

New planning policy on development and coastal change – *consultation*

Summary of responses

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Department for Communities and Local Government
Eland House
Bressenden Place
London
SW1E 5DU
Telephone: 0303 444 0000
Website: www.communities.gov.uk

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Online via the Communities and Local Government website: www.communities.gov.uk

March 2010

ISBN: 978 1 4098 2288 2

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1 Overview

- 1.1 One hundred and eight responses were received to the consultation on new planning policy on Development and Coastal Change. Of these, 87 were detailed responses from a wide range of public and private sector organisations and individuals, which addressed some or all of the questions posed in the consultation paper, offered comments and in some cases proposed different wording for the text of the final versions of the policy and associated practice guide. The majority of these responses came from Government bodies (55%).
- 1.2 The key points made included:
- strong support for the proposed new policy approach, with 80% of respondents acknowledging the need to update Planning Policy Guidance Note 20 (PPG20) in the light of concerns about rising sea levels (and increased storminess) exacerbated by climate change;
 - support for the use of shoreline management plans as the main source of evidence for plan making, supported by other relevant strategic plans, with 70% agreeing with this approach;
 - significant support for the concept of coastal change management areas (CCMAs), with 70% agreeing that CCMAs would assist in planning for and adapting to coastal change;
 - support for time limited planning permissions and vulnerability assessments, with 80% of those who commented on this recognising these as useful planning tools;
 - the need to ensure that the undeveloped coast is protected and references to the heritage coast are not lost, with 30% of respondents making this point;
 - the need to balance development within CCMAs and allocation of sites for relocation against other material planning considerations such as landscape, habitat and economic and social sustainability, with 40% making this point.

2 Introduction

- 2.1 The Department for Communities and Local Government issued for consultation a document which comprised draft new planning policy on Development and Coastal Change, its draft Practice Guide and a partial Regulatory Impact Assessment on 20 July 2009. The document can be viewed on the CLG website at www.communities.gov.uk/archived/publications/planningandbuilding/consultationcoastal. The consultation exercise ran for 12 weeks, ending on 12 October 2009. A small number of responses received subsequently were also accepted.

Responses

- 2.2 A summary of the numbers of responses to the consultation is given in the following table:

Category	Members	Number of respondents
1 – Public	Individuals not affiliated to any group	5
2 – Business	Including business trade associations	25
3 – Charities, Environment and Community Groups	Including environmental charities	19
4 – Government Bodies	Local authorities, Government agencies, NDPBs	55
5 – Professionals and academics	Including representative bodies for professionals	4
TOTAL		108

- 2.3 A full list of those who responded appears at the end of this summary (Annex A).

Structure of Analysis

- 2.4 The analysis in this summary is structured around the parts in the consultation document, which means that the responses to the fourteen questions posed are not presented in numerical order. Comments were invited on the consultation questions, the draft new planning policy on Development and Coastal Change, a draft outline of Practice Guidance and the partial Regulatory Impact Assessment. It is not the intention of this document to summarise every comment and view, but to identify the key points made by respondents. However, it is important to stress that the responses, and the alternative or additional text which some consultees offered, have all been gratefully received and have been given careful consideration in finalising the policy.

3 General comments

- 3.1 Overall, respondents agreed that new planning policy on coastal change is needed to update Planning Policy Guidance Note 20 (PPG20). They also agreed that the general thrust of the approach is an appropriate and pragmatic means of planning for the long-term adaptation of communities in areas affected by coastal change.
- 3.2 A number of respondents (30%) commented on the loss of a distinction between the developed and undeveloped coast. It was generally felt that this distinction should be maintained to ensure that the undeveloped coast is protected. Some respondents (10%) commented on the need to retain the references in PPG20 on the Heritage Coast. It is our intention to cover these points in the forthcoming Planning for a natural and healthy environment PPS as the more appropriate policy document for the protection of undeveloped land.
- 3.3 Some respondents (10%) commented on the presentation of the policy and thought that some of the detail set out in the Practice Guide should be contained in the policy. In May 2007 the Government published its white paper *Planning for a Sustainable Future*. Amongst the white paper's proposals was a commitment to produce a more strategic and clearly focused national policy framework, with planning policy statement 1 (Delivering Sustainable Development) at its heart. A key first step is a comprehensive review of current planning policy statements and guidance and other relevant policy material. The aim is to achieve a significant streamlining of the existing suite of documents by separating out policy from guidance. That commitment is reflected in the draft policy statement on planning for a low carbon future. We believe that it is important to deliver the streamlined policy suite, but will be providing more detailed information on the implementation of the policy in a companion Practice Guide. The Practice Guide will be published as a 'living draft' and updated periodically to reflect the latest information available.

4 Comments on draft planning policy

Government objectives

- 4.1 The majority of respondents (70%) agreed that the policy objectives are appropriate and should help to ensure that coastal communities continue to prosper whilst at the same time managing and adapting to coastal change. However, some respondents (20%) thought that the objectives were weighted towards the economic benefits of development and wanted to see environmental concerns given higher priority, whilst other respondents (10%) considered that undue weight was already given to environmental considerations. Some respondents (40%) asked that there should be a presumption against development in areas of coastal change unless it requires a coastal location and provides substantial economic and social benefits to communities. The policy has been adjusted to ensure that there are a clear set of criteria for planning authorities, against which to draw up plans and make development management decisions. These criteria include the need to take account of social, economic and environmental matters.

Plan making policies

- 4.2 It was generally accepted that shoreline management plans (SMPs) should be the primary source of information on the current and predicted impacts of physical changes to the coast, with many respondents listing additional sources of information that should also be considered. However, some respondents (20%) pointed out the need to highlight the uncertainty inherent in the SMP erosion rate predictions and the aspirational nature of SMPs in relation to funding and delivery of coastal defences. The Practice Guide will stress the need for regional planning bodies and local planning authorities to use the best available information to form their evidence base.
- 4.3 Most respondents (70%) commented on the requirement to define a coastal change management area (CCMA), with more detail requested on how this should be done and which planning document the CCMA should be defined in. We will address this in the Practice Guide. Some respondents (30%) expressed concern that properties and businesses that fall within a CCMA may be blighted. We do not agree. The new policy will provide a coherent planning approach to managing coastal change. Without the policy, there might be blight when areas at risk of coastal change are identified in SMPs and other mapping.

- 4.4 Many respondents (40%) commented on the need for careful consideration to be given to what sort of development would be appropriate and for information to be provided on this. Some respondents (15%) suggested specific types of development that require a coastal location and should be considered appropriate within CCMAAs such as renewable energy, recreational boating clubs and watersports centres etc. It was also suggested by some respondents that sequential and exceptions tests like those set out in Planning Policy Statement 25 would be useful. We do not agree as the risks associated with flooding and coastal change are different. The PPS25 Sequential Test considers locations in areas of lower flood risk first and only where there are no available sites at lower risk allows development in higher risk areas. It then applies an Exceptions Test to ensure it is safe and is appropriate for a recurring risk from which recovery is possible. This is a very different situation for a finite hazard such as coastal change that, when it impacts, results in total and unrecoverable loss of development as well as extreme risk to people.
- 4.5 It was generally accepted that local authorities should facilitate the relocation of development affected by coastal change but there were differing opinions on the best way to do this. Some respondents (10%) thought that allocating land would lead to increases in land value and add to the cost of relocation. Those respondents favoured an exceptions type policy that would allow a local planning authority to free up land as and when needed. Many respondents (40%) agreed with the approach of allocating land for relocation but saw difficulties in doing this in practice due to the amount of designated landscapes on the coast which would constrain where land could be provided for relocation. In relation to this point, some respondents (20%) thought that the emphasis in the consultation document seemed to be on overcoming the constraints provided by these designations rather than finding solutions. It is not the intention that the relocation of development affected by coastal change should impact detrimentally on designated sites such as AONBs, National Parks etc which is covered by separate planning policy.

Development management policies

- 4.6 It was generally agreed that applications for planning permission within a CCMA should be accompanied by a vulnerability assessment. The majority of responses on vulnerability assessment (80%) focussed on the need for the assessment to be proportionate to the scale and cost of the development and the level of impact from and to coastal change. Respondents also provided estimates of the cost of producing a vulnerability assessment. Some respondents requested more information on what a vulnerability assessment should contain and the possibility of providing a model vulnerability assessment in the Practice Guide. We do not

intend to provide a model vulnerability assessment as we consider this would be too prescriptive and restrict the development of vulnerability assessments that deal with the specific situation in a particular CCMA. We will, however, provide some general advice in the practice guidance.

- 4.7 Most respondents (60%) agreed that the use of time limited permissions was a sensible approach to allowing development in CCMA's whilst at the same time reducing the consequences of coastal change to people and development in the long-term. However, some respondents pointed out that the unpredictable nature of coastal change could make assessing appropriate time limits for development difficult and it was generally agreed that time limited conditions would need to include provisions for monitoring and review. Concerns were also raised that time limiting development may lead to poor quality design. Additional information on the use of time limited permissions with examples will be provided in the Practice Guide.

5 Comments on draft practice guide

Framework

- 5.1 The majority of respondents (70%) agreed that the framework of the practice guide was correct and covered all of the main points. Some respondents suggested additions to the Practice Guide and highlighted areas where they thought more detail was needed.

Making partnerships work

- 5.2 Some respondents (20%) commented on the importance of partnership working and the need to ensure that all relevant stakeholders are engaged, including local communities and business as well as environmental interests. The majority of respondents on this point agreed that the consultation document's focus on partnership working was welcome but asked for clarification on how to make partnerships work in practice. In particular respondents focused on the need to ensure that local planning authorities and County Councils worked effectively together, and planners and engineers shared their expertise with each other.

Integrated Coastal Zone Management (ICZM)

- 5.3 The inclusion of guidance on ICZM was supported by many respondents who recognised that it could be used to enable the sharing of knowledge, best practice and experience and to minimise conflict and maximise cooperation. Some local authority respondents stated that they were already taking an ICZM approach but any additional information on the use of ICZM would be helpful, in particular the role of ICZM in relation to the development plan process. Overall the reinforcement of the ICZM concept within the Practice Guide was welcomed.

Marine and Coastal Access Bill

- 5.4 A few respondents (10%) asked for clarification on the links between the Marine and Coastal Access Bill and the new planning policy on Development and Coastal Change. The Practice Guide will provide this clarification.

6 **Comments on extending the Environment Agency's statutory consultee role**

- 6.1 The majority of respondents (70%) agreed that input from the Environment Agency on all applications for planning permission within CCMA's is important. There was general agreement that it was not necessary to make the Environment Agency a statutory consultee now, but to monitor whether the Environment Agency are being consulted, and if not to consider extending their statutory consultee role at a later date.

7 Comments on using call-in powers

- 7.1 Few respondents (10%) commented on the use of call-in powers. Those who did thought that the current arrangements for referring planning applications for consideration by the Secretary of State are adequate, the arrangements would work when applied to CCMAAs and there is no need for a statutory requirement. The current arrangements will therefore remain unchanged.

8 Comments on removal of permitted development rights

- 8.1 The respondents who commented on the removal of permitted development rights had divided opinions on whether this was necessary. Some respondents (10%) thought that permitted development rights should be automatically removed in all CCMAAs to stop the increase of value of assets in undefended coastal locations. Other respondents (15%) were concerned that the removal of permitted development rights could impact on the work of statutory undertakers or the ability of businesses such as ports to adapt. The majority of respondents (60%) on this point however thought that the decision on whether to remove permitted development rights should be left to the discretion of local planning authorities based on local circumstances.

9 Comments on impact assessment

- 9.1 The majority of respondents had no comments to make on the impact assessment although some respondents (10%) did provide estimates of the cost of producing a vulnerability assessment.

Annex A

Lists of organisations that responded to the consultation

Public

P Carder
Janet Cuff
John Hawthorne
John E Thackray
Brian Wells

Business

Anglian Water
Associated British ports
British Holiday & Home Park Association Ltd
British Wind Energy Association (BWEA)
Clarence Pier
Coastal research, training and consultancy
Colliers CRE
Country Land and Business Association
Design and Management
E.ON UK
Europarc Atlantic Isles
Langmead Farms Ltd
Nathaniel Lichfield (on behalf of Bourne Leisure)
Nathaniel Lichfield (on behalf of Commercial Estates Group)
National Farmers Union
Parker Planning
Peel Holdings
Robert Brett and Sons Ltd
Royal Haskoning
Scottish Power
Southern Planning
Southern Planning (on behalf of The British Marine Federation)
Strategic Land Partnerships
The London Planning Practice
UK Major Ports group

Charities, environmental and community bodies

Bridport Local Area Partnership
 CCPR
 CIWEM
 Countryside Alliance
 CPRE East
 CPREssex
 English National Park Authorities Association
 Faversham Road Residents Association
 Lincolnshire Wildlife Trust
 Manhood Peninsula Steering group
 Ramblers Association
 Royal Society for the Protection of Birds (RSPB)
 Royal Town Planning Institute (RTPI)
 Royal Yachting Association (RYA)
 The Institute of Historic Building Conservation (IHBC)
 The National Trust
 Town and Country Planning Association (TCPA)
 Wessex Archaeology
 Wildlife and Countryside Link

Central and Local Government

1st East
 4NW
 Association of Local Government Archaeological Officers
 Bridport Town Council
 Brighton and Hove City Council
 Coastal Initiative Board
 Chichester Harbour Conservancy
 Chideock Parish Council
 Commission for Rural Communities
 Cumbria County Council
 Dawlish Town Council
 Devon County Council
 Dorset AONB
 Dorset County Council
 Durham Heritage Coast Partnership
 East Devon District Council
 East Midlands Development Agency
 East Midlands Regional Assembly
 East Riding of Yorkshire Council
 English Heritage
 Environment Agency

Essex County Council
Great Yarmouth Borough Council
Hampshire County Council
Lancashire County Council
LGA Coastal Issues Special Interest Group
Lincolnshire County Council
Natural England
Norfolk Coast Partnership
Norfolk County Council
Northumberland Coast AONB
Northumberland County Council
North Norfolk District Council
North West Coastal Forum
North Yorkshire County Council
North York Moors National park Authority
One North East
Ordnance Survey
Rother District Council
South Devon AONB
South Downs Joint Committee
South East England Partnership Board
South Gloucestershire Council
South Holland District Council
South West Councils
Sport England
Suffolk Coastal
Suffolk County Council
Swale Borough Council
Tamar Estuaries Consultative Forum
Tendring District Council
Torbay Council
Waveney District Council
West Sussex County Council
Whitby Town Council

Professionals and Academics

Central Association of Agricultural Valuers
Institute for Archaeologists
Joint Nautical Archaeology Policy Committee
London Law Society

ISBN: 978 1 4098 2288 2

