



Consultation paper on a new planning policy on Development and Coastal Change

A response by the English National Park Authorities Association

October 2009

1. The English National Park Authorities Association (ENPAA) exists to provide a collective voice for the nine English National Park Authorities. It is governed by the Chairs of the nine Authorities and our response represents the collective view of the Authorities. It has been prepared by officers working within the policies established by the National Park Authorities (NPAs) and follows consultation within the National Parks Heads of Planning group. Individual NPAs may submit separate comments which will draw on the specific issues for their particular region.

General Comments

2. The general emphasis of the document is welcomed. The recognition that there are uses that require a coastal location, such as recreation and tourism, and may be permitted in areas vulnerable to coastal erosion or flooding because they support local economies and business is supported.
3. There does however still appear to be potential conflict between this document and other planning policy statements in relation to the issue of the promotion of other uses, such as housing relocating to lower risk areas, where these locations may not be desirable in overall sustainability terms. The PPS lacks a risk based sequential approach. Under the proposed PPS, there is no requirement to investigate whether the development could be sited in a location which is not at risk from coastal erosion, but rather creates an assumption that continual relocation of development is an acceptable approach. It is acknowledged that some developments, by their nature, require a coastal location, however, the reference to uses such as offices and shops being potentially appropriate in coastal change management areas (CCMAs) would appear unsustainable and contrary to the general approach of wider planning policies. This proposed approach also does not also seem to recognise other locational or financial constraints that may exist and there may be questions over its realism.
4. Overall, we consider that the draft PPS and the Practice Guide do not provide sufficient clear guidance on how to take forward the policy and how it should link with other plans and strategies which relate to the coastline. It is not clear in what planning document the CCMAs should be defined. For example, whether the requirements of the PPS would entail revising a planning authority's Core Strategy or producing a separate Development Plan Document.

5. Whilst the issue is covered in the Practice Guide to an extent, it is not clear how CCMA's would be defined and which areas should be protected. In particular it requires that a CCMA should 'only be defined where rates of shoreline change are significant'. It is not clear how 'significant' would be defined and the Shoreline Management Plan (SMP) does not identify any areas where change would be 'significant'. It is also unclear how far inland the CCMA should be defined, i.e. should it go only as far as the predicted rates of erosion.
6. Of particular concern is the reliance upon the use of evidence in the Shoreline Management Plan. The Shoreline Management Plan is based upon current available information and provides estimates of how the coast will erode in certain timeframes. Therefore, when time-limited planning permission is granted there is no certainty that the coast will erode as estimated. The coast may erode within the lifetime of the development or alternatively the coast may well exceed the lifetime of the development.
7. Further clarity is required on the role of the Shoreline Management Plan in the determination of planning applications once the CCMA is adopted, and whether this essentially replaces the Shoreline Management Plan's role (aside from in the case of the development of new coastal defences).

Response to Consultation Questions

Proposed planning policy approach

8. *Question 1*
The approach would seem logical in the first instance however there are some reservations about the delineation of CCMA within Development Plans. It is recognised that these are sensitive issues and will inevitably provoke challenge through the LDF process and so there is huge scope for the delay of LDF documents. There will no doubt be political sensitivities over signing up to these areas by local politicians in this way.
9. *Question 2*
SMPs can provide an adequate evidential base but much will be dependent upon their coverage. Whether the entire coast is covered by SMPs will be a factor together with any concerns over their consistency in terms of addressing of issues, the degree of detail to which they are produced and whether they have a wide enough time horizon, as discussed above. They may not have been produced to the detailed level of a strategic flood risk assessment. The policy and guidance need to be clearer on the level and quality of evidence required and what should be done in absence of sufficient evidence.
10. *Question 3*
There is general support for the principle but there is also some concern that DCC3.2 would allow for development (relocated) to take place in locations where it would not ordinarily be permitted, for example within the countryside. There may be an argument that infrastructure when it is relocated needs to be in a specific location particularly if it needs to be near something that has a

coastal location (such as electricity supply) but there is concern that the same argument may be articulated for housing when the proposed new location is inappropriate in terms of other planning considerations.

11. In relation to the provisions to relocate properties inland ENPAA is concerned that the presumption towards favouring relocation could be particularly detrimental in a National Park. Planning policies for National Parks seek to ensure that new development will be consistent with meeting the statutory National Park purposes and thus largely resist development outside of settlements. A presumption that development affected by coastal erosion would be able to relocate inland could conflict with this approach and lead to detrimental impacts upon the landscape and special qualities of National Parks.

12. *Question 4*

This may not be acceptable because of landscape or nature conservation designations. The emphasis of the policy should not be about seeking to overcome the constraints that exist for well established reasons and expressed through local, national and international designations. The emphasis of the policy should be on finding appropriate and sustainable locations that do not detract from the special qualities of designated areas or that could enhance them.

Practice guide

13. *Question 5*

The practice guide appears logical and clear in the proposed structure and coverage.

14. *Question 6*

There will be a need to include stakeholders in this process and to try to gain a level of buy-in at local level and consistency at a regional or national level. This will no doubt be a sensitive issue that will be inevitably challenged. However at this stage there are no obvious additional criteria.

15. *Question 7*

The ability to allow for certain forms of temporary development within CCMA's is welcomed where they add to the local economic viability. There is some danger in overreliance on SMPs to fulfil this function and mentioned in our general comments above.

16. *Question 8*

The setting of time limits for development is a useful idea. It will need to be strengthened through the use of legal agreements and section 106 mechanisms requiring decommissioning or removal of structures. However this is dependent upon a willing landowner or applicant and there will be issues over the potential for enforcement which in itself can be a lengthy and time consuming process.

17. To provide an incentive approach it would be useful if there were mechanisms for funding for relocation – there will be reluctance on the part of the applicant in most case to remove structures, especially if they are expected to bear the entire costs of what they see as an enforced move.
18. Similar circumstances may exist for wind turbines where permissions are temporary (often 15 years) and there is a requirement for them to be removed once their operational lifetime has been exceeded and/or they are no longer generating a certain level of efficiency or power.

Extending the role of the Environment Agency

19. *Question 10*

In paragraph 4 of the Introduction it is unclear whether the Environment Agency is to be a statutory consultee in CCMA's. This should be clarified. Further references to the Environment Agency throughout the consultation document lead us to the assumption that it will be a statutory consultee.

20. In practice, the Environment Agency is consulted on applications where its advice is considered by Local Planning Authorities (LPAs) to be necessary and relevant. It is unclear how extending the statutory role would improve the process or add value if the propose process is being followed by the LPAs at present. A statutory role would no doubt require more resources on the part of the Agency.

Using call-in powers

21. *Question 11*

The current arrangements are adequate at present.

Removal of Permitted Development Rights

22. *Question 12*

The most preferable route would be for the relevant LPA to consider the removal of permitted development rights in these circumstances and make that judgment on local information and experience.

Impact assessment

23. *Question 13*

The financial costs of relocation will always be higher than the funding made available, this in turn would lead to a higher administrative burden on LPAs. CCMA's will be challenged through the LDF process potentially slowing the process further and thus reducing benefit and increasing costs.