) and covers the areas likely to be affected by physical changes to the coast over the next 100 years.
- 5.2 Due consideration has been given to the conformity of the policies within SD 11 and SD 12 and wording has been amended to ensure there is consistency between the strategic policies in regard to coastal management and the tourism policies.

## **6. The Environment Bill**

- 6.1 The Environment Bill contains a clear biodiversity gain objective of a 10% increase from the pre-development biodiversity value to the post-development

value. It must be noted that the specific biodiversity metric to support this has yet to be published and the Environment Bill has yet to achieve royal ascent with a Public Bill Committee schedules for 1 December 2020.

- 6.2 Further detail on biodiversity will be given when Environment policies are brought to this Working Party for consideration. In the interim the requirement is that 'measurable biodiversity net gains' need to be demonstrated on site and this has been included within Policies ECN 6, ECN 7 and ECN 8.

## 7. **Conclusions for Policy ECN 6: Proposals for Tourist Accommodation, Static Holiday Caravans & Holiday Lodges & Extensions to existing sites**

- 7.1 **Consultation responses**, as set out in Section 3 of this report, are not considered to raise fundamental objections to the policy. The policy seeks to ensure that development is, in principle, guided away from the Coastal Change Management Area and the Area of Outstanding Natural Beauty. However, the policy also allows for the flexibility of new development being located in these areas where the proposal is for a replacement and can demonstrate that there would be no adverse impacts upon the landscape and the AONB, residential amenity, safety of the local highway network and ensure that there are measurable biodiversity net gains. This, in general addresses most of the comments that were made through the Regulation 18 consultation.
- 7.2 The word 'holiday' has been added to references to static caravans to ensure differentiation between holiday caravans and residential caravans. The policy has also been split out to ensure there is a clear difference between a new build development and an extension to a business. For clarity the policy does not refer to 'new build' but to proposals for to ensure that this also captures conversions etc.
- 7.3 The policy is considered to be consistent with strategic policies SD 11 and SD 12 (as set out in Section 5 of this report) in that permanent dwellings in this area are not acceptable but other forms of development may be subject to the criteria set out within this policy and the submission of a Coastal Erosion Vulnerability Assessment to ensure adequate evacuation and warning measures are in place.
- 7.4 The policy, as worded, is considered to be **In line with national policy and guidance**. The NPPF requires planning policies to enable sustainable rural tourism which respects the character of the countryside and to enable the sustainable growth and expansion of all types of businesses in rural areas, through both the conversion of existing buildings and well-designed new buildings (para. 83). Wording has been tightened in this regard to ensure greater conformity with national policy.
- 7.5 In addition, the NPPF also requires Main Town Centre Uses (which includes hotels) to, in the first instance, be located in town centres (Para 86). It is recognised that the tourism economy of North Norfolk is heavily dependent on the quality of the natural environment and priority should therefore be given to support tourist accommodation whilst also minimising harm resulting from development.

- 7.6 The new draft policy therefore aims to direct new tourist accommodation, static caravans and holiday lodges within the boundaries of existing settlements, whilst also allowing for the expansion of existing businesses. The policy allows for new static caravan sites or holiday lodge accommodation where it would relocate existing sites on the clifftop or within the Coastal Change Management Area or Environment Agency Flood Risk Zone 3. In addition, the supporting text of the Policy would require the imposition of conditions (where appropriate) to ensure that the development was retained as tourist accommodation.

## **8. Conclusions for Policy ECN 7: Use of Land for Touring Caravan and Camping Sites**

- 8.1 **Consultation responses** have not led to any fundamental changes, but there has been a clarification in regard to the Environment Agency and the reference to Environment Agency Flood Risk. The wording has been revised to ensure that the relevant policies in the plan in regard to flood risk and coastal erosion are also adhered to with regard to proposals for touring caravans and camping sites. Again in light of the Environment Agency comments, and for consistency, a clause has been added to the policy to require the submission of a Coastal Erosion Vulnerability Assessment to ensure adequate evacuation and warning measures are in place.

- 8.2 The policy, as worded, is considered to be **In line with national policy and guidance**. The policy allows for sustainable rural tourism, which respects the character of the countryside, is an important part of a prosperous rural economy (para. 83), whilst respecting the significance of the Norfolk Coast AONB and The Broads National Park being valuable asset for North Norfolk in terms of sustainable tourism. Wording has been tightened in this regard to ensure greater conformity with national policy.

- 8.3 In addition, the supporting text of the Policy would require the imposition of conditions (where appropriate) to ensure that the development was retained as tourist accommodation and to outline the imposition of a seasonal occupancy condition when proposed accommodation is not suitable for year-round occupation by nature of its location, design or proximity to a habitat that needs extra protection at certain times of the year.

- 8.4 In conclusion the minor changes to the policy seek to ensure consistency with other policies within the plan rather than significant changes to the policy intention itself.

## **9. Conclusions for Policy ECN8: New Tourist Attractions and Extensions to Existing Tourist Attractions**

- 9.1 **Consultation responses** were largely supportive with Kelling Estate setting out that this should not be a blanket restriction in the AONB, Heritage Coast and Undeveloped Coast. However, it is considered that given the level of environmental protection and the importance of these areas, particularly the AONB, it is the correct approach that the presumption is against tourist attractions and extensions to existing attractions in these locations.

9.2 The policy, as worded, is considered to be **In line with national policy and guidance**. National Guidance requires planning policies to recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. It requires development to be sensitive to its surroundings, not to have an unacceptable impact on local roads and to exploit opportunities to make a location more sustainable. The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist (para. 84).

9.2 It is recognised, however, that there may be instances where development in the Countryside policy area could be acceptable, providing that it has been demonstrated that there is no suitable buildings for re-use and subject to there not being any unacceptable impact on the landscape, highways, amenity and light etc.

## **10. Conclusion for Policy ECN 9: Retaining an Adequate Supply & Mix of Tourist Accommodation**

10.1 **Consultation Responses** were limited but a change has been made in response to the consultation in that an 'or' has been added between criterion 1 and criterion 2.

10.2 The policy is considered to be **in line with National guidance**. Across North Norfolk, there is a broad range of tourist accommodation available including (but not limited to) caravan sites, camp sites and glamping sites, self-catering accommodation, hotels and guest houses for all year round and seasonal uses. The policy therefore aims to discourage the re-use of beneficial tourist accommodation (except when specific criteria are met) to ensure conformity with the NPPF in regard to the sustainable rural economy.

## **11. Recommendations**

**It is recommended that members endorse the revised Policies ECN6, ECN7, ECN8 and ECN9 recommending to cabinet and delegating responsibility for drafting such an approach, including that of finalising the associated policies to the Planning Manager.**

## **12. Legal Implications and Risks**

12.1 The Council must produce a Local Plan which complies with various regulatory and legal requirements and in determining its policy approaches must be justified and underpinned by up to date and proportionate evidence, the application of a consistent methodology and take account of public feedback and national policy and guidance.

12.2 The statutory process requires records of consultation feedback and a demonstration of how this has informed plan making with further commentary demonstrating how the representation at regulation 18 have been taken into account in line with Regulation 22.

## **13. Financial Implications and Risks**

- 13.1 Failure to undertake plan preparation in accordance with the regulations and NPPF is likely to render the plan 'unsound' at examination and result in the need to return to earlier stages. Substantial additional costs would be incurred.

### **Appendices**

Appendix 1 – Schedule of Representations with comments

Appendix 2 – Revised wording for Policies ECN 6, ECN7, ECN8 and ECN9