

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	20/07/2022
Planning Development Manager authorisation:	JJ	26/07/2022
Admin checks / despatch completed	SH	27/07/2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	27.07.2022

Application: 20/00197/FUL **Town / Parish:** Harwich Town Council

Applicant: Mr M Purdom - Park Holidays UK Limited

Address: Dovercourt Haven Caravan Park Low Road Dovercourt

Development: Proposed siting of 57 static caravans in lieu of 90 touring caravans within the existing confines of Dovercourt Holiday Park.

1. Town / Parish Council

Harwich Town Council
09.04.2020

Observations - Concerned with the 11.5 months season they are allowing, as it is gradually becoming a residential site with social issues. They have already expanded on a large scale. The removal of touring caravans takes away a much-needed touring facility.

2. Consultation Responses

Emergency Planner -
Catherine Boyer-Besant

Thank you sending the updated version through. Pretty much all of my comments have been taken up.

There are just a few outstanding:

Page 3 Section 2.3.9; refers to "at short notice", which contradicts the comments in section 2.3.10 and 2.3.11 which references issue of warnings.

Page 3 Section 2.3.11: remove "to overtopping occurring". A flood warning is not just about overtopping.

Page 3 Section 2.3.13: refers to section 3.1.2 stating it provides advice on action to take in response to breach of defence. Check this reference.

Page 8 Section 3.1.6: State that the severe weather warning of concern are for RAIN and THUNDERSTORMS

Page 12 Fig 3.2; I would still suggest going straight over at Low Road, and up Abbots Road.

Flood Evacuation Management Plan (Ref - SHF.201.073.HY.R.002.D - June 2020) has been updated to incorporate these comments.

ECC Highways Dept
24.03.2020

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

The development shall not be occupied until such time as the car parking facilities have been provided in accord with the details shown in Drawing Numbered LA.D.001.001. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development thereafter.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

ECC SuDS Consultee
12.06.2020

As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We have been statutory consultee on surface water since the 15th April 2015.

In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C753)
- BS8582 Code of practice for surface water management for development sites.

Lead Local Flood Authority position

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission based on the following:

Condition 1

No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on detailed infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753 and detailed ground water monitoring conducted in the winter months.
- If infiltration is found to be unviable then discharge rates are to be limited to 1l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.

- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Reason

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

Condition 2 -

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and to prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason

The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

Condition 3

Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance

activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

Condition 4

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

We also have the following advisory comments:

- Infiltration testing will be conditioned and if found viable will mean the scheme will have to be updated accordingly.

In the event that more information was supplied by the applicants then the County Council may be in a position to withdraw its objection to the proposal once it has considered the additional clarification/details that are required.

Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

Summary of Flood Risk Responsibilities for your Council

We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless these are all very important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

- Sequential Test in relation to fluvial flood risk;
- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
- Safety of the building;
- Flood recovery measures (including flood proofing and other building level resistance and resilience measures);
- Sustainability of the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning

authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Please see Appendix 1 at the end of this letter with more information on the flood risk responsibilities for your council.

INFORMATIVES:

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
- The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.
- We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

Appendix 1 - Flood Risk responsibilities for your Council

The following paragraphs provide guidance to assist you in determining matters which are your responsibility to consider.

- Safety of People (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements)

You need to be satisfied that the proposed procedures will ensure the safety of future occupants of the development. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise LPAs formally consider the emergency planning and rescue implications of new development in making their decisions.

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals as we do not carry out these roles during a flood.

- Flood recovery measures (including flood proofing and other building level resistance and resilience measures)

We recommend that consideration is given to the use of flood proofing measures to reduce the impact of flooding when it occurs. Both flood resilience and resistance measures can be used for flood proofing.

Flood resilient buildings are designed to reduce the consequences of flooding and speed up recovery from the effects of flooding; flood resistant construction can help prevent or minimise the amount of water entering a building. The National Planning Policy Framework confirms that resilient construction is favoured as it can be achieved more consistently and is less likely to encourage occupants to remain in buildings that could be at risk of rapid inundation.

Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. Consultation with your building control department is recommended when determining if flood proofing measures are effective.

Further information can be found in the Department for Communities and Local Government publications 'Preparing for Floods' and 'Improving the flood performance of new buildings'.

- Sustainability of the development

The purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF recognises the key role that the planning system plays in helping to mitigate and adapt to the impacts of climate change, taking full account of flood risk and coastal change; this includes minimising vulnerability and providing resilience to these impacts. In making your decision on this planning application we advise you consider the sustainability of the development over its lifetime.

Tree & Landscape Officer
25.03.2020

The application site is set to grass and contains several low hedges that have historically divided the land into sections associated with its use for touring caravan and potentially tents. The southern boundary benefits from screening provided by scrubby groups of Blackthorn that have established on the banks of the Borrow Dyke associated with the sea wall further to the south.

There are a group of trees in the south western corner of the application site close to the pond shown on the site layout plan.

In order to show the impact of the development proposal on the trees and other vegetation on the application site the applicant has provided a tree survey and report. This information is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction ' Recommendations.

The report accurately describes the health, condition and amenity value of the trees and other vegetation on the land. Whilst most of the internal hedges would need to be removed to facilitate the implementation of the development proposal. The retention of the Blackthorn (G1) of the tree report will, along with new soft landscaping, help to soften the appearance of the development and provide a reasonable level of screening from the sea wall to the south

In terms of new planting the applicant has provided detailed soft landscaping proposals that include the retention and strengthening of existing boundary vegetation along with new planting.

The information provided is comprehensive and sufficient to secure an appropriate level of soft landscaping.

Natural England
04.02.2022

Thank you for your consultation on the above which was received by Natural England on 11 February 2022

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application would:
- have an adverse effect on the integrity of European designated sites within scope of the Essex Coast RAMS

We are satisfied that the mitigation described in your Appropriate Assessment is in line with our strategic-level advice. The mitigation should rule out an 'adverse effect on the integrity' (AEOI) of the European designated sites that are included within the Essex Coast RAMS from increased recreational disturbance.

The financial contribution should be secured through an appropriate and legally binding agreement, in order to ensure no adverse effect on integrity.

Should the applicant wish to discuss the further information required and scope for mitigation with Natural England, we would be happy to provide advice through our Discretionary Advice Service.

Please consult us again once the information requested above, has been provided.

Essex Wildlife Trust

No comments received

Environment Agency
08.04.2020

Thank you for your consultation we have reviewed the plans as proposed and we have no objection to this planning application, providing that you have taken into account the flood risk considerations which are your responsibility. We have highlighted these in the flood risk section below.

The proposed development site and caravans are at actual risk of deep flooding of over 3m deep and have no higher refuge available. The safety of the development is entirely reliant on a submitted Flood Response Plan, so you must determine its adequacy to ensure the safety of the occupants. Table 2 of the NPPF PPG classes holiday let caravans as More Vulnerable 'subject to a specific warning and evacuation plan'. All other types of more vulnerable development are required to have dry floors in the 0.5% (1 in 200) annual probability flood event and higher refuge in the 0.1% (1 in 1000) annual probability flood event. However we are not objecting to this caravan development because the PPG states that it can be subject to a Flood Response Plan. It is very important that this plan will be able to ensure

the safety of the development through prior evacuation, as there will be no alternative provision to ensure the safety of the occupants should a flood occur, such as safe refuge, and the site is at risk of very deep flood depths of over 3m deep, so has a very high hazard of danger for all including the emergency services. Therefore it is very important that you assess the appropriateness of the plan and ensure that it will ensure the safety of the occupants in a flood.

Flood Risk

Our maps show the site lies within tidal Flood Zone 3a defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. The proposal is for the replacement of 90 touring caravan pitches with 57 static holiday caravans, which is classified as a 'more vulnerable' development, as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance, providing that the caravans are used as short-term holiday lets and are not occupied as a primary residence. Therefore, to comply with national policy the application is required to pass the Sequential and Exception Tests and be supported by a site specific Flood Risk Assessment (FRA).

If you are satisfied that the application passes these Tests and will be safe for its lifetime, we request the following conditions are appended to any permission granted: Condition

The development permitted by this planning permission shall be carried out in accordance with the approved flood risk assessment (FRA) prepared by Enzygo Limited, referenced SHF.201.101.HY.R.001.A and dated January 2020, and the following mitigation measures detailed within the FRA:

- The caravans on the site will be securely anchored to the ground to ensure that the caravans will remain in position throughout any flood event.

Reason

To prevent damage to the surrounding area in the event of a flood.

This mitigation measure shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

To assist you in making an informed decision about the flood risk affecting this site, the key points to note from the submitted FRA, prepared by Enzygo Limited, referenced SHF.201.101.HY.R.001.A and dated January 2020, are:

Actual Risk

- The site lies within the flood extent for a 0.5% (1 in 200) annual probability event, including an allowance for climate change.
- The site does benefit from the presence of defences. However the defences are below the 0.5% (1 in 200) annual probability flood level including climate change and therefore the site is at actual risk of flooding in this event.

- The climate change allowances were revised in December 2019, and the upper end allowances used for more vulnerable development are 0.31m higher than the flood levels used in our flood model and referenced in the FRA, so we have added 0.31m height to the flood levels quoted below.

- Finished ground floor levels of the caravans have been proposed at 0.6m above the ground level. The lowest ground level is 0.94m AOD, so the lowest floor level would be 1.54mAOD. This is below the defended 0.5% (1 in 200) annual probability flood level including new climate change of 5.01m AOD and therefore at risk of flooding by 3.47m depth in this event.

- Flood resilience/resistance measures have not been proposed.

- There are no first floors associated with the caravan development and therefore there is not refuge above the 0.1% (1 in 1000) annual probability flood level of 5.65m AOD, and flood depth on the site of 4.71m deep, and in the caravans of 4.11m deep.

- The site level is 0.94m AOD at the lowest point in the south west and therefore flood depths on site are 3.76m deep in the 0.5% (1 in 200) annual probability flood event including climate change.

- Therefore assuming a velocity of 0.5m/s the flood hazard is danger for all including the emergency services in the 0.5% (1 in 200) annual probability flood event including climate change.

- Therefore this proposal does not have a safe means of access in the event of flooding from all new buildings to an area wholly outside the floodplain (up to a 0.5% (1 in 200) annual probability including climate change flood event). We have no objections to the proposed development on flood risk access safety grounds because an Emergency Flood Plan has been submitted by the applicant but you should determine its adequacy to ensure the safety of the occupants. Table 2 of the NPPF PPG classes holiday let caravans as 'more vulnerable' 'subject to a specific warning and evacuation plan'. All other types of more vulnerable development are required to have dry floors in the 0.5% (1 in 200) annual probability flood event and higher refuge in the 0.1% (1 in 1000) annual probability flood event. However we are not objecting to this caravan development because the PPG states that it can be subject to a Flood Response Plan. It is very important that this plan will be able to ensure the safety of the development through prior evacuation, as there will be no alternative provision to ensure the safety of the occupants should a flood occur, such as safe refuge, and the site is at risk of very deep flood depths of over 3m deep, so has a very high hazard of danger for all including the emergency services.

- Compensatory storage is not required.

Residual Risk

- Section of the FRA explores the residual risk of a breach using the undefended flood depths, which shows that the site could flood up to 4.33 metres during the 0.5% (1 in 200) annual probability including climate change breach flood event (with flood level of 5.27mAOD) and up to 4.70metres during the 0.1% (1 in 1000) annual probability including climate change breach flood event (with flood level of 5.64mAOD). You may wish to ask the applicant to provide a breach

assessment for the development site in their FRA so that you can make a more informed decision on flood risk.

- Therefore assuming a velocity of 0.5m/s the flood hazard is danger for all including the emergency services in the 0.5% (1 in 200) annual probability flood event including climate change.

- Finished ground floor levels have been proposed at 1.54m AOD. This is below the 0.5% (1 in 200) annual probability breach flood level including climate change of 4.70m AOD and therefore at risk of flooding by 3.16m depth in this event.

- Flood resilience/resistance measures have not been proposed.

- There are no first floors associated with the caravan development and therefore there is not refuge above the 0.1% (1 in 1000) annual probability flood level of 5.64m AOD, and flood depth on the site of 4.70m deep, and in the caravans of 4.10m deep.

- A Flood Evacuation Plan has been provided and is necessary to ensure the safety of the development in the absence of safe access and with very deep internal flooding in the event of a breach flood.

- Reservoir (is it downstream of a high risk reservoir, could the development make the reservoir high risk)

Environmental Protection
03.04.2020

EP has reviewed the above application and has no comments to make.

ECC-Ecology
13.04.2021

Holding objection due to insufficient ecological information on Designated sites.

Information on Designated Sites now provided to inform the Appropriate Assessment completed by ECC-Ecology.

We have reviewed the Preliminary Ecological Appraisal (The Ecology Consultancy, January 2020), the Great Crested Newt HSI and eDNA Surveys (The Ecology Consultancy, September 2020), the Bat Surveys (The Ecology Consultancy, October 2020), the Invertebrate Assessment (The Ecology Consultancy, October 2020) the Water Vole and Otter Presence / Likely Absence Survey (The Ecology Consultancy, October 2020), the Response to Ecology Comments (The Ecology Consultancy, February 2021), the Evidence in support of a Habitats Regulations Assessment (Stage 1) (The Ecology Consultancy, November 2020), the Planning Note: Holiday Caravan Occupancy Levels (Savills, March 2021), the Breeding Bird Survey Report (The Ecology Consultancy, September 2020) and the Winter Bird Survey Report (The Ecology Consultancy, March 2020) supplied by the applicant, relating to the likely impacts of development on designated sites, Protected & Priority habitats and species, identification of proportionate mitigation.

We are still not satisfied that there is sufficient ecological information available for determination of this application.

In our comments dated January 2021 we the noted that the development poses an increase in the occupancy period for this site. The Response to Ecology Comments (The Ecology Consultancy, February 2021) states that, “despite the increased occupancy period,

there will be a concomitant decrease in occupancy across the wider caravan site and thus no increase in visitors is expected.” The Planning Note: Holiday Caravan Occupancy Levels (Savills, March 2021) supports this conclusion and demonstrates that, whilst the occupancy period for the static caravans will be longer than the existing occupancy period, there will likely be a subsequent decrease in the occupancy across the year, compared to the occupancy rates for 2019.

The Response to Ecology Comments (The Ecology Consultancy, February 2021) reports that the development site is “far enough away from any key roosting, breeding or foraging areas”. However Natural England comments (February 2021) state that the SSSI citation for Hamford Water identifies the section of saltmarsh south of the site as a “major roost”. The Evidence in support of a Habitats Regulations Assessment (Stage 1) (The Ecology Consultancy, November 2020) states that Wintering and Breeding Bird surveys have been completed and these have now been submitted to for review. However, we note that these relate solely to the Site and not the adjoining land which will be affected by recreation. Therefore, recreational impacts on the development on the Qualifying bird species of Hamford Water cannot be ruled out.

The Evidence in support of a Habitats Regulations Assessment (Stage 1) (The Ecology Consultancy, November 2020) concludes that impacts of the development on Hamford Water can be screened out.

However, we do not support this conclusion and would agree with the formal comments of Natural England (February 2021) that mitigation measures will be required and therefore an Appropriate Assessment will be necessary.

We recommend that a detailed mitigation strategy for the impacts of the development alone on Hamford Water SPA, SAC and Ramsar, is prepared by the applicant’s ecologist. The mitigation measures should be sufficient to enable the LPA to prepare the bespoke HRA and AA that will be required for formal consultation with Natural England.

We also recommend that a financial contribution is sought, in line with the Essex Coast RAMS, as appropriate mitigation for the effects of recreation arising from this development in-combination with other plans and projects. Examples of additional appropriate mitigation include limiting access to ecologically sensitive areas during the time of year that the bird species are present and the creation of alternative walking routes to avoid these areas. This may require some revisions to the scheme; we note that the Habitats Regulations Assessment (Stage 1) (The Ecology Consultancy, November 2020) currently reports that “pedestrian links will be created on the southern boundary of the site via existing pedestrian access which leads over a drain to the adjacent coastal frontage (sea wall), linking with the long-distance footpath/registered way to the south and the public footpath to the west”.

There will be a need to remove this link specifically to avoid disturbance from the development as mitigation embedded into its design.

ECC-Ecology
07.02.2022
**(Appropriate
Assessment
Conclusions)**

We would also support the collation and inclusion of the species specific mitigation measures included in the species specific survey reports, within this mitigation strategy.

This is needed to enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

As the development is site is located within the evidenced Zone of Influence for recreational disturbance for the Essex coastal Habitats sites, there are predicted impacts from the development in combination with other plans and projects.

In line with the Court judgement (CJEU People Over Wind v Coillte Teoranta C-323/17), mitigation measures cannot be taken into account when carrying out a HRA screening assessment to decide whether a development is likely to result in significant effects on a Habitats site. The LPA's HRA screening concluded that it is not possible to rule out likely significant effects without mitigation in place from operational phase recreational disturbance in combination with other plans and projects.

This report is therefore an Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017 (as amended) and considers the predicted adverse effects from recreational disturbance from the development in combination with other plans and projects with residential and tourist elements. The competent authority needs to consider if, with mitigation in place, the development can avoid adverse effect on integrity of the Habitats sites which have been screened in for further assessment.

The likely significant effects from the development on the Habitats site are:

- Operational phase – recreational disturbance in combination with other plans and projects

Recreational Disturbance

With the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) and its SPD adopted by Tendring DC and a Delivery Officer for BirdAware Essex now in post, the predicted impacts from recreational pressure from residential development in combination with other plans and projects can avoid adverse effect on the integrity of Habitats sites on the Essex coast. To minimise any increase in recreational pressure to the sensitive features of these sites, the applicant has agreed to provide a proportionate financial contribution to the Essex Coast RAMS.

Although this type of development is not within the scope of this RAMS, the contribution will enable delivery of extra mitigation by Bird Aware Essex. This financial contribution will account for seasonal occupancy of the caravans/lodges and will be secured as part of a legal agreement for the development.

To ensure that no adverse effect on integrity of the Habitats sites within scope is caused from the development in combination with other plans and projects, the mitigation measures identified above are required to be secured by a legal agreement and implemented in perpetuity.

Applying the integrity test

This assessment is based on evidence provided and discussion with the applicant to ensure that the conclusion is beyond reasonable scientific doubt concerning the effects of the project envisaged on the Habitats sites concerned.

By securing a financial contribution towards Essex Coast RAMS for delivery of additional management measures for visitors at Hamford Water SPA, SAC and Ramsar, it is concluded that the development will not result in an adverse effect on the integrity of the Habitats sites in combination with other plans and projects.

Conclusions

The range of potential impacts particularly on Hamford Water SPA, SAC and Ramsar from the development alone and on the Stour & Orwell Estuaries SPA and Ramsar, the Colne Estuary (Mid Essex Coast Phase 2) SPA and Ramsar and the Essex Estuaries SAC, in combination with other plans and projects, have been considered and assessed.

It is concluded that with mitigation secured by a legal agreement, this project will avoid adverse effect on the integrity of Hamford Water SPA, SAC and Ramsar, Stour & Orwell Estuaries SPA and Ramsar, the Colne Estuary (Mid Essex Coast Phase 2) SPA and Ramsar and Essex Estuaries SAC, either alone or in combination with other plans and projects.

Subject to Natural England's formal response on the conclusion of this Appropriate Assessment, Tendring District the LPA may move to determine this planning application.

3. Planning History

95/01387/FUL	(Dovercourt Haven Caravan Park, Low Road, Dovercourt) Extension to roof over existing lobby - new telephone box and entrance door to clubs. No change of use	Approved	24.01.1996
TEN/1411/84	Provision of touring caravan park, extension to static caravan park, re-arrangement of existing static site and erection of two toilet blocks	Approved	21.05.1985
97/00667/FUL	(Low Road, Dovercourt) Re-building of amusements, games room and offices	Approved	22.07.1997
07/01730/ADV	Retention of entrance signs to caravan park.	Refused	18.12.2007
19/00588/FUL	Variation of Condition 1 to Planning Application HAR/22/61 - to amend occupation to 1st March in any one	Approved	19.07.2019

	year to 15th Feb the following year - subject to certain requirements set out in Planning Statement.		
20/00197/FUL	Proposed siting of 57 static caravans in lieu of 90 touring caravans within the existing confines of Dovercourt Holiday Park.	Current	
20/00198/FUL	Proposed construction of a new internal swimming pool building and Outdoor Play Area and associated external works.	Approved	05.05.2020
20/01785/FUL	Variation of Condition 1 to Planning Application 19/00588/FUL to add an additional occupation period from 15th Feb 2021 to the end of February 2021 only.	Approved	03.02.2021
22/01076/FUL	Proposed extension to Dovercourt Holiday Park to provide 35 static and lodge-style holiday caravans with environmental improvements.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2021

National Planning Practice Guidance

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)

SP1 Presumption in Favour of Sustainable Development

SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

SP3 Spatial Strategy for North Essex

SP5 Employment

SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

SPL1 Managing Growth

SPL3 Sustainable Design

HP1 Improving Health and Wellbeing

PP8 Tourism

PP10 Camping and Touring Caravan Sites

PP11 Holiday Parks

PP13 The Rural Economy

PPL1 Development and Flood Risk

PPL2 Coastal Protection Belt

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

PPL10 Renewable Energy Generation

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

TOUR Good Practice Guide on Planning for Tourism

Status of the Local Plan

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

Dovercourt Haven Holiday Park is located at the southern end of Dovercourt off Low Road. The holiday park itself extends to around 36.50ha (90.00 acres) in total with the site being of a level topography. The park is laid out to accommodate a total of 562 static holiday caravans, 90 touring caravan pitches and 30 residential park homes. All of the static holiday caravans now benefit from a uniform 11.5 month holiday season which runs from 1st March in any one year to 15th February the following year, such being recently granted under application 19/00588/FUL. The 90 touring caravan pitches are located on the south western element of the park and comprise a mixture of seasonally sited and transient pitches which are subject to a defined holiday season of 1st March to 31st October.

In addition to the established caravan development, Dovercourt Holiday Park also provides a number of supporting facilities and buildings. The central facilities building has an on-site club with four bars, children's soft play and a café. There is a main site reception with supporting offices and an adjoining laundrette with changing facilities.

Proposal

The subject planning application seeks consent to provide 57 static holiday caravans in lieu of the 90 touring caravan pitches located on the south western element of Dovercourt Holiday Park.

The development itself and the layout of 57 static holiday caravans will be confined to the existing limits of the touring caravan area and will therefore reduce the number of holiday caravans (90) on this part of the site. The development will replace a mixture of seasonally sited and transient touring caravans with a higher quality, lower density, caravan development that is in keeping with the wider balance of (static) holiday caravans in this location. The toilet block will also be demolished as part of the proposed development.

In terms of their use, the applicant has explained that the 57 static holiday caravans subject to this planning application will be strictly occupied for holiday purposes only.

The holiday season will be limited to 11.5 months from 1st March in any one year to 15th February of the following year. This season is consistent with the wider balance of static holiday caravans at Dovercourt Holiday Park which are subject to the same 11.5 month season.

The proposed static holiday caravans will meet the statutory definition of a 'caravan' as defined within the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968.

Each individual static holiday caravan rests upon and is anchored to a concrete plinth base. The finished floor level of the static caravan is then raised via a sub-frame chassis to around +750mm above ground level (which is industry standard) with access steps and a veranda (where required) providing level access throughout.

Appraisal

Principle/Policy Considerations

There are a number of national and local planning policies that have been established to support economic growth in order to create jobs and prosperity by taking a positive approach to sustainable new development.

Paragraph 84 of the National Planning Policy Framework (2021) states that Local Planning Authorities should provide support for sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, which respect the character of the countryside. This includes supporting the provision of tourist and visitor facilities located in appropriate locations.

Furthermore, Paragraph 85 of the National Planning Policy Framework (2021) states that planning policies and decisions should 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. In these circumstances, it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

Moreover, Tendring District Council's Tourism Strategy identifies four core objectives to develop tourism in Tendring: increase the amount of money visitors spend in Tendring; extend the length of time visitors stay in the District; attract higher spending visitors; and, improve the perception of Tendring as a tourism destination.

Within both the adopted local plan there are policies which support tourism uses and policies which refer specifically to new holiday parks. Local plan policy PP11 states that subject to consideration against other relevant Local Plan policies, if necessary tests are met in regard to any known flood risk, the Council will support proposals for:

- the extension of safeguarded sites or other existing sites onto adjoining land provided that the development would result in improvements to the overall layout, amenity, appearance, mix of renting and touring capacity and quality of accommodation over the whole site; and

- improvements to the range and quality of attractions and facilities at safeguarded sites and other sites.

Consequently, the policies outlined above aim to support proposed tourism development that seek to strengthen and diversify the District's tourist economy. The LPA is also satisfied that the applicant has demonstrated that the proposal will help to strengthen and diversify the District's tourist economy. In this respect the replacement of existing touring caravans with higher quality static holiday caravans represents an improvement to the range of accommodation on site. However, any tangible benefits need to be weighed up against potential harmful elements, which in this instance relates specifically to potential landscape/visual amenity/ecology impacts and flood risk concerns. These matters are discussed in further detail below.

Design/Layout

Paragraph 130 of the National Planning Policy Framework (2021) requires developments are sympathetic to local character and history, including the surrounding built environment, and are visually attractive as a result of good architecture.

Policy SP7 sets out the place shaping principles all new development should follow. The first point of this policy states that development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs.

Policy SPL3 seeks to ensure that all new development makes a positive contribution to the quality of the local environment, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form.

The layout of the park has been influenced by planning and environmental constraints such as drainage, ecology and landscape character, whilst optimising the developable space available. The pattern of the development reflects that of the wider park to the north and east, whilst allowing areas for attenuation and screen planting.

The static holiday caravans will be provided to modern day pitch standards with individual car parking spaces for occupants and external decking to provide level access throughout. The static holiday caravans will be provided at 5m separation spacing which is the industry model standard. The scale of the development is therefore beneficial in these terms and provides for a reduction in both density and the number of holiday caravans being accommodated within the site.

The proposed development will make a positive contribution to the quality of the local environment and will protect and enhance local character. The 57 static holiday caravans are located on a section of the park which already has permission for the siting of touring caravans and is surrounded by existing static caravans on three sides. The development area is therefore in-keeping with the surrounding environment, the characteristics of which are predominantly as a holiday caravan park.

Landscape/Trees Impacts

Policy SPL3 Part B criterion c) states that development must respect or enhance local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features. Amongst other things, criterion d) of Part B requires that the design and layout of development maintains or enhances important existing site features of landscape value.

Policy PPL3 is criteria based, and states that the Council will protect the rural landscape and refuse planning permission for any proposed development which would cause overriding harm to its character or appearance, including to:

- a) estuaries, rivers and undeveloped coast;
- b) skylines and prominent views including ridge-tops and plateau edges;
- c) traditional buildings and settlement settings;
- d) native hedgerows, trees and woodlands;
- e) protected lanes, other rural lanes, bridleways and footpaths; and

f) designated and non-designated heritage assets and historic landscapes including registered parks and gardens.

The application site is set to grass and contains several low hedges that have historically divided the land into sections associated with its use for touring caravan and potentially tents. The southern boundary benefits from screening provided by scrubby groups of Blackthorn that have established on the banks of the Borrow Dyke associated with the sea wall further to the south.

There are a group of trees in the south western corner of the application site close to the pond shown on the site layout plan.

In order to show the impact of the development proposal on the trees and other vegetation on the application site the applicant has provided a tree survey and report. This information is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction ' Recommendations.

The report accurately describes the health, condition and amenity value of the trees and other vegetation on the land. Whilst most of the internal hedges would need to be removed to facilitate the implementation of the development proposal. The retention of the Blackthorn (G1) of the tree report will, along with new soft landscaping, help to soften the appearance of the development and provide a reasonable level of screening from the sea wall to the south. In terms of new planting the applicant has provided detailed soft landscaping proposals that include the retention and strengthening of existing boundary vegetation along with new planting. The information provided is comprehensive and sufficient to secure an appropriate level of soft landscaping.

This corner of the caravan park is located within a Coastal Protection Belt. However, a Landscape Statement has been prepared and submitted as part of the application proposals. The statement concludes that the application site comprising the proposed development is situated within the developed limits of the established holiday park and involves minor changes in the layout and use of the space as part of planned improvements to the park.

Consequently, the effects on landscape character and the undeveloped coastline will be limited. Effects on landscape features are restricted to the removal of some existing ornamental hedges on the site which are to be replaced, with additional trees and shrubs provided as enhancement.

Residential Amenities

Paragraph 130 of the National Planning Policy Framework (2021) confirms planning policies and decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policy SP7 of Section 1 of the 2013-33 Local Plan requires that the amenity of existing and future residents is protected. Section 2 Policy SPL 3 (Part C) seeks to ensure that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

There are no permanent residential properties located in close proximity to the application site. Consequently, the development would not cause harm to local residents by way of loss of outlook, light or privacy.

The development would utilise the existing park access. However, as the proposed 57 static caravans would replace an existing touring caravan section of the park capable of accommodating 90 tourers, the development would not intensify the use of the site access in a way that would harm residents living along Low Road to the north of the site.

Therefore on the basis of the information provided the impacts of the proposals upon local residents is not considered to be demonstrably harmful and accords with the Council's local plan policies outlined above.

Ecology

Local Plan Policy PPL4 requires that sites designated for their international, European and national importance to nature conservation will be protected from development likely to have an adverse effect on their integrity. The policy states that as a minimum there should be no significant impacts upon any protected species. The preamble to Policy PPL4 states that where a development might harm biodiversity an ecological appraisal will be required to be undertaken, and the potential for harm should be considered and addressed in any application.

Policy SPL3, Part A criterion d), requires that the design and layout of development maintains or enhances site features, including ecological value.

Paragraph 174 d) of the Framework requires that planning decision should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. Paragraph 180 d) states that opportunities to improve biodiversity in and around developments should be integrated as part of their design.

Paragraph 180 states that when determining applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁶³ and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

To assess the impact of the development upon protected species potentially utilising the development site a whole host of reports and surveys have been provided, namely;

- Ecological Appraisal (The Ecology Consultancy, January 2020),
- Great Crested Newt HSI and eDNA Surveys (The Ecology Consultancy, September 2020)
- Bat Surveys (The Ecology Consultancy, October 2020)
- Invertebrate Assessment (The Ecology Consultancy, October 2020)
- Water Vole and Otter Presence / Likely Absence Survey (The Ecology Consultancy, October 2020)
- Breeding Bird Survey Report (The Ecology Consultancy, September 2020); and
- Winter Bird Survey Report (The Ecology Consultancy, March 2020)

These documents have been assessed by ECC Place Services and they conclude that there is sufficient ecological information available for determination which provides certainty for the Council of the likely impacts on protected and Priority species & habitats. Conditions will be applied to ensure the various mitigation measures contained within these reports are adhered to.

ECC Place Services also supports the proposed biodiversity enhancements which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework (2021). It will be necessary and reasonable for the exact biodiversity enhancement measures to be outlined within a Biodiversity Enhancement Strategy which can be secured by a planning condition.

Moreover, due to the proximity of the application site to the Hamford Water Special Protection Area (SPA), Special Area of Conservation (SAC) & Ramsar, The Stour & Orwell Estuaries SPA and Ramsar, the Colne Estuary (Mid Essex Coast Phase 2) SPA and Ramsar, and Essex Estuaries SAC, a Habitats Regulations Assessment Appropriate Assessment has been prepared to enable Tendring District Council to comply with Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended).

The Appropriate Assessment outlines embedded mitigation measures for both the construction and operational phases to screen out a likely significant effect upon the above-mentioned designated site, these are;

Construction Phase

- Construction and Environment Management Plan (CEMP)
- Works restricted to shoulder months - April and/or September/October
- Temporary screening (willow screens or similar) will be used during the construction phase as supplementary planting will not be sufficiently established in time.
- Construction works for the new area will be localised to the proposed development site only and use of heavy machinery will be limited to that required to lay access tracks, excavate attenuation basin, and lay pads for caravans, as well as to deliver the caravans to site.

Operational Phase

- Restrictions on dog ownership to be imposed within the site
- Supplementary planting and infilling of the hedgerow along the southern boundary of the site
- Removing the proposal to formally permit direct access onto the sea wall from the holiday park
- Access restrictions imposed at existing access point between November and February through lockable gate
- Installation of an information board within the main part of the site encouraging residents to be more bird aware during sensitive seasons
- To minimise any increase in recreational pressure to the sensitive features of the designated site the provision of a proportionate financial contribution to the Essex Coast RAMS.

The RAMS contribution has been secured via a completed unilateral undertaking. The other mitigation measures outlined above are secured through conditions.

Both Natural England and ECC Place Services have reviewed the relevant information and appraisals as submitted and amended by the applicant, and both statutory consultees raise no objection subject to conditions to secure further details and mitigation. Natural England confirm they concur with the conclusions contained within the Habitats Regulations Assessment Appropriate Assessment.

In light of the above, and with the inclusion of suitable planning conditions to secure the identified mitigation, it is considered that the proposal will result in no conflict with the identified policies outlined above.

Flood Risk

To support the application, a Flood Risk Assessment (FRA) and a Flood Evacuation Management Plan (FEMP) have been submitted. The FRA outlines the following;

With regards to tidal and fluvial flood risk, this is assessed as high. However, the site lies within an area designated as an Area Benefitting from flood Defences (ABD).

The proposals have been subject to a successful Sequential and Exception Test. In terms of the sequential test, the intention behind the application is to provide 57 no. static caravans (in lieu of 90 touring pitches) but on an existing caravan/holiday park which already benefits from up to 562 static caravans on a site that is entirely in flood zone 3. It is therefore reasonable to limit the sequential test area to the application site only due to the intent and nature of the application (changing part of the tourism accommodation offer within the confines of an existing site to a different offer). For these

reasons the LPA is satisfied that there are no other sequentially preferable sites for the development proposal to go and the proposal therefore passes the sequential test. The application site has been shown in the Exception Test to outweigh the flood risks by the benefits to the local community and will be safe for its lifetime with appropriate mitigation measures. Therefore, the Exception Test has been passed and the location of the development is seen as acceptable.

The FRA report considers that flood risk can be mitigated to a negligible level through the following approach:

- Static holiday caravans by design already have floor levels a minimum of +600mm above external levels and they are tethered.
- Update the existing FEMP for the wider Site which triggers evacuation of the wider Site and Development Site when the appropriate triggers are encountered.
- Occupants in static holiday caravans affected by sewer flooding should be relocated to alternative accommodation.
- A 3m easement free from development should be implemented either side of the sewer asset within the Development Site boundary.
- Look for visual signs that the bounding ditches are in danger of overtopping or rising above expected levels. The FEMP should be followed if the appropriate triggers are encountered.
- Undertake maintenance activities to keep the onsite watercourses clear debris and overgrown vegetation to maintain the conveyance of the channels.

The Environment Agency have reviewed the submitted documents and have no objections. They confirm that the safety of the development is entirely reliant on a submitted Flood Response Plan to ensure the safety of the occupants.

Table 2 of the NPPF PPG classes holiday let caravans as More Vulnerable 'subject to a specific warning and evacuation plan'. All other types of more vulnerable development are required to have dry floors in the 0.5% (1 in 200) annual probability flood event and higher refuge in the 0.1% (1 in 1000) annual probability flood event. However the EA are not objecting to this caravan development because the associated PPG states that it can be subject to a Flood Response Plan.

The submitted Flood Response Plan has been reviewed by the Council's Emergency Planning Team and has been revised in response to their direct comments.

There is clear betterment provided through the measures described above, in particular the raised height of the static holiday caravans of 600mm above external levels and their anchoring to the ground to prevent displacement, features which are not implemented on touring caravans/pitches due to their transient nature. Furthermore, the reduction in the number of units on site means that there will be a reduction in risk to people and property.

Highways

The internal access roads will provide access to all areas of the park with individual car park areas being provided for the benefit of each static holiday caravan. The internal access road will follow the existing vehicular routes leading to the development area and will be finished in a sympathetic material in order that pedestrians and vehicles can travel easily within the site.

Essex County Council Highways have reviewed the plans and have no objections to the proposals subject to the parking facilities being provided prior to first use of the static caravans.

Surface Water/Foul Drainage

Policy PPL1 states that all development proposals should include appropriate measures to respond to the risk of flooding on and/or off site and that on sites of 1ha or more, development proposals must be accompanied by a Flood Risk Assessment. Furthermore, all major development proposals should consider the potential for new Blue and Green Infrastructure to help mitigate potential flood risk and include such Green Infrastructure, where appropriate.

Policy PPL5 requires that all new development must make adequate provision for drainage and sewage treatment and should include sustainable drainage systems (SuDS). Applicants should

explain and justify the reasons for not using SuDS if not included in their proposals. Furthermore, proposals for development must demonstrate that adequate provision exists for sewage disposal.

Policy SPL3, Part B criterion g), requires that development reduces flood risk and integrates sustainable drainage within development, creating amenity and enhancing biodiversity.

Paragraph 167 of the Framework provides that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

The application site is not currently served by a foul drainage network. The new foul drainage network on the development site will connect into the existing wider park system which then connects into the mains service.

In terms of surface water drainage a detention basin will form the main attenuation feature within the development site. Surface water runoff from roof space will be directed to filter drains, which will direct runoff to the detention basin. Surface water runoff from highways will be directed to the basin via gullies. Landscaped areas will be allowed to infiltrate into the soil substrate.

ECC-SUDs Team have reviewed the proposed drainage strategy and have no objections subject to several conditions relating to the precise design of the strategy and its on-going maintenance.

Other Considerations

Harwich Town Council have returned a neutral comment which specifically outlines issues relating to;

- the 11.5 months season they are allowing, as it is gradually becoming a residential site with social issues.
- they have already expanded on a large scale.
- the removal of touring caravans takes away a much-needed touring facility.

In response to these points, a condition will be included to restrict the use of the caravan to holiday use only and not as a person's sole residence. This is consistent with conditions applied to other holiday parks throughout the district.

The park has recently undergone development to provide new facilities including swimming pool/play area, however these were within the confines of the existing park. Furthermore, the area of development is not an extension to the park size but a re-development of an existing touring/camping area.

The touring caravan demand has decreased and uptake has been reduced. Consequently, the applicants have taken the decision to re-development this area of the park to comprise of static caravans, which is where the tourism demand currently lies.

2 letters of objection have been received outlining the following matters;

- Application site has only accommodated at most 30 tourers recently (The original planning permission, reference TEN/1411/84, confirms that the site can be used for up to 90 touring caravans).
- Flooding occurs in the corner of the site (A robust surface water drainage scheme has been reviewed by the LLFA who confirm that the development would not lead to an intensification of on-site or off-site flooding. In addition, the Environment Agency has reviewed the information provided and not object to the development of the site, subject to the completion of a flood response/evacuation plan).
- Addition of 57 units would add to social problems on site and increase traffic (As stated above the units would be occupied for holiday purposes only under the direct control of Park Holidays, consequently there is not any evidence that social problems would increase through the granting of this planning permission. Additionally, ECC-Highways do not object to the development.

Conclusion

The development itself and the layout of 57 static holiday caravans will be confined to the existing limits of the touring caravan area and will provide the following planning benefits:

- A reduction in the number of touring caravans (90) down to just 57 static holiday caravans.
- An improvement in the type, style and quality of holiday accommodation available within this area of the site.
- Highway and traffic benefits from the cessation of 90 touring caravans using the local approach roads and internal site roads at Dovercourt Holiday Park.
- A minor flood risk benefit from reducing the number of holiday caravans located within the EA flood zone 3 designation, whilst introducing raised floor levels of +750mm throughout this part of the site.
- Support to wider park improvements including the upgrade and refurbishment of the central facilities building.

Overall the proposals accord with those planning policies which apply, in particular those tourism policies contained within the saved and emerging local plans and the National Planning Policy Framework.

6. Recommendation

Approval

7. Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans/documents

- LA.D.001.001A (Proposed Block Plan)
- LA.D.045.001A (Planting Plan 1)
- LA.D.045.002A (Planting Plan 2)
- 19/082-03 (Tree Protection Plan)
- Proposed Park Home Elevations/Floor Plans
- VS001 42 14 2B 01 (Static Caravan Elevations/Floor Plans)

Reason - For the avoidance of doubt and in the interests of proper planning.

- 3 Prior to the commencement of development a Construction and Environment Management Plan (CEMP) relating to the installation of new bases and caravans and the excavation of drainage basins/construction of pumping station shall be submitted to, and be approved in writing by, the local planning authority.

The content of the CEMP shall include details of the following:

- no dogs allowed on site;
- pollution control measures to prevent spillage into the borrowdyke and pond using bunds and pollution control kits;
- hours of operation will be within normal daytime hours only (no night time working);
- Ecological Clerk of Works (ECoW) with a toolbox talk at start-up;
- regular checks on construction activity and noise levels; and implementation of a cold weather alert system;
- works restricted to shoulder months - April and/or September/October - so timing of the most disturbing construction works will be outside the main winter period;
- Temporary screening (willow screens or similar) will be used during the construction phase as supplementary planting will not be sufficiently established in time;

- Construction works for the new area will be localised to the proposed development site only and use of heavy machinery will be limited to that required to lay access tracks, excavate attenuation basin, and lay pads for caravans, as well as to deliver the caravans to site.

The approved plan will be implemented in accordance with the approved details.

Reason - To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 4 Prior to the first occupation of the approved development an Environment Management Plan (EMP) relating to the operational phase of the development shall be submitted to, and be approved in writing by, the local planning authority.

The content of the EMP shall include details of the following:

- Restrictions on dog ownership to be imposed within the site;
- Supplementary planting and infilling of the hedgerow along the southern boundary of the site (to the landward side of the borrowdyke) to provide additional visual and acoustic screening from the adjacent intertidal habitats and avoid potential impacts on foraging terns and wintering waders and wildfowl. of scrub species for scrub habitat;
- Removing the proposal to formally permit direct access onto the sea wall from the holiday park;
- Access restrictions imposed at existing access point between November and February through the installation of a lockable gate and signage informing residents of the sensitivities of the adjacent habitats;
- Installation of an information board within the main part of the site encouraging residents to be more bird aware during sensitive seasons, what that entails and information on Hamford Water SPA & Ramsar.

Reason - To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 5 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (The Ecology Consultancy, January 2020), the Great Crested Newt HSI and eDNA Surveys (The Ecology Consultancy, September 2020), the Bat Surveys (The Ecology Consultancy, October 2020), the Invertebrate Assessment (The Ecology Consultancy, October 2020) the Water Vole and Otter Presence / Likely Absence Survey (The Ecology Consultancy, October 2020), the Response to Ecology Comments (The Ecology Consultancy, February 2021), the Breeding Bird Survey Report (The Ecology Consultancy, September 2020) and the Winter Bird Survey Report (The Ecology Consultancy, March 2020), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason - To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 6 Prior to the first occupation of the approved development a Biodiversity Enhancement Layout, providing the finalised details and locations of enhancement measures shall be submitted to and approved in writing by the local planning authority.

The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason - To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

- 7 Prior to the first installation of any exterior lighting a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 8 Prior to the occupation of the development and the parking spaces shown on approved Drawing number: LA.D.001.001A shall be surfaced and made available for parking and retained in this approved form for this sole purpose.

Reason - To ensure that sufficient parking to serve the development is provided and retained in the interests of highway safety within the confines of the holiday park.

- 9 No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on detailed infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753 and detailed ground water monitoring conducted in the winter months.
- If infiltration is found to be unviable then discharge rates are to be limited to 1l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Reasons -

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

- 10 No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and to prevent pollution has been submitted to, and approved in writing by, the local planning authority.

The scheme shall subsequently be implemented as approved.

Reason - The National Planning Policy Framework states that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

- 11 Prior to the first occupation of the development a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason - To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

- 12 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason - To ensure the effective maintenance of the approved drainage scheme is being undertaken.

- 13 The hereby approved development shall only be implemented in full accordance with the submitted document titled 'Flood Evacuation and Management Plan' (Ref - SHF.201.073.HY.R.002.D - June 2020). The Flood Evacuation and Management Plan shall remain in force for the duration of the occupation period and shall remain a live document and be updated where required.

Reason - The site lies within flood zone 3 at high risk from flooding and a detailed evacuation plan is essential to safeguard occupiers of the development.

- 14 The development permitted by this planning permission shall be carried out in accordance with the approved flood risk assessment (FRA) prepared by Enzygo Limited, referenced SHF.201.101.HY.R.001.A and dated January 2020, and the following mitigation measures detailed within the FRA:

- The caravans on the site will be securely anchored to the ground to ensure that the caravans will remain in position throughout any flood event.

Reason - To prevent damage to the surrounding area in the event of a flood.

- 15 The static caravans hereby approved shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The operators of the caravan park shall maintain an up-to-date register of the names of all owners of caravans on the site and of their main home addresses and shall make this information available at all reasonable times to the Local Planning Authority.

Reason - To ensure that the accommodation remains in holiday use in support of planning policies aiming to encourage tourism and does not become a permanent residential use.

- 16 The static caravans hereby approved may only be occupied between the following dates;

- From the 1st March in any one year to 15th February the following year.

Reason - To ensure that the accommodation remains in holiday use in support of planning policies aiming to encourage tourism and does not become a permanent residential use.

17 No more than 57 static caravans shall be stationed on the site at any one time.

Reason - A more intensive development would give rise to additional matters that would require the consideration of the local planning authority in regard to landscaping, visual harm to the area and highway matters.

18 All hard landscaping, planting, seeding or turfing shown the approved landscaping details drawing no's. LA.D.045.001A (Planting Plan 1) and LA.D.045.002A (Planting Plan 2) shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - To ensure the implementation of the approved scheme and adequate maintenance of the landscaping for a period of five years in the interests of visual amenity.

19 Prior to the first occupation of the approved development a scheme for the provision of electric vehicle charging facilities for the static caravans hereby approved shall have first been submitted to and approved in writing by the local planning authority. Thereafter the charging facilities shall be installed prior to first occupation of the static caravans and retained in working order.

Reason - In the interests of sustainability and to accord with the requirements of Paragraph 112 e) of the Framework (2021) which states that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Legal Agreement Informative - Recreational Impact Mitigation

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: mitigation against any recreational impact from residential developments in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017. Please note that any subsequent variation / removal of condition applications (s73 applications) will require a new legal agreement to secure this obligation unless the development has commenced (subject to all necessary condition discharges) and the contribution has already been paid.

