

Key Decision Required:	No	In the Forward Plan:	No
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CABINET

13 JUNE 2014

REPORT OF THE PORTFOLIO HOLDER FOR PLANNING AND CORPORATE SERVICES

A.2 CARAVAN/CHALET SITES OCCUPANCY RESTRICTION REVIEW

(Report prepared by Planning Services)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To provide an update on the caravan/chalet sites' occupancy restriction review reported to Cabinet on 13 December 2013 (Background Paper), specifically the actions agreed at that meeting.

EXECUTIVE SUMMARY

A report was presented to the 13th December 2013 Cabinet meeting that outlined a review of seasonal occupancy restrictions on holiday parks/homes across the district. The review that had started had highlighted inconsistencies in planning conditions and the decision was to progress the review and to take various actions as part of that review.

This report sets out an update on each of the recommendations that were agreed at the 13 December 2013 Cabinet meeting. These will be detailed in the main report and include liaison with the Environment Agency to understand flood risk issues on a site by site basis, working with the sites' owners and operators and individuals affected to improve emergency planning procedures, analysis of appeal decisions and monitoring of compliance with conditions on sites in Tendring district.

RECOMMENDATIONS

The portfolio holder for Planning and Corporate Services recommends that:

- a) The findings of the Caravan/chalet sites occupancy review be reported to the Local Plan Committee with recommendations relating to the review of policies in the Local Plan;**
- b) The findings of the Caravan/chalet sites occupancy review be reported to the Planning Committee with recommendations relating to enforcement of planning controls;**
- c) The positive engagement that is now taking place between the Council and site owners through the Caravan and Chalet Forum through an Emergency Planning context continues to be developed;**

- d) **Technical guidance on Flood Risk Assessments (FRAs), Flood Response & Evacuation Plans and Habitats Regulation Assessments are referred to and made available on the Caravan, Camping and Chalet Forum webpage on the Tendring District Councils Website.**
- e) **Information obtained from monitoring caravan/chalet parks' compliance with occupancy conditions is shared with the Council Tax Section to help ensure that, where necessary, occupants pay the correct amount of Council Tax, and that the calculation of the New Homes Bonus is based on an accurate figure.**

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The aims of the review reflect the Council's priorities contained within the Corporate Plan and Sustainable Community Strategy. In particular the review will reflect the Council's 3 priorities - 'Our Prosperity', 'Our People', and 'Our Place'.

One of the priorities in the Corporate plan is to build a thriving local tourism industry. Tendring's economy relies heavily upon tourism. The suggested approach to consider applications from caravan sites for increasing the length of occupancy period could have a positive impact on the local economy, but conversely if these sites were to become residential this potential benefit would be lost as there would be a loss of holiday accommodation

Another priority is to ensure all our residents live in high quality housing which meets local needs. If some of the holiday accommodation were to become permanent residential dwellings this could potentially lead to an under estimate of dwellings when taking into account the housing target requirements of the district to build new homes. This in turn may lead to inadequacies in the associated infrastructure as provision in these areas has not allowed for permanent residential use. In addition, some of the holiday units do not meet the councils' standards for permanent dwellings, for example size of dwellings, provision of gardens, parking provision, amenity space etc.

FINANCE, OTHER RESOURCES AND RISK

A number of important financial issues connected to this matter were described in the 13 December 2013 report which is a Background paper to this report. These include the implications for new homes bonus, council tax and Local Council Tax Support Scheme.

Flooding is the major risk associated with this issue that was outlined in the 13 December 2013 report. Flooding in the worst instances can result in fatalities as well as damaging property and disrupting lives and businesses. It can have severe consequences for people, such as financial loss, emotional distress, and health problems. There are a number of key factors which affect the scale and severity of the consequences as follows:

- the source and type of flooding;
- the depth and velocity of flood water;
- the duration of flooding;

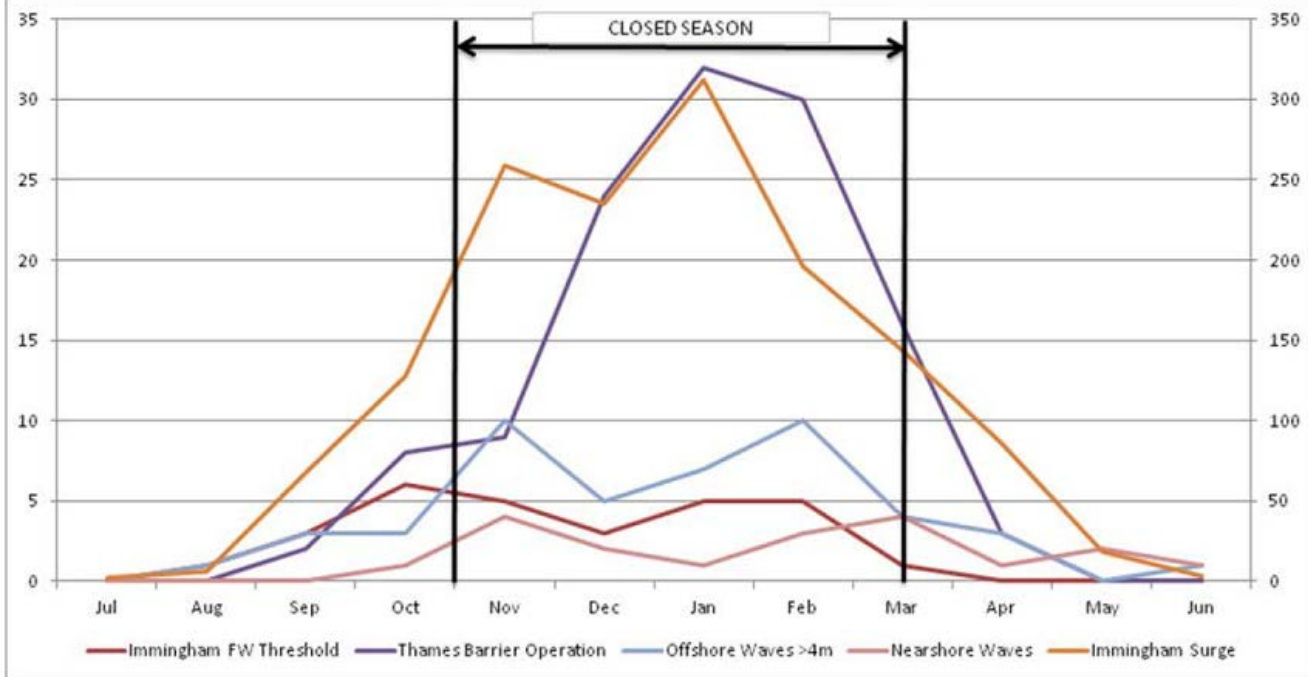
- the rate of onset of flooding;
- the rate of rise of flood water;
- the presence or absence of debris in the flood water;
- the degree to which people and/or assets are exposed to the flood water;
- the level and amount of warning people receive;
- behaviour of people during a flood event; and
- the extent and vulnerability of the people and properties affected.

The combination of specific weather conditions during the December 2013 flood event contributed to a lesser impact along the Tendring coastline than might have been the case. However, the impact was significant to those who were affected. Overtopping of defences did occur due to the incredibly high tide with an approximate surge height of 1.8m. Homes were affected but, due to the lack of wind affecting water surface and a subtle change in the wind direction, little or no wave action was created and the water only 'lapped' over the sea defences. However, if the wind continued in strength and in a less favourable direction, the increased effect would have caused water to cascade over the defences instead.

Further information, including a description of the Environment Agency's warning system, the potential impact of breaches and some detail about the December 2013 tidal surge, is attached to this report at Appendix A.

Greater occupancy of holiday accommodation in the winter months due to the extension of occupancy periods would lead to greater demand for assistance in case of an emergency. Occupants should have the ability to return to a main residence but evacuation would still be a bigger task. Caravan and chalet park owners have a duty of care towards their customers and should make provisions to ensure their safety in the event of an emergency. TDC makes rest centres available to accommodate Tendring residents.

Fig 1. Illustration of the likelihood of surge tides occurring more frequently in the winter months.



(Graph provided by the Environment Agency – Seasonal Occupancy Restrictions on the Lincolnshire Coast, August 2013)

The graph above illustrates the number of large waves (more than 4m in height), surges (residuals), tide levels above 4.2mODN (when a flood warning would start to be considered subject to wind speed and direction) and the number of times the Thames Barrier is closed per month that were recorded annually over a number of years (for example 2003-2012, 1963-2010, etc). The combination of this data serves to illustrate that the components most likely to cause tidal inundation to increase significantly in occurrence during the traditional closed season for the months of November to March. During other months the probability of the tides above threshold coinciding with large waves or surges is much less. The need to balance flood risk with the key economic drivers of October and Easter school holidays leads to the Environment Agency’s preferred method of dealing with flood risk and seasonal occupancy periods of Caravan parks to have a closed winter season.

When taking into account the partnership funding issues for replacing aging flood defence structures the Council should recognise that new or replacement developments built after 2011 will not be counted in any future cost benefit analysis for the central government “Flood Defence Grant in Aid” component of Flood Defence Scheme funding. Opportunities should be sought to obtain funding contributions from incoming development that will ultimately benefit from flood defence infrastructure. If developer contributions are not secured the increased funding gap to ensure that flood defence schemes go ahead in the future may well fall on the Council and other local beneficiaries of the infrastructure.

LEGAL

The options for consideration in this report are within the Council’s legal powers.

OTHER IMPLICATIONS

Other implications in relation to emergency planning, housing, caravan site licensing and public consultation were described in the 13 December 2013 report to Cabinet.

Public consultation

Since the previous report we have continued to have correspondence with representatives of residents associations concerning the breaches of occupancy at the caravan sites.

European Nature Conservation Sites

European Nature Conservation Sites exist in coastal areas near caravan and chalet sites. The European Union (EU) Habitats Directive (92/43/EEC) protects certain species of plants and animals which are particularly vulnerable and requires the establishment of a European network of important high-quality conservation sites known as Natura 2000 sites. These sites consist of Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Ramsar Sites. A map of the district with the nature conservation areas can be found in Appendix C

The UK Habitats Regulations are used to implement the EU Directive and require a Habitats Regulations Assessment (HRA). If proposals, either alone or in combination with other sites, are likely to have a significant (adverse) impact on the ecological functioning of a Natura 2000 site, an HRA is required which will involve an initial 'Screening' stage followed by an Appropriate Assessment (AA).

A growing population and an increase in visitor numbers can lead to an increase in recreational disturbance which can have an impact on the integrity of Natura 2000 sites. Recreational users can damage habitat and cause severe disturbance to wildlife, particularly nesting birds in the spring and roosting waterfowl in winter. Recreational disturbance can be broken down into direct and indirect impacts.

Direct physical disturbance relates to actual damage or degradation of habitat from direct human activities. Examples that relate to Local Authority Appropriate Assessments are damage to habitat from walking (trampling of vegetation, etc.) and the abrasion of intertidal or freshwater habitat from boat use/anchoring etc.

Indirect effects to habitats typically occur through visual or acoustic disturbance to fauna from actual human presence. The most obvious example of this in the case of international sites in Tendring is the impact of recreational walking or dog walking both in and around Natura 2000 sites.

Mitigation measures are often possible to reduce negative impacts. Where mitigation or preventative measures cannot be established, development should not be allowed unless it can be justified by 'imperative reasons of overriding public interest'. Examples of mitigation measures include wardening schemes, responsible dog ownership campaigns, management programmes for raising public awareness and promoting sensitive access, signage and information to encourage use of public rights of way and to keep visitors away from sensitive areas.

Discussions with Natural England have highlighted the sites that may be affected and that would require an Appropriate Assessment.

(Information gathered from the Tendring District Council's Habitat Regulations Assessments, November 2012 and June 2013).

Past planning histories – appeals and planning applications.

In 1990, appeals against 20 enforcement notices and 56 refusals of planning permission at Point Clear Bay were lodged concerning permanent residential use. The Inspector permitted a number of different occupancy conditions that ranged from permanent residential use, to summer use occupancy with Winter Weekends and 10 consecutive days over the Christmas period. Within the decision notice the Inspector argued against a widespread permanent residential occupation due to the likely harm to nature conservancy interests.

In 1998, an appeal was lodged concerning 4 properties at Point Clear Bay that were concerning permanent residential use. This appeal was refused because the Inspector argued that the primary nature conservation concern in respect to the winter occupancy of these holiday homes related to the extra disturbance to feeding and roosting waterfowl that would be caused. He accepted that the winter occupancy of a few chalets would not in itself make a significant impact. Nevertheless he pointed out that there are some 4500 holiday homes on coastal sites in the District and thus the question of precedent was of considerable importance.

In 2009, Orchards Holiday Park applied for an extension to the occupancy period from October into November. Natural England objected to the proposal and the application was withdrawn.

In 2013, Bentley Country Park was granted planning permission to extend their holiday occupancy from October to January of that year in order to investigate recreational activity and bird disturbance on the Colne Estuary, around the park.

PART 3 – SUPPORTING INFORMATION

BACKGROUND

On 13th December 2013 the Cabinet considered a report titled Caravan/Chalet Sites Occupancy Restriction Review. This report is a Background Paper. It sets out a number of issues relating to the existence of restrictions on occupancy of accommodation in the district and made recommendations for action. This report provides an update on each of the actions.

The information presented is thought to be an accurate representation of the situation to date relating to holiday occupancy conditions on Caravan/Chalet parks throughout the district. Further investigation will be necessary in relation to individual sites as and when development proposals and/or action are proposed.

CURRENT POSITION

The six resolutions from the 13 December 2013 report are set out below along with a description of the current position.

Cabinet resolution (13 December 2013) (a)

Cabinet supports the need for the review and has regard to the various implications highlighted within the report.

Cabinet's support for the review was noted and the review has been progressed in accordance with the 13 December 2013 decision.

Cabinet resolution (13 December 2013) (b)

Officers continue to liaise with the Environment Agency to understand the flood risk issues on a site by site basis to be able to establish what type of accommodation and occupancy restrictions would be acceptable in which locations.

Further work has been undertaken with the Environment Agency. In particular, a site by site analysis has identified the type of accommodation that would be acceptable to the Environment Agency taking into account the flood risks at each site and the type of accommodation. The site by site analysis has identified that the Environment Agency does not support the location of permanent residential use in Flood Zones 2 and 3. This is because sites within Flood Zone 1 (FZ1) should be considered, wherever possible, as preferable locations following the NPPF Sequential Approach. This recommendation has also been informed by the application of the Exception Test.

This work also indicates that the Environment Agency does not object to all year round holiday accommodation on many sites within the district subject to

- The Exception Test being passed;
- A Flood Risk Assessment being undertaken;
- A Flood Warning and Evacuation Plan being produced; and
- An Appropriate Assessment of the impacts on protected habitats being undertaken

This approach is embedded in the National Planning Policy Framework.

However, the Environment Agency has requested that the Council considers whether national policy guidance indicates that all year round holiday occupancy should be considered in the same way as permanent residential use. This issue is being explored further in order to inform policy development and decision making.

The Environment Agency and TDC's emergency planning team have provided detailed information about flood risk which is attached at Appendix A.

This information will be important in considering the Council's policy and enforcement approach.

Exception Test

Paragraph 102 of the NPPF allows the application of the Exception Test by the Local Authority following the application of the Sequential Test. The Sequential Test aims to steer all development towards areas of lowest risk. Where it is not possible to steer development away from areas at risk, it is necessary to demonstrate that the benefits of the development clearly outweigh the flood risk. The Exception Test therefore is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available. Table 3 of the planning practice guidance to the NPPF shows the compatibility of uses in different flood zones and indicates when the Exception test is required (see A1 Appendix C of the 13 December 2013 Background Paper).

Both elements of the Exception Test (Table 1) have to be passed before development is allocated or permitted. For the Exception Test to be passed:

- A) It must be demonstrated that the development provides wider sustainability benefits to the local community that outweigh flood risk.
- B) A Flood Risk Assessment must demonstrate that the development will be safe, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Table 1 – Requirements of the Exception Test

Exception test	
<u>Part A</u> Wider Sustainability Drivers	<u>Part B</u> Safe
Increase in Tourism	Flood warning and Evacuation plan
Avoid social or economic blight	Flood Risk Assessment (FRA)
Increase affordable homes	Register with EA Flood Warning Service
Promote regeneration	Refuge from flood waters
Efficient use of land	Materials used that are compatible with the 'Water entry Strategy'
Employment accessible to centres of population	Materials to reduce risk of contamination
Education attainment improve	Materials to permit drying out
Reduce the need to travel by car	Design of any flood defence infrastructure
Sustainable modes of transport increase	Access and Egress
Crime reduced	Operation and maintenance
Health and income equality	Designed to manage and reduce flood risk wherever possible
Provision or improvement of community facility	Resident awareness
Sustainable design and techniques employed	Avoid placing vulnerable structures in areas that could inundate rapidly if flood defences overtopped or breached – look at layout within site with a sequential approach to avoid the most hazardous locations. Use SFRA or site level FRA to inform understanding of the likely flood characteristics and hazards.
Minimise risk of flooding	
Enhance and preserve biodiversity and sites	
Levels of inward investment increase	
Will water quality be maintained or improved	

NB. Tendring has sufficient land in zones out of flood risk to meet its housing requirement

Wider sustainability benefits may be demonstrable in relation to holiday accommodation but not to permanent residential use. These benefits include an increase in tourism with levels of inward investment increasing. However, permanent residential use for example in Point Clear Bay, could not be justified as the flood risk is not outweighed by wider sustainability drivers.

Point Clear Bay

This site consists of buildings owned by individuals and no site operator. Although a large number of dwellings have obtained permanent residence due to planning history, this site would not pass the exception test and is not considered to be suitable for permanent residential use. The evidence concerning flood risk to this area shows that the maximum flood depth would be between 1.5m to 3m across the site (Fig 2, Appendix A), the Hazard Rating would be Extreme (Fig 3, Appendix A) and in the event of a breach it would inundate in 15 minutes (Table 1(b) in Appendix A).

Structural Integrity

If Point Clear Bay was to pass the Exception Test with regard to individual applications for permanent residential use, applications would need to demonstrate that the structure would be resilient to flooding. The Communities and Local Government publication 'The flood performance of new buildings (2007) recommends materials for walls, floors, doors, fittings and services, for the water entry strategy.

In the event of inundation, Point Clear Bay would be subjected to flood waters between 1.5m to 3m deep in a matter of 15 minutes (Tendring District FRA, 2009). Standard masonry buildings are at significant risk of structural damage if there is a water level difference between outside and inside of about 0.6m or more. The mitigation measures recommended are to construct with materials with low permeability up to water depths of 0.3m, accept water passage through buildings at higher water depths, design to drain water away after flooding, access to all spaces to permit drying and cleaning. Building materials that are suitable for a 'water entry strategy' include: facing bricks, concrete blocks, sacrificial or easily removable external finishes or internal linings. There is also an emphasis on suitable materials that dry out quickly after a flood and recommendations for materials to be easily repairable and replaceable especially in the case of contamination.

Places of refuge

In the event of overtopping due to a surge tide there would be a severe flood alert warning and a decision made to evacuate. Even though the decision to evacuate is made, residents may not conform with advice to evacuate and remain at their residences resulting in a burden on the emergency services if flooding then occurs with them in situ. This scenario occurred in the December 2013 Tidal surge at Bentley Country Park. However, a breach is unpredictable and could occur at a flood alert level where the decision to evacuate is not made. In this instance, it is essential for inhabitants to have the ability to retreat to a place of refuge (somewhere that is dry) and that the building is failsafe and able to withstand water pressure and direct impact forces from debris. Floor levels should be set 300mm above the known or modelled maximum flood depth. However, upper storey flood refuges may disadvantage individual members of the community who are mobility impaired. Alternatively a refuge may be provided separately from the occupied unit but, in the event of a flood, it may prove impossible to get to if the site inundates rapidly and the flood level is high and/or water is fast flowing. While provisions such as refuges help cope with flood events and help to reduce the overall risk posed by a flood, they do not in themselves make a development safe, as they relate more to a rescue situation than to effective evacuation. They must be treated as a last resort as fires and medical emergencies can occur, creating potentially life threatening situations for the occupants. A place of refuge may be required for a period of 36+ hours and it is recommended that a flood kit would be required that would include items such as a torch, warm and waterproof clothing, money, bottled water, food, necessary medication, phone (charged), wellington boots, radio and spare batteries.

Cabinet resolution (13 December 2013) (c)

Officers continue to work with the various sites and individuals in the affected areas to improve their emergency planning procedures. In particular, to improve their evacuation plans, collate sites and owners' contact details and increase the level of sign up to the Environment Agency's early warning systems.

The "emergency liaison" arrangements used in relation to the St Jude storm and Operation Martello (the evacuation planning for the tidal surge in December 2013) have continued to be developed.

The Tendring District Caravan, Chalet and Camping Forum has been established with the inaugural meeting being held on the 13th February 2014. TDC Emergency Planning (EP), in partnership with Planning and Licensing Services hosted the event. An introduction to emergency planning was delivered along with a generic emergency plan template developed by the EP team to help caravan, camping and chalet sites plan their emergency response arrangements. In addition, an overview of this review was provided along with a presentation about licensing conditions.

A web page has been created for the forum. It can be found at: <http://www.tendringdc.gov.uk/council/emergency-planning/community-resilience/tendring-district-caravan-camping-and-chalet-forum>. The site provides an overview of the meeting, a link to download a generic emergency plan template, which has a specific section on flooding, should the site be located within river or coastal flood plain, or experience surface water flooding, and details of the next meeting which is planned for July 2014. Guest speakers such as the Environment Agency, Met Office, Essex Police as well as TDC services will be asked to attend the forum to help raise awareness on specific issues and assist the site operators and owners in their managing of such situations.

Feedback from the attendees of the inaugural meeting was very positive with some commenting;

"It was very useful and a regular forum would be ideal"

"The forum is a great idea and the continuity will be great"

"It is a good idea, a regular forum would keep matters fresh in our minds"

All site operators have been asked to provide 3 emergency points of contact to enhance contact with sites, particularly in the case of an emergency. This mirrors the arrangements that have been put in place with the Parish and Town Councils across the District and shows continuity with our Community Resilience Arrangements. At an appropriate point an event will be arranged to provide liaison between the Parish and Town Councils and the sites located within their area.

In addition to this, training and exercising will be delivered to the Tendring District Caravan, Camping and Chalet Forum to help them, test their Emergency Plans and understand where and how they fit into the overall TDC emergency response arrangements.

Cabinet resolution (13 December 2013) (d)

Further analysis of relevant planning decisions, case law and national policies is undertaken to further understand the current situation elsewhere and to enable a policy recommendation to be made which is tailored to the Tendring district position.

The NPPF and planning practice guidance

The National Planning Policy Framework (NPPF) was published by the Department for Communities and Local Government in March 2012.

Paragraphs 99 through to 108 of the NPPF relate to flooding and coastal change policy considerations. The key issues relating to the considerations of Park Homes, Static Caravans and short-let holiday accommodation are referred to in paragraph 100 of the NPPF which directs that “inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk”.

Further detail concerning the NPPF can be found in the 13 December 2013 report (Background Paper (Current Position – Planning Policy context (Flood Risk))).

The EA has produced a Quick Guide 603_08 relating to the NPPF and planning practice guidance and caravan, camping and mobile home sites. Within the guide are the EA's concerns about caravan parks showing a progression to all year round habitation, mobile homes and occasionally permanent housing. They emphasise that where a proposal in Zone 3 does not pass the sequential or the exception test, the local planning authority should object in principle, and to object in detail, if the FRA does not demonstrate that the proposal will be safe and that it will not unacceptably increase the flood risk elsewhere.

FRA's should pay particular attention to managing the residual risk (including breaches), flood warning arrangements and evacuations plans. The flood warning and evacuation plan is fundamental to assessing 'safe', as part of a FRA. They should, therefore, not leave it to condition. The LPA remains accountable, through planning conditions or agreements, for the plans being suitable.

The Environment Agency (EA) recommends that where an application to change the use of a site passes the sequential and exception tests, there must be an opportunity to reduce flood risk on site.

Considerations include the safety of the occupants, flood risk management measure for protecting caravans/mobile homes, a site flood risk management strategy which should be in place for the lifetime of the development, which covers resident awareness, flood warning and evacuation procedures, not to allow caravans and mobile homes on known flow routes because they present problems, for example, the unit and its fencing and planting can cause obstructions to the passage of flood waters and the obstructions can be swept away and form greater blockages downstream.

Relevant Planning appeal decisions

The Environment Agency (EA) has taken a hard line approach to East Lindsey District Council, Lincolnshire in that they have a blanket occupancy condition for all their caravan parks being 1st March to 31st October. The EA consider that one of the most effective tools for managing flood risk is avoidance and the use of a restricted season as caravan and chalet developments are particularly vulnerable to flooding. The factors in the decision are that of the likelihood of a tidal event occurring, the road network, the number of vulnerable (i.e. elderly, disabled) residents that would need assistance from the emergency services, and issues surrounding the fact that evacuation cannot be enforced.

Other appeals in recent years, have sought to extend the period of occupancy where other units on sites already had extended periods of occupancy. Some were dismissed on the grounds that as awareness of the flood risks changes so must the response; to ignore the evidence would be to put more people at potential risk to life and limb. Other reasons

included poor infrastructure and nature conservancy interests.

However, in 2013 Highfield Holiday Park, Clacton and New Hall Lodge Park, Dovercourt were both granted all year round holiday occupancy at appeal on condition that they shall not be a person's sole or main place of residence. The site owner should maintain an up-to-date register of the names of all owners/occupiers of individual lodges on the site and of their main home addresses and to make this information available at all reasonable times to the local planning authority. The inspector made reference to the Government's 2006 publication *Good Practice Guide on Planning for Tourism* which records tourism as an increasingly year-round activity and that such a spread of demand for self-catering accommodation is advantageous to local economies. In the case for New Hall Lodge Park, an FRA was submitted which the EA considered adequate and therefore had no objection to the site being used for all round holiday accommodation.

More detail relating to recent planning appeals is contained in Appendix B to this report.

Cabinet resolution (13 December 2013) e)

Monitoring of winter occupancy on sites is carried out this coming winter, including at the following sites:

- Bel Air, St Osyth**
- Point Clear Bay**
- Clear Springs, Dovercourt**
- Homestead Caravan Park, Weeley**

Monitoring took place on the evening of Tuesday 11th February 2014. Officers monitored the sites to find evidence of occupancy, e.g. Lights on, TVs on. This exercise was to gauge the broad level of breach of planning controls to inform this report. Further monitoring would be needed to inform any enforcement action that might be pursued in relation to suspected breaches.

Table 2. The number of occupancy breaches found in 9 holiday parks in the district.

Caravan Park	Units with permitted residential Occupancy	Units in breach of occupancy conditions
Bel Air Chalet Park	31 chalets	24 chalets
Brightlingsea Haven	1 Chalet (Wardens bungalow)	3 chalets
Clear Springs, Dovercourt	0 Chalets	11 breaches
Great Bentley Country Park	0 Chalets	1 breach
Homestead Caravan Park	0 Chalets	0 breaches
Orchards Holiday Park	0 Chalets	11 breaches
Point Clear Bay	54 Chalets	46 breaches
Seawick Holiday	5 Chalets	9 breaches

Village		
St. Osyth Beach Holiday Park	0 Chalets	3 breaches

Of the 9 Caravan and Chalet parks monitored (Table 2), the highest number of breaches of occupancy conditions were at Bel Air, Clear Springs, Point Clear Bay and Orchards Holiday Park. The breaches may indicate that the units were being used as holiday accommodation outside the permitted periods or they may indicate that the units are being used as permanent residential accommodation.

Enforcement action already undertaken

30 Breach of Condition Notices were served on properties at Point Clear Bay on 28 June 2012 relating to breaches of occupancy. These notices remain in force.

Milesahead Properties were prosecuted on 29 June 2011 for breaches of the occupancy restrictions imposed upon their properties at Bel Air following breach of condition notices that were not complied with.

Cabinet resolution (13 December 2013) (f)

A further report is presented to Cabinet in April/May 2014 with a policy recommendation informed by the further work outlined above.

This report partially fulfils this resolution and it recommends that further reports are considered by the Local Plan Committee (in relation to reviewing the Council's planning policy) and to the Planning Committee (in relation to making recommendations in respect of enforcing against breaches of planning control).

BACKGROUND PAPERS FOR THE DECISION

- Initial Cabinet Report (13 December 2013)
- Tendring District Council Strategic Flood Risk Assessment (SFRA)
- Jaywick Strategic Flood Risk Study (SFRS)
- Harwich Strategic Flood Risk Assessment (SFRA) Part 1
- Harwich Strategic Flood Risk Assessment (SFRA) Part 2
- Flood Risk Management: National Planning Policy Framework (NPPF) and Technical Guidance and caravan, camping and mobile home sites. EA Quick Guide 603_08.
- Habitats Regulations Assessment Survey and Monitoring – Year 3 Interim Report, November 2012
- Tendring District Council Local Plan 2011-2021 – Habitats Regulations Assessment, June 2013.
- Seasonal Occupancy Restrictions on the Lincolnshire Coast – Fact Sheet – Environment Agency – August 2013.

TABLES, FIGURES & APPENDICES

MAIN REPORT

- Table 1 – Requirements of the Exception Test
- Fig 1. A graph to illustrate the likelihood of surge tides occurring more frequently in

the winter months.

- Table 2 – A table to show the number of occupancy breaches found in 9 holiday parks in the district

APPENDICES

Appendix A – Detailed information about flood risk

- Figure 1 – Passage of depression showing the track of surge that may impact the East coast
- Photos 1 & 2 - the impact of flooding at Great Bentley Country Park
- Photos 3 & 4 - the instability of caravans and pre-fabs in the 1953 Flood Event.
- Table 1a – Flood Hazard Classifications
- Table 1b – Site summary of Flood Zones, Flood Type, Flood Hazard Rating, flood depth, and time until total inundation
- Photo 5 – Water ebbing out of marsh following a breach in sea defence near Aldeburgh, Suffolk – North Sea Tidal Surge Dec 2013
- Photo 6 – Extent of land flooded following embankment breach, Burnham Deepdale, Norfolk – North Sea Tidal Surge – Dec 2013
- Figure 2 – A map to show the maximum depth of flood waters in the event of a breach for the Point Clear Bay and Brightlingsea area
- Figure 3 – A map to show the hazard rating from a breach inundation for the Point Clear Bay and Brightlingsea Area

Appendix B – Relevant Case Law summaries

Appendix C – A map showing caravan sites in relation to Flood Zones and Internationally Important Nature Conservation Sites

Appendix A

Detailed information about flood risk

Flood Risk

Coastal flooding is recognised as a significant risk from the National Risk Register through to the Local Tending District Council Community Risk Register, on the basis of likelihood and potential impact that can arise and the vulnerability of the North Sea coastline to such events.

The impact of the gravitational pull of the moon and to a lesser degree, the planets on the waters of the earth's surface, the seas, generates the tidal cycle. These are known as "astronomical" tides height and are predictable years in advance. Each year the Environment Agency (EA), issues responders with a set of Tide Tables. These are different to those issued by local ports and harbours as they relate to depth of water for navigation and are based on "Chart Datum". Whereas the EA Tide Tables predict height of tide, for relating to flood risk, based on "metres above Ordnance Datum Newlyn". From these tables, Spring Tides, the highest high tides and lowest low tides of the month, created by the increased gravitation effects of the moon (during full moon and new moon periods) can easily be identified, and the highest astronomical tides noted for the whole year. For example the astronomical tide values for high tides during the period 11 and 12 September 2014, already meet the TDC threshold to ensure all TDC flood gates / barriers are closed, and this is without any weather conditions added to it.

As just indicated, in addition to the astronomical tide value, is the impact the weather conditions will have on the sea level. The EA initially use an Ensemble Forecasting Model, which utilises 24 different models more than 36 hours out from any specific tide. These models are analysed and give an indication of the additional impact forecast weather conditions may have on the predicted astronomical tide. From 36 hours from the tide concerned the EA run Deterministic Forecasts, which narrow the overall tidal height prediction further, the closer to the specific tide, the more accurate the weather forecast and calculation of potential surge height will be.

When flood warnings are issued by the EA they always clearly indicate: (variable information in red just for example)

A Severe Flood Warning has been issued by the Environment Agency for the **Blackwater South Bank from Maldon to Maylandsea.**

For the forecast high water due at **1:00am on Friday 6 December 2013.**

Properties are expected to flood in, **Maylandsea and on Northey Island.**

Reference Port: **Clacton**

The predicted astronomical tide level is **2.59m** AODN.

The forecast surge height is **1.61m.**

The forecast tide level is **4.2m** AODN.

The forecast wind direction is **West.**

The forecast wind strength is **force 6.**

However, should a deep depression be positioned off the Northern Isles and the Met Office forecast is that it is likely to track east and south, down into the North Sea, the Met Office, EA and responding agencies will be liaising and monitoring the progress ensuring their arrangements are ready to deal with the possibility of a coastal flooding incident. With this type of depression a fall in barometric pressure resulting in a rise in sea level and prolonged periods of northerly to northeasterly winds will be expected. These conditions combine to

create almost a “hump” of water, which will then track down the north sea towards the English Channel. The further south it gets the distance between the UK coast and Continental coast decreases as does the depth of water.

The final piece to this puzzle is whether the “hump” of water, or surge, coincides with the time of high water, which is the height prediction in the EA flood warning. If these two elements do not coincide the height may not be as high as predicted.

All these factors contribute to the increase in tidal height and the risk of a tidal surge impacting coastal areas. It is important to appreciate that we are working with a natural phenomenon and it is virtually impossible to be 100% accurate either with the weather forecast and / or the tidal height prediction, but it can be very close indeed.

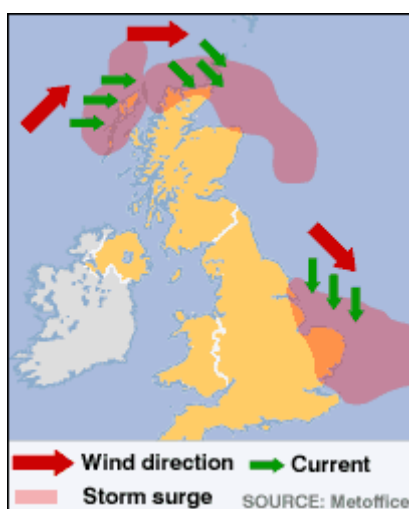


Figure 1. Passage of depression showing the track of surge that may impact the east coast.

December 2013 Surge

There is the risk the District could be affected by coastal flooding twice every month, as we experience spring tides, twice a month. The key factor is what the coinciding weather is doing. In December 2013, the conditions to the north of Scotland gave early indication that there was a significant risk for the East Coast of England from a north sea surge.

On Monday 2nd December from the weather forecasts and information from the Flood Forecasting Centre, there was an “indication” that we could experience an issue later in the week. With this in mind TDC Emergency Planning provided key staff with an overview of the potential for a developing situation and requested their availability for the next 7 days.

Liaison with both the Met Office and EA continued on Tuesday 3rd, with updated information being sent to key TDC response staff. It is important to highlight that there is a risk in cascading the information too wide too early, at this stage there was still a high degree of uncertainty that this event may happen and if so the magnitude of the event, although we continued to prepare for the worst.

By the afternoon of Wednesday 4th, the multi-agency opinion across Essex was that there was a significant threat and a multi-agency teleconference was called, Chaired by Essex County Fire and Rescue Service, to start to refine, in earnest, emergency arrangements, with now a clearer picture of those areas along the Essex coastline that may be affected.

Responders worked through the night to prepared specific arrangements, as data became more reliable on locations.

A Flood Advisory was issued by the EA for the probability for Flood Warnings to be issued on Thursday for the Suffolk and Essex Coast from Felixstowe to Clacton, The Essex Coast from Clacton to St Peters for the Friday 6th December Tide at 1:30am.

Finally during a multi-agency teleconference Thursday morning, 5th December the decision was agreed to evacuate areas : West Mersea, Jaywick and Point Clear. During the morning and then later in the evening the following flood warnings were issued by the EA:

Flood Warnings :

- Waterside properties at Mistley and Brantham (later upgraded) up to 10 properties at risk
- The Tidal Stour Estuary (later upgraded) up to 10 properties at risk
- Hamford Water (later upgraded) up to 10 properties at risk
- Walton on the Naze up to 10 properties at risk
- Parkeston Quay up to 10 properties at risk
- Manningtree Town (later upgraded) up to 10 properties at risk
- Harwich Town up to 10 properties at risk
- Holland marshes up to 10 properties at risk
- Clacton to Lee Wick (later upgraded) up to 10 properties at risk
- Brightlingsea to Colne barrier up to 10 properties at risk
- Tidal River Colne at Point Clear and St Osyth Creek up to 10 properties at risk
- River Stour upstream of Cattawade Barrage up to 10 properties at risk

Severe Flood Warnings :

- Waterside properties at Mistely and Brantham up to 24 properties at risk
- Clacton to lee Wick up to 2657 properties at risk
- Manningtree Town up to 30 properties at risk
- Hamford Water up to 30 properties at risk
- Tidal Stour Estuary up to 30 properties at risk

Throughout the period prior to the tide in question, 1.30am Friday 6th December, Tendring District Council opened the District Emergency Response Centre at Weeley, 2 Rest Centres, and a 3rd on standby. Across Essex a total of 7 Rest Centres were opened by various Local Authorities.

As Thursday progressed, we could monitor what was happening to the north of Essex. This gave a very good indication of what could be expected as major impacts in Boston, Lincolnshire and Norfolk were being experienced. As the tide and surge continued to track down the coast the wind just dropped in strength, which had a significant result on the potential from overtopping by waves, however, this did not affect the fact that it was a spring tide, and also the hours of severe weather preceding meant there would still be a large surge on top of the predicted tide.

By the time the surge reached southern Suffolk, the tide and surge had started to fractionally diverge away from each other, which resulted in what appeared to be two high tides, as the surge came in earlier than predicted, followed by the high tide at 1.30am.

Across the District homes were being affected by sea water lapping over the defence. In Lower Kirby a resident describes her experience as eerie, the conditions were dead calm, it was pitch black and all she could hear was “glouping” sounds” as the water coming over the sea wall drained into a multitude of places, including her home. She anticipates being out of her house for 6 months.

The District and indeed the Essex coastline was fortunate that the wind died away, however, it was vital that the evacuation took place, as the pressure of water on the sea defences may have indeed resulted in catastrophic breaches. A very significant number of Tendring District residents were affected either by evacuation or flooding, businesses in Walton were inundated losing vital equipment for their work.

Significant damage to Beach Huts was experienced in various locations across the District including Brightlingsea and Holland-on-Sea. The most dramatic flood rescues that were required were for 15 residents at Great Bentley Country Park, who had refused to leave when asked by the Police to evacuate, and resulted in requiring rescue following the inundation of the sea. This decision of theirs to stay resulted in putting both theirs and the lives of Fire Fighters at risk (photos 1 & 2 shows the impact of the flooding at Great Bentley Country Park and photos 3 & 4 shows the instability of caravans and pre-fab chalets during and after a flood event).

It is a mistake to think this surge “didn’t happen” it most certainly did and was as large as that experienced in 1953. Speaking to residents of Jaywick at a recent Flood Fair they have become more aware of the risk and found the experience frightening. It was fortunate that the wind dropped, but the sea level was so high that various locations were inundated just by still water lapping over the top of the defence. Strong winds would have worsened this scenario.

Sea Defence Breaches

It is not possible for the Environment Agency to issue warnings for the failure of a formal sea defence otherwise known as a breach.

The defence design, will ultimately have an impact on how resilient it is to failure. However, defences are constructed for each specific location and are designed to be appropriate for the conditions and substrate they have to deal with and range from rock revetments to beaches, earth banks to piled compression and tension designs.

Inspection of sea defences is an ongoing matter and for example, TDC Coast Protection service inspects the TDC defences:

- on an annual basis,
- following any significant weather event
- and on receipt of reports from members of the public questioning the condition of specific defence sections.

These inspections follow the National Sea and River Defence Survey system covering, Bank Slope, Concrete Structure, Brick & Masonry and Small Mechanical Asset Assessments. These are all graded on a scale of 1 to 5, where 1 is assessed as “Very Good”, and 5 being “Very Poor”. There are specific definitions for each type of assessment and the relative 1- 5 scoring.

However, breaches can occur and there may be a total structural loss of a large section of

defence, such as one which uses land anchors and wallings, or they may be smaller, localised breaches, a result of overtopping scouring away material behind the defence, scouring of material by wave action in front of the defence undermining the toe, or erosion of clay banks due to the sheer force of the wave action (photos 5 and 6 shows a breach in sea defence and the extent of land flooded from an embankment breach during the December 2013 tidal surge. The land flooded is topographically very similar in nature to St. Osyth Marsh (Hutleys, Bel-air, Martello, Seawick, St Osyth Beach – photo provided by the Environment Agency).

When a breach occurs, it may not be whilst there is a severe flood warning in force, and so there may be no evacuation operation in place. This could result in catastrophic flooding with high velocity sea water rushing in through a relatively small space, which would have considerable impact on structures, especially those of a more vulnerable construction in the path of the flow, and ultimately has the potential for fatalities and injuries.

Current climate change advice given in the planning practice guidance to the NPPF indicates that mean sea levels for the east coast of England are expected to rise by 1.05m by the year 2112. This increase in sea level together with potential increase in storminess will mean that tomorrow's sea defences will have to be significantly higher and wider to provide the same standard of protection to low lying ground inland as that which is provided today.

(Information provided by Catherine Boyer-Besant (Emergency Planning))



Photos 1 and 2 - These pictures show the impact of flooding at Great Bentley Country Park



Photos 3 & 4 - The pictures below show the instability of caravans and pre-fabs in the 1953 Flood Event.





(Pictures provided by the Environment Agency)

The table below is taken from the Flood Risk the Defra guidance Flood Risk to People8, flood hazard is calculated as a function of both the velocity of flood water and the depth. This is referenced to a level of risk based on the categories shown in Table 1 (a). The hazard maps (Fig 2 and 3) are based on this classification.

Table 1 (a) Flood Hazard Classifications

Hazard Classification $D \times (v + 0.5)$	Degree of Flood Hazard	Description
<0.75	Low	Caution "Flood zone with shallow flowing water or deep standing water"
0.75 – 1.25	Moderate	Dangerous for some (i.e. children) "Danger: Flood zone with deep or fast flowing water"
1.25 – 2.5	Significant	Dangerous for most people "Danger: Flood zone with deep, fast flowing water"
>2.5	Extreme	Dangerous for all "Extreme danger: Flood zone with deep, fast flowing water"

Of the 44 caravan and chalet parks there are in the district, 25 are located within flood zones. The table below shows which flood zone, flood type and hazard rating each caravan park is classified under. The hazard rating definitions can be found in Table 1(a).

Table 1 (b). Site by site summary of flood zones, flood type, flood hazard rating, flood depth and time until total inundation.

Site	Flood Zone	Flood type	Hazard rating from breach inundation (2007 0.5% AEP Event (1 in 200 year)) & Maximum flood depth (m) &	Hazard Rating from Breach Inundation with Climate Change (2107 0.5% AEP Event (1 in 200 year))

			Time for flooding to reach the site	& Maximum Flood Depth (m) & Time for flooding to reach the site
Bel Air Holiday park	FZ3	Tidal	Significant	Significant/Extreme
			0.5-1.5	1.0-2.0
			1hr75	No Data
Bentley Country park	Parts of site in FZ1, FZ2 and FZ3	Tidal and Fluvial	No data	No Data
			No data	No data
			No data	No data
Brightlingsea Haven Leisure Park	FZ3	Tidal and Fluvial	Moderate/Significant/Extreme	Extreme
			0.5-1.0	1.0-2.5
			2hr75	2hrs
Castle Hill Park (Residential)	Half the site in FZ 2 & 3, Half in FZ1	Fluvial (Picker's Ditch)	No data	No data
			No data	No data
			No data	No data
Clear Springs	Majority of site in FZ 3	Tidal	Part of the site low, part medium and part high	Majority High
			1.0-1.5	1.0-1.5
			No Data	No Data
Dovercourt Haven Caravan Park	FZ3	Tidal	Part of the site low, part medium and part high	High
			1.0	1.0-1.5
			No Data	No Data
Fletchers Caravan Site	FZ 3	Tidal	Extreme	Extreme
			2.0-3.0	2.0-3.0
			30 mins	1hr30
Greenacres Caravan Park	FZ3	Tidal	Majority high, part medium	High
			1.0-1.5	1.0-1.5
			No Data	No Data
Greenlawns (Residential)	Part of the site in FZ2 & FZ3. Part of the site in FZ 1.	Fluvial	No Data	No Data
			No Data	No Data
			No Data	No Data
Hutleys Caravan Park	FZ3	Tidal	Significant	Significant
			1.0-1.5	0.5-1.5
			1hr75	No Data
Lakeside Caravan Park	FZ3	Tidal/Fluvial	Moderate to Extreme	Extreme
			0.5-2.0	0.5-2.0
			3hrs	2hrs
Lee over Sands	FZ3/3b	Tidal	Significant/Extreme	Significant/Extreme
			2.0-3.5	2.0-3.5

			1hr	No Data
Martello Beach Holiday Park	FZ3	Tidal	Significant/Extreme	Extreme
			2.0-3.0	2.0-3.0
			1hr75	No Data
Martello Caravan Park	Part of the site in FZ2 & FZ3	Tidal/Fluvial	No Effect from Breach	No Effect from Breach
			n/a	n/a
			n/a	n/a
Naze Marine Holiday Park	FZ3	Tidal	Extreme	Extreme
			1.0-3.0	2.0-3.0
			2hr15	1hr30
New Hall Lodge Park	FZ3 and part in FZ1	Tidal	Part Low	Part Medium, part High
			0.5-1.0	0.5-2.0
			No Data	No Data
Orchard Holiday park	FZ3	Tidal	Extreme	Extreme
			2.0-3.0	2.0-3.0
			15-30 minutes	1hr15
Pretoria Caravan Park	FZ3	Tidal	Extreme	Extreme
			2.0-3.0	2.0-3.0
			30 mins	1hr45
Point Clear Bay Estate	FZ3	Tidal	Extreme	Extreme
			1.0-3.0	1.0-3.0
			15mins	1hr
Seawick Holiday Village	FZ3	Tidal	Significant	Moderate/Significant
			0.5-1.5	0.5-1.0
			1hr75	No Data
Shore Farm Caravan Park	Part of the site in FZ2 & FZ3	Tidal	No Data	No Data
			No Data	No Data
			No Data	No Data
St. Osyth Beach Holiday Park	FZ3	Tidal	Significant	Moderate/Significant
			1.0-1.5	1.0-1.5
			1hr75	No Data
Valley Farm Caravan Park	Over half the site in FZ1, part of the site in FZ2 and FZ3	Fluvial	No Data	No Data
			No Data	No Data
			No Data	No Data
Weeley Bridge Holiday Park	Part of the site in FZ2 & FZ3	Fluvial	No Data	No Data
			No Data	No Data
			No Data	No Data
Willows Caravan Park	Over half of the site in FZ2	Tidal	Part Extreme	No rating
			1.0-1.5	n/a

	and FZ3		3hrs	2hrs25
Wrabness Foreshore	Flood zones 1,2 and 3	Tidal	No Data	No Data
			No Data	No Data
			No Data	No Data

Note: The above table shows hazard rating from a breach. Surge overtopping presents a Significant to Extreme risk in areas such as Bel-Air, Seawick Holiday Village, Hutleys Caravan Park, St. Osyth Beach Holiday Park and Martello Beach Holiday Park and an extreme risk to Lee Over Sands with depths reaching up to 2.5metres. The EA have flood warning publications informing the public that six inches (15.24cms) can knock you off your feet, two feet (60.26cms) can float a car.

Table 1b is based on information gathered from the EA and the Tendring District SFRA Final Report 2009.

**Photo 5 - Water ebbing out of marsh following a breach in sea defence near Aldeburgh, Suffolk – North Sea Tidal Surge Dec 2013
(photo provided by the Environment Agency)**



Photo 6 - Extent of land flooded following embankment breach, Burnham Deepdale, Norfolk – North Sea Tidal Surge – Dec 2013
Note: This area is topographically very similar in nature to St. Osyth Marsh (Hutleys, Bel-air, Martello, Seawick, St Osyth Beach) – (photo provided by the Environment Agency)



Fig 2. A map to show the maximum depth of flood waters in the event of a breach for the Point Clear Bay and Brightlingsea area (Tendring District SFRA Final Report 2009).

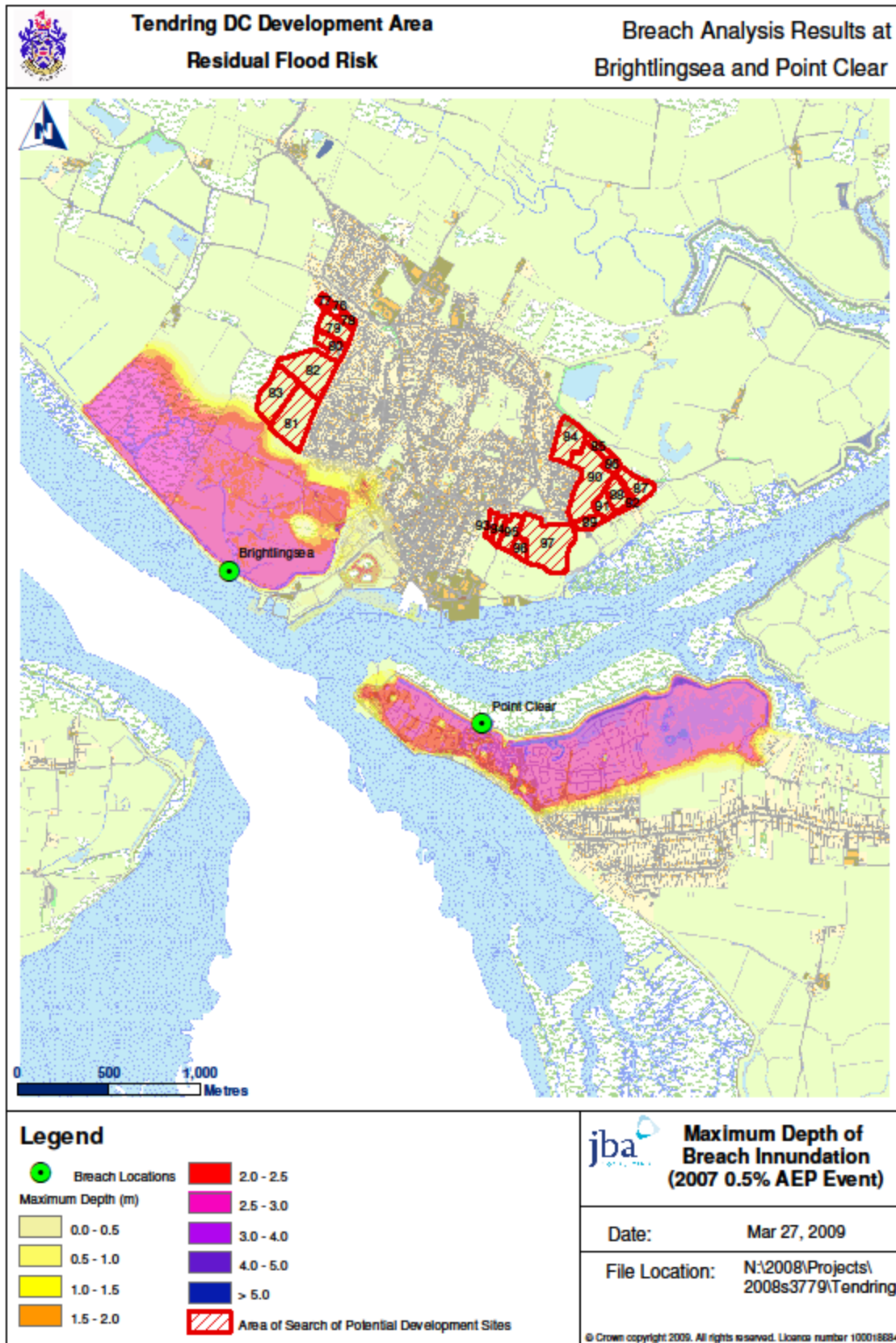
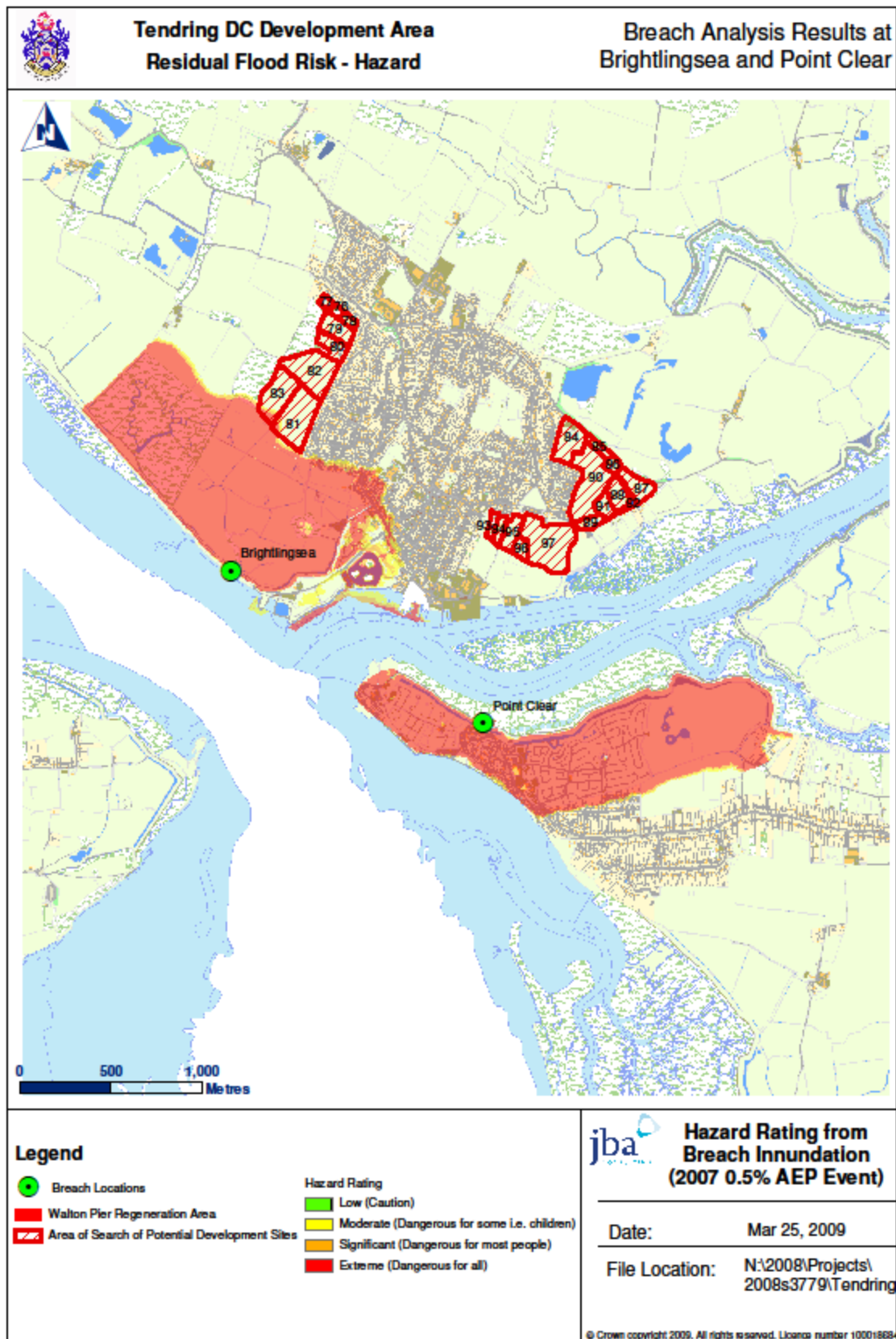


Fig 3. A map to show the hazard rating from a breach inundation for the Point Clear Bay and Brightlingsea Area (Tendring District SFRA Final Report 2009).



Appendix B

Relevant Planning appeal decisions

1.0 Sycamore Farm Park Ltd, East Lindsey

In November 2013, Sycamore Farm Park Ltd, applied to East Lindsey District Council, Lincolnshire to vary an occupancy condition from the period 1st March to 31st October in any one year to the period 1st March to 30th November in any one year. The occupancy condition was imposed to reduce the risk of loss of life during a flood event. However, the Environment Agency (EA) objected to this application on the grounds that the site lies within an area classified as 'danger to most' on their coastal Hazard Maps, should a breach in the sea defences occur in a tidal event with a 0.5% chance of occurring in any given year. Their reasons for not allowing the extension of an occupancy date in the month of November was that one of the most effective tools for managing flood risk is avoidance and the use of a restricted season as these types of development are particularly vulnerable to the effects of flooding. To extend the occupancy into this higher risk season would not be acceptable as the likelihood of a tidal event with a 0.5% chance of occurring in any one year is greater during the winter months. The approval also appeared to be contrary to their policy concerning occupancy periods in their Core Strategy. The EA were not satisfied with the arguments concerning the distance from the coast and the time it would take for a total evacuation considering the road network and the number of vulnerable (i.e. elderly, disabled) residents that would need the assistance of the emergency services. Other concerns for an extension to the occupancy season are that there are reduced daylight hours in the month of November and therefore there are limited daylight hours and the site could be inundated before there is an opportunity to evacuate safely. Issues were also raised that the evacuation cannot be enforced as it is not mandatory for sites to close up and evacuate (as was shown in the 2013 surge within the Tendring district, occupants were reluctant to leave their homes and therefore not only put their own lives in danger but those of the emergency services also).

The council is responsible for signing off the suitability of the sites flood warning and evacuation procedures. It is therefore accepting the liability for the suitability of the procedures to protect life and property. It should be noted that there is a currently ongoing litigation against local elected officials in respect of both inadequate land use planning and emergency planning following Tempest Xynthia on the West Coast of France in February 2010 when 47 lives were lost.

This decision is currently going into Ministerial Call.

1.1. Coastfields Leisure Ltd, East Lindsey

In October 2013, Coastfields Leisure Ltd, applied to East Lindsey District Council, to vary a condition that stated caravans could only be occupied from the 1st April to 31st October in any one year except that, in years when the Bank Holiday known as Good Friday falls in March, then the caravans may be occupied from Good Friday to 31st October in that year to read 'the static and touring caravans hereby approved must only be used or occupied from 1st March to 30th November in any one year'. The EA objected to this decision due to the proposal putting more lives at unacceptable risk. The reasons for their objection were similar to the reasons for objecting to Sycamore Farm Park Ltd due to the distance from the coast being closer than that of Sycamore Farm Park, and that the guarantee of evacuating the site in time before it flood could not be made along with similar challenges regarding the road network and vulnerable residents that would need assistance of the emergency services. It also highlighted that no warning of a breach of defences could be made and so a breach of defences continues to be an unpredictable factor and that there are reduced daylight hours in the month of November and thereby reducing the amount of time available to evacuate safely. More recent and updated information concerning the safe egress indicated that egress would not be possible along Alford Road and so the only effective way of managing risk is thorough occupancy restriction. The EA

also indicated that in both cases the economic benefits from an increase in occupancy rates are very limited. The EA considered to be of great concern that decisions are being made contrary to the Emerging Coastal Policy in the draft Local Plan, given the co-operative working and evidence behind it.

This decision is currently going into Ministerial Call.

2.0 Moor Hall Lane, Stourport-on-Severn.

In May 2012, an application sought planning permission for a prefabricated bungalow at Moor Hall Lane, Stourport-on-Severn. The application also sought to relax the restrictions on the period of occupation to a period of 11 months in any year. The condition in dispute states that the building shall be used for holiday purposes only and the use shall be restricted to the period between Good Friday and 30th September in any year. The reason was to preclude the use of the building for permanent accommodation and thereby avoid prejudicing the rural character of the area. A significant part of the site is located in Flood Zone 3 of the River Severn. There was no full site-specific risk assessment produced. Even though some bungalows already had 11 month occupancy, the appeal was dismissed as this reason did not justify the introduction of additional risks.

3.0 Humberston Fitties Chalet Park, Humberside, Lincolnshire

In January 2013, an application sought planning permission for alterations and extensions to renovate a holiday chalet at Humberston Fitties Chalet Park, Humberside, Lincolnshire. The application also sought to extend the occupancy period by 3 months until 31 December. The area is subject to high risk from coastal flooding being placed within Flood Zone 3a on the Environment Agency's Flood Zone Map. In the event of a flood, by 2115 the appeal property would be in an area of maximum hazard, in the event of a flood, all properties would become unstable and their debris would compound the hazards around the site for residents and members of the rescue services. The force, depth and speed of the flooding in the future could make escape extremely hazardous compounded by the floating debris despite the general acceptability of the escape route and the present sea defences. The reasons the appeal inspector gave in not allowing the appeal were that due to historical development of the area and planning permissions already granted and implemented it is not possible through the planning system to ensure that all properties enjoy the same planning conditions. This does not mean that where there are opportunities to ensure greater safety for occupiers that they should not be taken to meet the objectives of policy. Notwithstanding warning systems, human failings and errors can and do occur, including illness, accidents, delayed departure, unexpected and dramatic changes in conditions and natural personal reluctance to move out rapidly. The correct approach is to err on the side of caution due to the severity and scale of coastal flooding and the dangers it poses for residents of the area and for the emergency service personnel. It is right to limit occupation to those months when flooding is less likely to occur as part of a risk reduction strategy even though it would be inconsistent with the occupation periods of other properties whose time constraints were imposed against a different understanding of likely flooding events.

4.0. Four holiday dwellings with seasonal occupancy, Hunstanton, Norfolk

In May 2010, an application sought planning permission for construction of 4 holiday dwellings with seasonal occupancy restriction at Hunstanton, Norfolk. The application also sought to dispute that the dwellings shall be occupied between 31 March and 30 September. The reason for such a condition was to ensure that the risk to occupants of the new dwellings posed by flooding is reduced to an acceptable level in accordance with Local Plan Policy and PPG25 without complying with a condition attached to a previous permission in 2005. The site contains caravans and a mixture of single storey and two to three storey apartments and terrace houses behind and close to the flood defences. The appeal site lies within Tidal Flood Zone 3,

an area at risk of the highest probability of flooding and the highest risk of rapid inundation. The SFRA and the most up to date assessment concluded that the only safe period of residential occupancy is in the summer months, so avoiding the high spring and autumn tides and the severe winter wave action. The inspector was aware that the older properties on the site had longer periods of occupancy or no such constrictions and was aware that this issue may be frustrating for the appellant but as awareness of the risks changes so must the response. To ignore the results of the SFRA would be to put more people at potential risk to life and limb. An Evacuation Plan that was produced reduces the risk at a satisfactory level between April and September, but not a satisfactory level during the periods of increased probability of flooding. The appeal was dismissed.

5.0. 80 Colne Way, Point Clear Bay, St. Osyth, Essex.

In January 2009, an application was sought to rebuild no.80 Colne Way, Point Clear Bay, St. Osyth. The main issue with the appeal was the acceptability of the development with regard to the advice contained within PPS25. No. 80 was part of a development of holiday chalets dating from the early 1960's and the original permission for restricted occupancy was between 1 March – 31 October. In June 2007, the council granted planning permissions for extensions to the holiday chalet, but the chalet had fallen into disrepair and the works to the chalet were more extensive than first envisaged. Unfortunately for the appellant the chalet was demolished by the his builder and the consequence was that there was no building to be repaired and/or extended. The council advised that planning permission would be required for a new building as it could not be treated as a replacement dwelling it could be treated as a new dwelling and not a replacement dwelling. The EA expressed the view that the appellant must provide evidence to demonstrate that the Sequential Test requirements of PPS25 had been met. It was considered that it would have been possible that the replacement dwelling could offer a better situation with regard to flood risk than the original chalet. There were possibilities for formalising the possible incorporation of flood mitigation measures e.g. a flood warning system, an evacuation plan, into the building design. However, the inspector concluded that there was not adequate information to demonstrate that the development is acceptable bearing in mind the advice contained in PPS25 and the appeal was dismissed.

5.1. Land and buildings at Colne Way, New Way, Norman Way, Saxon Way and Cruce Way, Point Clear Bay, St. Osyth, Essex

In July 1990, Land and buildings at Colne Way, New Way, Norman Way, Saxon Way and Cruce Way, Point Clear Bay, St. Osyth, Essex appealed against 20 enforcement notices and 56 refusals of planning permission. These were relating to a condition which was alleged that had not been complied with where the chalets were to be used for habitation only during the period 1 March to 31 October in each year and during the winter months may be used for the storage of household effects. Various appeals were allowed concerning Permanent residential occupation due to four years continuous occupation, occupation for named persons only reverting back to restricted occupation, and extensions to permissions to extend to Winter Weekends and 10 Consecutive days. The inspector argued against a widespread permanent residential occupation due to the likely harm to nature conservancy interests. Poor infrastructure also factors into the decision against unrestricted family occupation including serious problems arising from a sewerage issue. This resulted in Point Clear Bay having a varied mixture of occupancy conditions within the site.

5.2. 40, Colne Way, Point Clear Bay, St. Osyth, Essex.

In June 2000, 40, Colne Way, Point Clear appealed to return to the status quo as at the time of 1990 appeal decision which allowed occupation of the chalet at weekends during the winter period and during Christmas and New Year Holiday. The Inspector at the time shared the previous inspectors concerns of February 1998 where they concluded that there were compelling Conservation and environmental objections to the use of the appeal property for

winter habitation. This appeal was dismissed and reverted back to the 1 March – 31 October occupancy condition.

5.3. 86 Norman Way, 40, Colne Way, Point Clear, 72 Colne Way, 6 Colne Way, Point Clear Bay, St. Osyth, Essex.

In February 1998, 86 Norman Way, 40, Colne Way, Point Clear, 72 Colne Way, 6 Colne Way appealed against the refusal of planning permission for residential all year round accommodation. The Inspector based his decision on the fact that because of the large number of holiday units where new dwellings would not be permitted, the permanent occupation should not be accepted. Flooding issues were of a concern and the EA argued that the area is wholly unsuitable for winter habitation. The presence of a SSSI, a Wetland of International Importance under the RAMSAR Convention and an SPA under the EU Bird's Directive also factored into the appeal Inspectors decision. The primary nature conservation concern in respect to the winter occupancy of these holiday homes related to the extra disturbance to feeding and roosting waterfowl that would be caused. He accepted that the winter occupancy of a few chalets would not in itself make a significant impact. Nevertheless he pointed out that there are some 4500 holiday homes on coastal sites in the District and thus the question of precedent was of considerable importance. Other issues factored into the decision were of surface water accumulation. The appeal was dismissed

6.0. Brightlingsea Haven Leisure Park, Brightlingsea, Essex.

In January 1995, Brightlingsea Haven Leisure Park appealed for an extension of occupancy to the 30 November. The appeal Inspector concluded that the extended use of the site would be unlikely to lead to the occupation of the units as permanent accommodation and that the potential risk of flooding is slight. The inspector did not consider the risk to occupants on the extended November days would be unacceptable and did not consider that the proposals would result in a perceptible increase disturbance to wildlife and therefore allowed the appeal.

7.0. New Hall Lodge Park, Dovercourt, Essex

In June 2013. New Hall Lodge Park appealed for an extension to their occupancy period to allow the period 15 January to 28 February. Due to the Government's 2006 publication Good Practice Guide on Planning for Tourism which records tourism as an increasingly year-round activity and the Government's NPPF in respect of support for rural tourism and expansion of tourist facilities the inspector concluded that the proposed variation would not lead to the lodges being used as full-time residential accommodation the appeal was allowed on the condition that the site operators maintain an up-to-date register of the occupiers main residential addresses and that this information is to made available at all reasonable times to the local planning authority.

8.0. Highfield Holiday Park, Clacton-on-Sea, Essex

In February 2013, Highfield Holiday Park, appealed for all year round holiday occupancy. This appeal was allowed as the Inspector concluded that the proposed change of use would not lead to full time residential accommodation with a condition attached that the site operators maintain an up-to-date register of the occupiers main residential addresses and that this information is to made available at all reasonable times to the local planning authority.

(Information gathered from Individual planning application, appeals and DCP online)

Appendix C A map showing caravan sites in relation to Flood Zones and Internationally Important Nature Conservation Sites.

