

North York Moors National Park Authority Planning Committee

10 September 2009

Planning Policy Statement – Development and Coastal Change

1. Purpose of the Report

- 1.2 To report to Members the content of draft Planning Policy Statement – Development and Coastal Change.
- 1.3 To agree the Authority's response to the consultation.

2. Background

- 2.1 A draft Planning Policy Statement on Development and Coastal Change, to be published as a supplement to Planning Policy Statement 25 "Development and Flood Risk" (PPS25), has been released for consultation by Communities and Local Government. The new Planning Policy Statement will replace the current Planning Policy Guidance 20 "Coastal Planning" (PPG20). The new PPS is to be accompanied by a Practice Guide. The consultation documents can be viewed at <http://www.communities.gov.uk/publications/planningandbuilding/consultationcoastal>.
- 2.2 The Government recognises that climate change is likely to exacerbate coastal erosion and coastal flooding through sea level rises and also through the potential increase in the intensity, severity and frequency of coastal storms. The new policy seeks to manage the impacts of coastal erosion on development.
- 2.3 The policy approach seeks to secure the long term economic and social viability of coastal communities in areas of coastal change. It proposes a strategic based approach to coastal management based on agreed evidence on future coastal change. This will be used to ensure that inappropriate development is not located in vulnerable areas whilst recognising that some uses will require a coastal location or will contribute to the sustainability of coastal communities.

3. Draft Planning Policy Statement

- 3.1 The Government's objectives for planning for coastal change are:
 - To promote sustainable development by ensuring that decisions are based on an understanding of coastal change over time and the social and economic benefits of particular types of development;

- To prevent new development from being put at risk from coastal change by avoiding inappropriate development in areas that are vulnerable to coastal change or any development that adds to the impacts of physical changes to the coast, and by enabling appropriate development (development that requires a coastal location and/or provides substantial economic and social benefits to communities);
 - To reduce the risk facing coastal communities already at threat from coastal change by ensuring that plans are in place to manage their future development through adaptation, for example, by improving their resilience or by relocation.
- 3.2 The PPS requires that both regional and local planning authorities should ensure that they have an appropriate evidence base on the current and predicted impacts of coastal change. This evidence should be obtained from Shoreline Management Plans and Environment Agency data, and from any other relevant plans and strategies. The PPS advises that partnership working should be put in place to develop a collective understanding of the coastal processes and issues.
- 3.3 Regional planning bodies will be responsible for determining whether coastal change is a key regional priority and, where it is, should set out the strategic approach for future development options.
- 3.4 Local planning authorities will be required to identify on the Proposals Map of their LDFs the area likely to be affected by physical changes to the coast, named as the Coastal Change Management Area (CCMA). In defining this area local authorities should draw upon the evidence of coastal change whilst also taking into account wider social, economic and environmental policy objectives and the strategic approach set out in the Regional Spatial Strategy and relevant strategies. This should be done in partnership with other local planning authorities and relevant organisations.
- 3.5 The local planning authority should set out the nature of development that will be appropriate in the CCMA, indicate the circumstances in which certain types of development may be permissible in the CCMA and allocate land suitable for appropriate development in the CCMA. Local planning authorities will also have to facilitate the management of coastal areas which are likely to be subject to change, including through the allocation of land beyond the CCMA where uses need to be relocated from within the CCMA where this is necessary.
- 3.6 In terms of determining planning applications, applications for development within the CCMA will need to be accompanied by an assessment of the vulnerability of the proposed development to coastal change and of its impact upon coastal change. This assessment should be taken into account alongside other issues including the wider sustainability benefits of the proposed development, the safety of the development throughout its planned life-time and consultation with the Environment Agency, other relevant bodies and the local community. Time limits should be set for developments permitted in a CCMA to ensure that long term risk to people and the development is reduced, although allowing such development even on a temporary basis may raise expectations that these will be defended in the future.

- 3.7 Alongside the consultation on the draft Planning Policy Statement are details of the proposed Practice Guide. The Practice Guide will provide information on the role of the CCMA and the PPS in terms of the responsibilities of key stakeholders and links to other plans and strategies. Further details on the responsibilities of regional and local planning authorities will be included, including advice on implementing the new policy, sustainable design of coastal defences and stakeholder involvement.
- 3.8 The Practice Guide will also provide advice on assessing the impact of coastal change, advising that the Shoreline Management Plan will provide the main source of information in defining CCMA. It will set out how the CCMA should be identified, stating that this should not include those areas where the Shoreline Management Plan policy is to maintain or build defences. The definition of CCMA should take account of any sustainability criteria which would outweigh any coastal change risks.
- 3.9 The Practice Guide will provide guidance on defining appropriate development within CCMA. It highlights that it is important to acknowledge the difference between flood risk and coastal change risk in assessing what may be appropriate. It is proposed that decisions on what may be appropriate are based upon the following criteria:
- In short term risk areas (up to 20 years) only a limited range of uses which are directly linked to the coast such as beach huts, cafes, car parks and caravan sites.
 - In the medium to long term risk areas (50-100 years) a wider range of time limited development such as hotels, shops, office or leisure uses which require a coastal location.
 - Permanent new residential development will not be appropriate within the CCMA.

Essential infrastructure and Ministry of Defence developments which require a coastal location may be permitted provided that there are clear plans to manage the impacts of coastal change.

The Practice Guide also advises that local planning authorities may wish to make use of Article 4 directions where Permitted Development rights would otherwise have the potential to increase the scale or property or people at risk from coastal change.

- 3.10 The Practice Guide goes on to provide guidance on assessing the vulnerability of a proposed development to coastal change. It states that this should be appropriate to the degree of risk and the scale, nature and location of the development. The assessment should show how the development will provide wider sustainability benefits that would outweigh the coastal change impact, will be safe throughout its planned lifetime, will not affect the natural balance and stability of the coastline and include measures for managing the development at the end of its planned life. Advice will also be provided on applying time limits for developments and on the relocation and replacement of development where these are needed for the social and economic well-being of coastal communities.
- 3.11 The Practice Guide will also require that the implementation of the policy is monitored, stating that there should be a progressive reduction in the number of applications granted contrary to the Environment Agency's advice on coastal change risk grounds. Communities and Local Government proposes to monitor:

- Whether the Environment Agency is adequately consulted on planning applications proposed within the CCMA's;
- The number of planning applications permitted by LPAs against a sustained objection on coastal change impact grounds from the Environment Agency and;
- The number of planning applications for major development permitted by LPAs against a sustained objection on coastal change impact grounds from the Environment Agency.

Further, Local Area Agreement indicators NI189 (Flood Risk and Coastal Erosion) and NI188 (Planning to Adapt to Climate Change) could also be used.

4. Comments

- 4.1 A number of issues with the draft Planning Policy Statement have been identified. Overall, it is considered 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.
- 4.2 It is not clear in what planning document the CCMA's should be defined. In the case of the North York Moors National Park the Core Strategy has recently been adopted and it is not clear whether the requirements of the PPS would entail revising the Core Strategy or producing a separate Development Plan Document.
- 4.3 Whilst the issue is covered in the Practice Guide to an extent, it is not clear how CCMA's would be defined. Particularly 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 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.
- 4.4 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 the timeframes (25 years, 50 years and 100 years in the case of the River Tyne to Flamborough Head Shoreline Management Plan 2). Therefore, when time-limited planning permission is granted there is no certainty that the coast will erode as estimated. Therefore, the coast may erode within the lifetime of the development or alternatively the coast may well exceed the lifetime of the development. Further clarity is also 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).
- 4.5 Whilst reference is made to Integrated Coastal Zone Management and to the Marine and Coastal Access Bill, the relationship between these and the PPS remains unclear. It would be helpful for the Practice Guide to demonstrate the role of the PPS in relation to these and also to the Shoreline Management Plan.

- 4.6 In relation to the above point, it is considered that 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 CCMA's would appear unsustainable and contrary to the general approach of wider planning policies.
- 4.7 Whilst the need for this PPS to be read alongside other Planning Policy Statements is set out in the Practice Guide, the reference in both the draft PPS and the Practice Guide to appropriate development could prove to be misleading. In particular, paragraph 49 of the Practice Guide which names some uses that may be appropriate could be seen as overriding existing national, regional and local planning policies which seek to direct such uses to settlements. It should be made clearer in both documents that any appropriate uses would need to be within the context of other planning policy, and that in relocating uses this may require an exception from adopted planning policies.
- 4.8 The Draft PPS proposes that vulnerability assessments are included alongside any application for development within the CCMA. These may be particularly technical documents that planning officers may not have the expertise to assess and these may require the use of expert consultants with the resulting additional costs.
- 4.9 The PPS suggests that local planning authorities may wish to remove Permitted Development rights within the CCMA. The process of removing Permitted Development rights involves a large amount of work and it is considered that, perhaps with the exception of extensions, most of the resultant applications would not be unacceptable in terms of coastal change.
- 4.10 In paragraph 4 of the Introduction to the consultation it is unclear whether the Environment Agency are to be statutory consultees in CCMA's, and this should be clarified. Further references to the Environment Agency throughout the consultation documents leads to the assumption that they will be statutory consultees.
- 4.11 Policy DCC3 of the draft PPS which deals with the process of identifying the CCMA states that local planning authorities should work with other local planning authorities and relevant agencies and bodies with an interest in the coast. However it is considered that this should be expanded to include reference to the need to also work with local communities.
- 4.12 Planning Policy Guidance 20, which the proposed PPS will replace, contains guidance on the development of coastal defences, particularly seeking to ensure that the impact of coastal defences upon the environment is minimised. The draft PPS does not contain any policy in relation to coastal defences essentially leaving a gap in policy. Under the current planning system local policies should not duplicate national policy and therefore the Authority does not have a policy in its Core Strategy which adequately covers this.
- 4.13 It is noted that the Practice Guide proposes to set out interim measures which should be applied prior to the adoption of a CCMA, however alongside this guidance on when the CCMA's should be reviewed (i.e. should this coincide with reviews of the Shoreline Management Plan) would be helpful.

5. Conclusions

- 5.1 Overall it is considered that, in light of the above comments, the draft Planning Policy Statement and accompanying Practice Guide do not provide sufficient clear advice on how to take forward this element of National policy and that further guidance is required. However, there is no objection to the broad aims of the policy in terms of seeking to ensure that coastal change is a significant consideration for development proposals in such areas.

6. Sustainability Appraisal

- 6.1 This report is seeking to agree comments on a national Planning Policy Statement and these comments have been made within the context of the National Park's adopted planning policy which has been subject to Sustainability Appraisal.

7. Legal Implications

- 7.1 There are no legal implications arising from this report.

8. Recommendation

- 8.1 That Members agree that the comments in Section 4 of this report should be submitted as the Authority's response to the consultation on draft Planning Policy Statement – Development and Coastal Change.

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Background documents to this report

File Ref.