

Planning Policy Team
East Devon District Council
Blackdown House
Border Road
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Honiton
EX14 1EJ

Date: 13 January 2023

Our ref: 04051/61/NT/CNw/26131088v5

Dear Sir / Madam

East Devon Local Plan Preferred Option (Regulation 18) Consultation

On behalf of our client, Bourne Leisure Limited (“Bourne Leisure”), we are pleased to submit representations to the East Devon Local Plan Preferred Options Regulation 18 consultation. We submitted representations to the Local Plan Issues and Options consultation in March 2021.

Bourne Leisure operates more than 50 holiday sites across Great Britain in the form of holiday parks, family entertainment venues and hotels. These sites are operated under the Haven Holidays and Warner Leisure Hotels brands. Bourne Leisure is therefore a significant contributor to the national tourist economy, as well as local visitor economies.

Within East Devon, Haven Holidays operates Devon Cliffs Holiday Park.

The response to the Preferred Options consultation is set out within this letter and focuses on the following draft policies:

- Vision and Objectives
- Strategic Policy 7 – Development beyond settlement boundaries
- Strategic Policy 28 – Net-zero carbon development
- Strategic Policy 29 – Promoting renewables and zero carbon energy
- Strategic Policy 30 – Suitable areas for solar energy developments
- Strategic Policy 31 – Suitable areas for wind energy developments
- Policy 36 – Coastal change management areas
- Policy 37 – Relocation of uses affected by coastal change
- Policy 60 – Sustainable tourism
- Policy 61 – Holiday accommodation parks in designated landscapes

- Policy 62 – Design and local distinctiveness
- Policy 65 – Walking, cycling and public transport
- Policy 77 – Areas of strategic visual importance
- Policy 82 – Control of pollution
- Policy 84 – Protection of Internationally and Nationally important wildlife sites
- Policy 87 – Biodiversity net gain
- Policy 89 – Ecological Impact Assessment
- Policy 91 – Ecological enhancement and incorporation of design features to maximise the biodiversity value of proposals
- Policy 93 – Protection and enhancement of the Jurassic Coast World Heritage Site

Where appropriate we have cross referred within our representations but we ask that the letter is considered in its entirety rather solely in response to individual draft policies.

Vision and Objectives

The overarching vision and objectives set out in the draft plan are generalised. Whilst the proposed vision sets the Council's priorities for better homes, a greener East Devon and a resilient economy, it is not specific to the issues faced by East Devon. To meet the requirements of the NPPF, the vision needs to provide a positive vision for the area and should be more focused on the area's needs and based upon a full understanding of the baseline context of East Devon. The contribution that tourism makes to the local economy is missing from the consultation draft. Such an analysis should underpin the emerging strategy and related policies. This is important context for plan making.

The draft objectives also do not sufficiently relate to East Devon and are partial in terms of the important issues that need to be addressed. For example, tourism is a key driver of jobs and investment in East Devon, but this is not recognised in the objectives. Therefore, whilst Bourne Leisure endorses the proposed approach of Objective 4, it requests that it is supplemented with a separate objective to include specific support for the visitor economy.

The National Planning Policy Framework (NPPF) states at paragraph 84(c) under the section entitled "*Supporting a prosperous rural economy*" that planning policies should enable "*sustainable rural tourism and leisure developments which respect the character of the countryside.*" Support for tourism and leisure should feature in the objectives for the emerging East Devon Local Plan, reflecting the character of East Devon as a rural district with significant reliance upon the visitor economy for the area's social and economic well-being. Such an objective can be covered along with other primary economic sectors once the evidence has established what these sectors are and once decisions are made about how best to provide a positive framework for driving sustainable development forward in East Devon.

Strategic Policy 7 – Development beyond settlement boundaries

Tourism development, by its nature, is often located beyond settlement boundaries. The Plan should facilitate and promote tourism development in areas outside settlement boundaries to ensure that

investment in tourism facilities is encouraged rather than stifled. The benefits of this are to create a robust framework for development and provide greater certainty for all parties.

Strategic Policy 7 helpfully refers to the acceptability of development outside of the settlement where a specific Local or Neighbourhood Plan policy explicitly permits such development.

Devon Cliffs attracts over 150,000 visitors to East Devon each year. In turn it creates substantial visitor spend outside the park of c.£8 million per year. The park provides approximately 250 full-time equivalent (FTE) jobs for local people and an estimated 141 FTE indirect jobs in the local area, thereby supporting significant social well-being too. Based on our analysis (2019), the total GVA generated in the local economy from Devon Cliffs is £17.9 million per annum.

Given the importance of Devon Cliffs Holiday Park to the East Devon visitor economy, and its size relative to a number of settlements in the district, there is a real opportunity with the emerging plan for the East Devon District Council to proactively ensure the future of the holiday park is protected so that visitors keep on returning to East Devon while providing Haven with a positive and clear framework for investment. Such a framework would sensibly include Devon Cliffs being given its own designated boundary and specific policy within the Plan and its proposals map. The policy would help to ensure the Park can continue to develop sustainably and appropriately within its setting.

We would welcome the opportunity to meet you to discuss a suitably worded policy.

Strategic Policy 28 – Net-zero carbon development

Notwithstanding the general comment regarding the proposed objectives set out above, Bourne Leisure endorses draft Objective 2 of the Plan, to *“ensure all new development moves the district towards delivering net-zero carbon emissions by 2040 and that we adapt to the impacts of climate change”*. In line with this objective, draft Policy 28 should be amended to require all new residential and commercial development to deliver net-zero carbon emissions by 2040. Requiring all development to deliver in advance of 2040 is not consistent with national policy.

In line with paragraph 152 of the NPPF, a period of transition to support continued investment in East Devon should be included. This will allow sector and industry change at a pace which reflects the need to make sustainable interventions that will provide benefits in the medium to long term and not just the short term. This is a more pragmatic and proportionate approach, taking account of the need to support sustainable progress whilst recognising the need for flexibility to ensure appropriate development is not made unviable by policy requirements that require technological and commercial advancements that are not ready at this time

The term ‘commercial’ referenced in the draft policy is not defined in the plan, but the context in which it is used in the plan suggests that it does not cover tourist accommodation and facilities. This is helpful as it would not be possible to provide carbon statements or Whole Life Cycle Carbon Assessments for caravans. For the avoidance of doubt, it would be helpful for the emerging plan to clarify that such assessments will only be required where it is feasible to do so.

Strategic Policy 29 – Promoting renewables and zero carbon energy; Strategic Policy 30 – Suitable areas for solar energy developments; and Strategic Policy 31 – Suitable areas for wind energy developments

Bourne Leisure welcomes the approach in the draft plan to promote renewables and zero carbon energy. In line with the approach taken for residential amenity, draft policies 29, 30 and 31 should be amended to provide adequate amenity protection of other sensitive uses, including visitor accommodation, to ensure that any adverse impacts are mitigated. This would ensure the draft policies are consistent with paragraph 158(b) of the NPPF, which does not restrict the protection of impacts to only residential amenity. The need to protect visitor amenity is crucial given the importance of tourism to East Devon's economy.

As such, draft policies 29, 30, and 31 should read:

*“... residential amenity **and/or other sensitive neighbouring uses**”. (proposed addition in bold)*

Policy 36 – Coastal change management areas

Parts of Devon Cliffs Holiday Park are located within the proposed Coastal Change Management Area (CCMA) identified within on the draft Proposals Map. Whilst Bourne Leisure generally endorses draft Policy 36, it is considered that there are ways to more actively plan for changes within the coastal zone, particularly in relation to existing holiday parks.

Bullet 1 of the draft policy helpfully provides a sensible risk-based approach to uses within the 0-20 year time horizon. We suggest that temporary static caravan pitches should also be allowed within this horizon. This would allow benefits associated with additional temporary holiday accommodation to be realised, whilst recognising the ability for static caravans to be removed or repositioned relatively quickly, if required, if they are under the control of a single operator. Options to control the temporary positioning of static pitches could range from planning conditions to Section 106 Agreements, and supporting text should be added to draft Policy 36 to ensure these protection measures are secured in the Local Plan.

As such, bullet point 1, sub bullet point 1 should read:

“temporary development directly related to the coast, such as beach huts, cafes, car parks or sites used for ~~touring~~ caravan and camping”; (suggested amendment in bold and with strikethrough).

Bourne Leisure also requests that 'tourism uses' are included within the second bullet point of draft Policy 36. As set out elsewhere in these representations, commercial development does not typically cover tourist uses and, as tourist uses are typically situated in coastal locations, it is important, for the avoidance of doubt, that the replacement, relocation and adaptation of other such uses at risk of coastal erosion are explicitly permitted within the emerging Policy.

As such, bullet point 2 of draft Policy 36 should read:

*“In parts of the CCMA expected to be at risk within a 20-to-50-year time horizon, in addition to the development allowed in the 0 to 20 years zone the replacement, relocation and adaptation of infrastructure, commercial, **tourism** and community uses will be permitted, providing they require a*

coastal location and provide economic and social benefits to the local community.” (proposed addition in bold)

Policy 37 – Relocation of uses affected by coastal change

Bourne Leisure generally endorses the principles of draft Policy 37. Indeed, it is vital that such a policy is included within the emerging plan. There are, however three objections to the precise wording of emerging policy.

Firstly, it is important that ‘tourism uses’ are included within the policy wording, for the reasons set out in response to draft Policy 36. It is vital that a positive policy is in place to relocate tourism uses affected by coastal change to ensure that there is continued and ongoing investment in such facilities in East Devon, and so that the benefits to the local economy through jobs and visitor expenditure are not lost in the case of a closure/loss of such facilities due to coastal erosion.

Secondly, it would be difficult for very large sites to comply with the requirement set out at point 4 of draft Policy 37 for the existing site to be either cleared or restored “*within three months of the first use of the replacement*”. Large sites are likely to require phased relocation. The emerging policy should therefore be amended as follows:

*“The existing site is either cleared and restored with enhancements for nature conservation or put to use to benefit the local community within ~~three months of the~~ **an agreed time period from** first use of the replacement. The future use of the site should be secured in perpetuity and provision made for public access to the coast where appropriate.” (proposed amends in bold and with strikethrough)*

The supporting text for the policy could then include “within three months” as a standard example for small-medium sized sites or minor development.

Thirdly, Bourne Leisure strongly objects to point 5 of Policy 37 and requests that this point is removed from the emerging policy. Tourism development, by its nature, is often located beyond settlement boundaries, and requiring relocated uses affected by coastal change to be consistent with the criteria set out in Policy 7 (Development beyond settlement boundaries), would be overly restrictive for Devon Cliffs in the draft Plan’s current form, due to its relationship with draft Policy 61 (Holiday accommodation parks in designated landscapes).

As set out elsewhere in these representations, the annual GVA created by Devon Cliffs is significant, and it is critical that there is a positive policy framework in place to ensure that the benefits from the park to East Devon and its residents are retained. The emerging Plan should plan positively for tourism development outside of settlement boundaries, particularly development which is relocating due to coastal change, to ensure that East Devon continues to provide a wide range of tourism accommodation/facilities. The policy should explicitly support the relocation or partial relocation of Devon Cliffs if it is necessary during the plan period. The matter to be addressed as part of relocation (in whole or part) could be part of the additional park specific policy that we have proposed elsewhere in the representations.

Policy 60 – Sustainable tourism

Bourne Leisure endorses draft Policy 60 in principle, and welcomes the Council’s strategic vision for tourism, *“that East Devon be the leading, year-round tourism destination in Devon”*. The tourism sector is a significant economic driver for the area, and it is crucial that the Plan is supportive of investment and growth of the industry, with a positive approach to sustainable tourism development during the plan period.

Policy 61 – Holiday accommodation parks in designated landscapes

Bourne Leisure strongly objects to Policy 61. It is unduly onerous and unreasonably restrictive for existing holiday parks, particularly, as the supporting text states, considering that *“the majority of East Devon lies within one or more designated landscapes”*.

Given the importance of Devon Cliffs Holiday Park to East Devon’s economy, Bourne Leisure considers Policy 61 is unacceptable. Not only is Devon Cliffs Holiday Park a key employer in East Devon, but it also brings thousands of visitors to the area each year, with increased visitor expenditure and the reinforcement of local supply chains. Local economies and social well-being of residents in the area will be adversely impacted if Devon Cliffs Holiday Park is prevented from exploring opportunities to upgrade/enhance the existing park and its offer.

The needs of the tourism sector and demands of tourists are continually changing, and it is important to cater for and adapt to these needs and demands in order to continue to attract visitors, increase the level of expenditure and support local jobs. Continual investment in holiday park accommodation and facilities is therefore required to attract new and repeat visitors, and such a restrictive policy for development at existing holiday parks could severely limit the holiday park’s ability to meet these needs. The policy is not positively prepared.

The Plan does not adequately reflect nor plan for the tourism economy within East Devon nor the importance of Devon Cliffs to the local economy and social well-being. The extent of the landscape designations within East Devon means that emerging Policy 61, as drafted, would have a disproportionate effect in restricting development. To meet the strategic vision for tourism as set out in Policy 60, it is critical to reword Policy 61. As we have suggested in response to draft Strategic Policy 7, a dedicated policy for Devon Cliffs is necessary in order to appropriately balance the needs of existing business and the opportunities that investment brings with ways to enhance the AONB and biodiversity in this location, where there are no significant adverse visual impacts when considered against the existing context.

Policy 62 – Design and local distinctiveness

In line with national legislation (The Town and Country Planning (Development Management Procedure) Order (as amended)), a Design and Access Statement should only be required for applications for major development. Bourne Leisure, therefore, requests that the wording of Policy 62 is amended as follows:

“In order to ensure that new development, including the refurbishment of existing buildings to include renewable energy, is of a high quality design and locally distinctive, a formal Design and Access

*Statement, should accompany applications **for major development** setting out the design principles to be adopted.” (proposed amend in bold)*

The need for design and access statements for all developments has not been justified.

Additionally, the design criteria listed within the policy should not apply to all developments, as they cannot be met by all development types. For example, as caravans are not classified as buildings/development, it is not possible to meet the full requirements of this draft policy for this type of proposal. There will no doubt be other examples too. The policy needs to be flexible to relate to all development proposals - or it will not be effective. Therefore, the policy wording should be amended as follows:

*“**Where appropriate**, proposals will only be permitted where they:...” (proposed amend in bold)*

It is important to highlight that occupiers of residential properties are not the only sensitive receptor when considering the impact of new development upon amenity. Bourne Leisure considers that draft Policy 62 should also include adequate amenity protection for visitor accommodation from nearby development and therefore bullet 5 of Point 4 should be amended accordingly. Whilst bullet 6 of Point 4 could be said to do this, if this is the case, there would be no reason not to merge Points 4 and 5. In the absence of that, Point 4 should be amended as follows:

*“The amenity of occupiers of adjoining residential properties **and visitor accommodation**” (proposed amend in bold).*

In relation to the specific criteria at Point 4 discussed above, the proposed requirement to “not adversely affect” any of the listed criteria is an extremely high bar, and one that does not reflect national planning policy nor the specifics of individual proposals. For example, of course development proposals should seek to retain trees and hedgerows worthy of retention but there may be instances where a tree needs to be removed, or a hedgerow needs to be broken to create an access. The policy, as worded, is likely to give rise to inconsistent decisions and ones where otherwise acceptable developments are refused. This can be easily remedied through revisions to point 4 of Policy 62 to recognise that there should be no unacceptable impacts upon the listed criteria and mitigation measures can be used to minimise or avoid these impacts:

As such, point 4 of draft Policy 62 should be amended as follows:

“Proposals will only be permitted where they: ...

*4. Do not **have an unacceptable impact upon** ~~adversely affect~~:*

- The distinctive historic or architectural character of the area.*
- The urban form, in terms of significant street patterns, groups of buildings and open spaces.*
- Important landscape characteristics and prominent topographical features.*
- Trees and hedgerows worthy of retention.*
- The amenity of occupiers of adjoining residential properties.*
- The operation of existing uses outside of the proposed development.*

- *The future amenity of occupants of proposed residential properties, with respect to access to open space; protection from noise and pollution; provision of adequate internal light; storage space for bins, bicycles, prams, and other uses.*

Where adverse impacts upon these receptors cannot be avoided, proposals will be permitted where these impacts are adequately mitigated. (proposed amends in bold and with strikethrough)

Policy 65 – Walking, cycling and public transport

Bourne Leisure endorses draft Policy 65, which recognises that opportunities to deliver walking and cycling links and access to high quality public transport in new development will be more challenging in rural areas compared to urban areas.

Tourism development and holiday accommodation is often located in rural areas, away from existing services and facilities, therefore should not be subject to the same requirements as housing in relation to accessibility by walking, cycling and public transport.

Policy 77 – Areas of strategic visual importance

Bourne Leisure recognises the importance of East Devon’s scenic quality, as this is one of the reasons people choose to visit East Devon. However, Bourne Leisure objects to draft Policy 77 as currently drafted. Draft Policy 77 seeks to protect “*key views and views of local landmarks*” but without specifically identifying or designating them. By comparison, draft policies 74 (Landscape features), 75 (Areas of Outstanding Natural Beauty), and 76 (Coastal Preservation Areas) deal with similar issues covered by draft Policy 77 but are either more specific through Policy Map designations or are specific to features that form part of the landscape. Items a and b of draft Policy 77 are particularly concerning, as a judgment will need to be made without any proper consideration at the plan-making stage. This will create inconsistent decision-making and will not provide certainty for applicants or the local community.

Bourne Leisure requests that draft Policy 77 is removed from the Plan or is reworded to address the concerns we raise.

Draft Policy 77 also references “*cumulative impacts within views*”. Existing development needs to be taken as the baseline for the built environment and provides the context for assessing new/additional development. Applications for extensions should not lead to the Council re-assessing the harm of existing developments, as this is the wrong starting point and may inadvertently rule out needed and sustainable development.

Policy 82 – Control of pollution

Bourne Leisure endorses the principle of draft Policy 82, but requests that ‘visitors’ is added to the policy wording to ensure that adequate amenity protection is provided for visitors to East Devon as well as residents and the wider environment.

Policy 82 should therefore be amended as follows:

*“Permission will not be granted for development which would result in unacceptable levels, either to residents, **visitors** or the wider environment...” (proposed addition in bold)*

Policy 84 – Protection of Internationally and Nationally important wildlife sites; and Policy 87 – Biodiversity net gain

Bourne Leisure supports the Plan’s draft objective of protecting and enhancing the natural environment and supporting an increase in biodiversity. However, the requirement set out in draft Policies 84 and 87 for development proposals to result in a biodiversity net gain (BNG) of at least 20% is not justified. Draft Policies 84 and 87 should be amended to “at least 10% net gain”, in line with emerging national legislation as set out in the Environment Act 2021.

Moreover, there should be further flexibility in Policies 84 and 87 as to how developers can achieve a BNG, including a mechanism for financial contributions to off-site habitats if on-site delivery is not possible. Whilst from a biodiversity perspective, in some locations it can be preferable to provide habitat onsite, this is not always possible. Therefore, it is important to provide a policy option for either providing BNG on another site or a financial contribution towards a strategic delivery scheme. These options can be effective in delivering BNG and can ensure otherwise sustainable development is not prevented from coming forward.

East Devon already operates a well-conceived financial contribution approach for recreational impacts upon European designations. This should be extended to create funds for strategic projects which can bring wider benefits to the area.

Policy 89 – Ecological Impact Assessment

Whilst Bourne Leisure generally endorses draft Policy 89, it objects to the inclusion of ‘the precautionary principle’ within the policy, and particularly *“increasing public participation in decision making”*. Public participation can be helpful in the planning process but in relation to applying the precautionary principle, there are significant risks that citizen intervention could result in overly risk averse approaches being taken on the whim of a single person. Decision making must be undertaken by, and in consultation with, professionals.

It appears that the Council has taken the ‘precautionary principle’ from the ‘Draft environmental principles policy statement’, published 12 May 2022 by the Department for Environment, Food and Rural Affairs. We note that the requirement for public participation in decision making is not included in the application of the precautionary principle set out in the statement. Bourne Leisure therefore requests that draft Policy 89 is amended to remove reference to public participation in decision making.

Policy 91 – Ecological enhancement and incorporation of design features to maximise the biodiversity value of proposals

Bourne Leisure recognises the importance of ecological enhancement and maximising biodiversity. However, it is essential that measures to maximise the biodiversity value of proposals and to mitigate adverse impacts of new developments on biodiversity be assessed on a site-by-site basis. The requirements for net biodiversity gain should then be the basis for enhancing features for a project. Therefore, Bourne Leisure suggests that draft Policy 91 is removed from the Plan. The features listed in

the Policy should be included in 'supporting text' for the emerging Policy 87 and should not be a policy requirement in its own right.

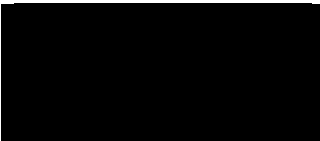
Policy 93 – Protection and enhancement of the Jurassic Coast World Heritage Site

Draft Policy 93 does not currently allow for mitigation to be provided where it would offset adverse impacts from development within the Jurassic Coast World Heritage Site. Bourne Leisure requests that the draft Policy is amended to allow for mitigation or compensation to be provided where it would offset harm and adverse impacts in relation to the Jurassic Coast World Heritage Site.

Summary

We trust that these representations are clear and will assist in the finalisation of the emerging Local Plan. Please do not hesitate to contact either my colleague Caitlin Newham or me should you require clarification on any points made. We would also be grateful if you would continue to keep us informed on progress on the development of the emerging Local Plan and any other planning documents that are prepared by the local planning authority.

Yours faithfully



Helen Ashby-Ridgway
Planning Director

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