

# Supplementary written evidence submitted by Town and Country Planning Association (FLO0080)

## 1. About the TCPA

Founded in 1899, the Town and Country Planning Association (TCPA) is the UK's oldest independent charity focused on planning and sustainable development. Through our work over the last century we have improved both the art and science of planning in the UK and abroad. The TCPA puts social justice and the environment at the heart of policy debate and seeks to inspire Government, industry and campaigners to take a fresh perspective on major issues, including planning policy, housing, regeneration and climate change. Our objectives are to:

- Secure a decent, well designed home for everyone, in a human-scale environment combining the best features of town and country;
- Empower people and communities to influence decisions that affect them;
- Improve the planning system in accordance with the principles of sustainable development

The TCPA has a strong track record in research, policy formulation and political influence on, among other things, climate adaptation and mitigation in the context of spatial planning (<https://www.tcpa.org.uk/Pages/Category/energy-and-climate-change>). This has been informed by a comprehensive body of knowledge supported by both UK research and a series of European-funded projects on adaptation, green infrastructure, human health and sustainable energy.

## 2. Changes to policy on flood risk management and static caravans

This planning issue has the potential to do real damage to people's health and wellbeing. It concerns the ministerial statement on the 14th July. We have also expressed these concerns to MHCLG and to the Environment Agency.

I wanted to formally record the TCPA's grave concern about the increasing trend of relaxing the occupancy conditions of static holiday caravans in areas of severe risk from flooding. The TCPA recognises the vital importance of the local economy but we are concerned for the health, safety and well-being of occupants of these caravans who will, in our judgement, be exposed to unacceptable additional risks from coastal flooding. Our concerns are in two parts and relate to the detailed actions of East Lindsey District Council and to the wider implications of the recent ministerial statement and changes to national planning guidance in relation to static caravans.

The core of our concern is that the conditions on occupancy were a major part of managing the risks arising from allowing static caravans to be developed in areas of extreme vulnerability to coastal flooding. Relaxing these conditions should not be allowed without detailed risk assessments and mitigation strategies. These concerns do not apply to the location of all static caravans but they do apply to those in vulnerable low-lying coastal locations with a history of storm surges. East Lindsey is one such location where around 24,000 static caravans are located. We would urgently request a ministerial statement reversing the relaxation of occupancy conditions. The statement should make clear that any relaxation either by an application to vary conditions, by the use of Local Development Orders or by the conscious decision not to enforce planning conditions must not take place without the express written approval of the Environment Agency and the emergency services represented in the local resilience forum.

### 14<sup>th</sup> July ministerial statement and revised Planning Practice Guidance relating to static caravans<sup>1</sup>

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<sup>1</sup> <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2020-07-14/HCW5367/>

The approach of East Lindsey District Council, set out below, illustrates why the relaxation of occupancy conditions is, in my view, reckless and should only be considered after a detailed assessment of the substantially increased risks to people that result. It is therefore particularly damaging that the ministerial statement is not simply encouraging this relaxation through planning applications but suggesting planning authorities should not enforce the conditions which currently apply. The recent ministerial statement made clear that: ***'Given the current situation, while local planning authorities must have regard to their legal obligations, they should not seek to undertake planning enforcement action which would unnecessarily restrict the ability of caravan, campsites and holiday parks to extend their open season'***. I note that that the ministerial statement will remain in force until 31st December 2022.

The revisions to Planning Practice Guidance stress the need to consider the economic recovery from COVID-19 but is silent on the economic cost of the repeated evacuations of vulnerable property or the devastating costs should a flood event breach coastal defences. This omission means that the guidance is unbalanced and is very likely to lead to the widespread informal occupation of static caravans against existing planning conditions. This guidance must be urgently reviewed to make clear that existing conditions must be fully enforced and that the relaxation of occupancy should only occur through a formal planning process where risks can be properly assessed and adequate mitigation applied. Guidance should also make clear that in the preparation of local development orders flood risk assessment should be applied at the beginning of the process in order to establish whether each form of permitted development can be successfully delivered safely over its whole lifetime.

### **The approach of East Lindsey District Council**

East Lindsey District Council appears to be the authority at forefront of relaxing occupancy conditions by the approval of planning applications and the adoption for the Fantasy Island LDO. We believe that the planning approach being adopted by the District Council undermines the delicate balance between flood risk management and economic development secured in the 2018 East Lindsey Local Plan and supported by the Environment Agency.

I have read the draft Fantasy Island LDO, the 2018 local plan policy and the 2017 Strategic Flood Risk Assessment (SFRA). I'm also aware of a number of applications to the planning authority to vary planning conditions which limit occupancy. I understand these applications currently relate to 1800 caravans. The Fantasy Island LDO is located in area designated as at high risk to coastal flooding. The management of this risk is dependent on limiting occupancy of static caravans to periods when weather patterns have traditionally been more benign and to avoid the increased severity of winter storm systems. The effect of extending occupancy to 11 months of the year is the creation of new single-story residential neighbourhoods in areas which would not normally receive planning permission without extensive flood mitigation measures.

Relaxing occupancy conditions represents a real risk to the health, safety and wellbeing of the residents of these properties. I note from the demographic description of the area in the local plan that the age profile of residents is significantly higher than the national average, which creates specific vulnerabilities to flooding events. Static caravans are extremely vulnerable to flooding not least because, unlike permanent dwellings, they provide no effective upper floor refuge and are structurally unstable in flood events.

In considering applications to vary the occupancy conditions I note that District Council is placing significant weight on emergency evacuation procedures. Evacuation is a policy of last resort and cannot be relied upon if there is breach of flood defences. It exposes both residents and the emergency services to high risks. It does not protect residents who refuse to leave their properties and assumes emergency plans have fully risk assessed the additional difficulties of moving significant populations away from the coast in the winter months. It further assumes that sufficient warning has been provided to complete this complex task. It is unclear if a risk assessment has been carried out in relation to the full evacuation of all static caravans which had been granted permission for extended occupancy or likely to receive such permission. No

written approval has been obtained from the constituent members of the resilience forum that confirms that they are satisfied that they have the resources to ensure the evacuation can be carried out safely.

I also note that the risks of flooding that result from a storm surge are not static. Risks of severe weather are increasing and sea levels are rising as a result of climate change. In this context any increase in the exposure of vulnerable populations by extending occupancy conditions into the winter months is, in my view, reckless.

We acknowledge that the draft Fantasy Island LDO contains a provision for a flood risk assessment to be carried out before the provisions of the order can be operationalised. But this approach stands the basic principles of planning for flood risk on their head. Such an assessment should have been carried out at the beginning of the preparation of the LDO to determine the 'in principle' acceptability of the proposed permitted development. Reserving this assessment to the end of the process suggests that in principle development in this location is acceptable and implies that flood risk mitigation measures can be found to balance the very substantial increased risks. Given the nature of the existing coastal defences and the impact of a breach in these defences, such mitigation measures are unlikely to be feasible or viable. As a result, I can see no circumstances where the Environment Agency would support a scheme of flood mitigation. This means either that the District Council wishes to take the full corporate responsibility for approving the order or that order is incapable of being implemented.

Given the severe risks of coastal flooding that already exist, and the rapidly increasing incidents of severe weather driven by climate change, the relaxation of occupancy conditions has the potential to do real harm to people's health, safety and well-being. It is disaster waiting to happen.

### 3. Planning for climate change at the local level: a survey of UK local authorities

Just **12% of local authorities** strongly agree that they have the skills and expertise to take account of flood risk now and in the future in planning decisions. This is just one of the stark statistics to come out of the TCPA's recent survey of 65 local authorities in the UK. Spatial planning plays a central role in building community resilience to problems such as extreme heat or flood risk and the survey was designed to assess the degree to which local authorities are incorporating the future impacts of climate change into their planning processes.

The results show that despite over 60% of councils declaring climate emergencies, local authorities have a critical shortage of skills and expertise in relation to planning for climate change. For example, **only 2% of local authorities** are considering future insurance availability and affordability when making planning decisions, and **only a third of local authorities** are seriously considering the impacts of climate change when deciding whether to grant planning permission.

The survey results highlighted the need for more support and resources, with the top two resources that local authorities need to enable them to better incorporate the impacts of climate change in planning decisions being more information regarding the expected impacts of climate change in the local area; and knowledge of how to incorporate climate projections into planning decisions.

*The full results of the TCPA's recent survey can be downloaded [here](#).*