

AM 583-21

NEW FOREST NATIONAL PARK AUTHORITY

AUTHORITY MEETING – 25 MARCH 2021

OPTIONS FOR MANAGING TEMPORARY ‘POP UP’ CAMPSITES

Report by: Steve Avery, Executive Director

1. Introduction

- 1.1 Members will be aware that the Town and Country Planning (General Permitted Development) Order 2015 provides an exemption for temporary ‘pop-up’ campsites, which allows the use of land as a camping site for up to 28 days a year without the need for planning permission. This ‘permitted development right’ was extended by Government to 56 days last year and has been similarly extended for this year as a means of assisting the hospitality sector during the pandemic.
- 1.2 Even before the pandemic, concerns were being expressed about the number of exempted campsites operating in the New Forest and their impact on local communities and the wider Forest. This paper sets out the relevant legislation and planning considerations affecting campsites in the National Park and seeks Members’ views on the different options available to bring these sites within planning control.

2. Permitted Development Rights for camping and caravan sites

- 2.1 The exemptions allowed in the Town and Country Planning (General Permitted Development) Order 2015 (‘the GPDO’) are founded on much earlier legislation that includes the Caravan Sites and Control of Development Act 1960 and the Public Health Act 1936. Taken together, planning permission is not normally required in the following instances:
 - Stop over caravan sites – these can accept one caravan or motor home for up to two consecutive nights for any 28 days in a 12-month period
 - For 5+ acre holdings – 3 caravans are allowed for up to 28 days in any one calendar year
 - All other sites can have tenting for up to 28 days in any one calendar year
 - Sites approved by an exempted organisation, such as the Camping and Caravanning Club, can have up to 5 caravans all year round, these are known as CL (Certified Locations) sites
 - Meetings organised by exempted organisations (such as Caravan Club rallies) - less than 5 days but no restriction on the number of rallies or caravans attending.
 - Recreational organisations like caravan clubs or the Scouts can apply to Natural England for an exemption to camp without planning permission for up to 60 days in a year or 42 days consecutively in a year – in such cases exemption certificates are valid for five years
- 2.2 Each year the Camping & Caravanning Club send the Authority a list of exempted sites for the following year (43 for 2020) whilst the Caravan and Motorhome Club provide a similar advanced list of dates and details of the annual Rally Programme (8 in 2019). The National Park Authority is also consulted by exempt organisations on applications

for new sites. In these cases, the Authority can submit representations and whilst these are sometimes taken into account, there is no obligation on the applicant to do so.

- 2.3 However, exempt organisations do apply their own guidelines and rules and exercise a fair degree of control over how their licenced sites are run and how rallies are organised. CL sites are routinely inspected by the exempt organisations to ensure that the sites are operating within their prescribed guidelines and rules.
- 2.4 Conversely though, there are no such controls or licencing arrangements for temporary 'pop up' campsites – which makes them much easier to set up. Whilst there are some related and similar concerns that apply to other exempted camping and caravan sites in the National Park, it is considered that the pressing issue for now is to address the impacts associated with temporary 'pop up' campsites which are permitted by Schedule 2, Part 4, Class B of the GPDO.

3. Planning considerations

- 3.1 The New Forest is one of the most visited National Parks in England and has the highest proportion of designated land of international value for nature conservation in the country. Holiday parks and campsites are already well provided for in the National Park and for these reasons, successive local plans have taken a restrictive approach to the provision of new campsites and caravan sites. This has been carried forward into the new Local Plan through Policy DP47. The Inspectors' Report on the Examination of the Local Plan (2019) endorses the continuation of such an approach (paragraph 174):

“Policy DP47 takes a restrictive approach to the provision of new campsites and extensions to existing holiday parks, caravan or camping sites which will only be allowed in a very limited range of circumstances. Evidence, updated in 2016, shows that the National Park has over three times the number of camping and touring caravan bed spaces per square kilometre than the average of all other English National Parks. Camp sites and holiday parks and the associated paraphernalia and infrastructure can have a significant visual impact and impact on biodiversity. Given that this small geographical area is already well supplied by camping and caravan bed spaces, we consider that the approach strikes an appropriate balance between the National Park purposes whilst recognising the important role of tourism in the local economy.”

- 3.2 The Local Plan notes that although many sites are seasonal they can have a significant impact on the New Forest environment, particularly those located in areas of designated nature conservation importance. Of particular relevance is paragraph 8.29 of the Local Plan which refers to the *“large increase in 28 day 'pop up' campsites which account for some extra 7,000 overnight stays in the Forest. If this trend continues consideration will be given to the use of an Article 4 Direction to ensure this type of development is properly planned”*.
- 3.3 On recent evidence (and prior to the pandemic), it appears that the trend for more 'permitted' camping and caravan sites is likely to continue into the future. One contributing factor could be the number of established holiday parks seeking to 'upgrade' their offer to visitors by substituting touring pitches with log cabins, camping pods and chalets. The loss of touring pitches from these more established holiday parks may account for the rise in the number of 'pop up' sites which are responding to the displaced demand for touring pitches. There is also anecdotal evidence that an increasing number of campers are seeking a more informal 'close to nature' camping experience.

- 3.4 On top of this, the demand for camping in the Forest is likely to be even greater in 2021 as a result of the pandemic, with more people choosing to take their holidays 'at home' in the UK and landowners responding to the demand accordingly. Below is an extract from an email received from a local resident in February 2021 which is not untypical of the type of representations we receive on this subject (albeit this particularly site is exceptionally large):

"I live on a small farm at xxx and the local landowner, xxx last year decided to take advantage of the Permitted Development Rights and camping. The effect of the campsite had a very negative impact on [the village]. The local community shop was overwhelmed and could not provide its usual standard of service to its local elderly residents and the local community. Local footpaths and bridle paths had unprecedented use now leaving us with gates that need to be replaced and fences damaged. We have just heard that the owner has now decided to relocate last year's campsite which was relatively close to the main house to a large field north of xxx. We have been told it may be as many as 60 pitches. This clearly should not be allowed to go ahead and surely the National Park would be able to prevent this. The impact on wildlife, light pollution, noise pollution, potential environmental health issues, dangerous highway access and I am sure other issues should be able to prevent this."

- 3.5 Our current database reveals 10 known temporary '28 day' campsites operating in 2020, with pitch numbers ranging from 12 to 90.

4. Options for managing temporary campsites

4.1 Complying with the Conservation of Habitats and Species Regulations 2017

- 4.2 In addition to the policy context referred to above, issues affecting the National Park include wider recreational disturbance and impacts on the designated sites and more recently the need for new development to achieve 'nutrient neutrality'. In both cases any new development (either granted consent by the Authority through the usual planning application route, or by virtue of national 'permitted development rights') must comply with the requirements of the Habitat Regulations.

- 4.3 The Habitats Regulations set out the process that any development coming forward under the General Permitted Development Order needs to follow to ensure compliance with these Regulations. It is a condition of any permitted development right that development which is likely to have a significant effect on a European Site cannot commence without the prior approval of the local planning authority (regulations 75 and 77), which can only be given where the local planning authority has ascertained that development will not adversely affect the integrity of a protected site. Given the range and scale of internationally protected nature conservation sites in the New Forest and its coastline, these legal considerations are particularly important in the National Park.

- 4.4 In relation to the recreational impacts on designated sites the Authority's Revised Habitat Mitigation Scheme SPD (July 2020) confirms at paragraph 4.19 that *"New temporary ('pop-up') campsites will be considered on a case by case basis, but where planning permission is not needed, evidence of compliance with the Habitats Regulations (showing no in-combination recreational impacts on the integrity of the designated sites) is still required. Mitigation can be secured by a contribution to this Revised Habitat Mitigation Scheme."*

- 4.5 Like applicants for new residential development or other forms of visitor accommodation, landowners of campsites would also need to demonstrate effective mitigation for either nitrates entering the Solent designated sites catchment; or phosphates in the River Avon catchment to the west of the National Park. The requirement for nutrient neutrality in new development applies across the whole of the National Park and landowners can prepare a site-specific 'nutrient budget' setting out how the nutrients arising from the planned development will be managed. Options include on- and off-site mitigation measures, proportionate to the scale of the development (and associated impacts) proposed.
- 4.6 In order to demonstrate compliance with the Habitats Regulations, temporary campsite operators could be asked to make an appropriate habitat mitigation contribution (payable each year) and providing an undertaking to contain all waste effectively on site before transporting it for treatment off site (without any run off into a European site). Alternatively, some landowners may have the ability to manage nutrients on-site through effective land management; or off-site through off-setting schemes.
- 4.7 In the absence of being able to satisfy these requirements, the campsite use would no longer benefit from permitted development rights and would require planning permission. In such circumstances, it is highly unlikely that planning permission would be granted (in view of Local Plan Policy DP47) and the Authority would then need to consider taking formal enforcement action.
- 4.8 Making an Article 4 direction
- 4.9 As the local planning authority, the Authority has the power to remove permitted development rights by making a direction under Article 4 of the GPDO. The reasons for an Article 4 direction have to be clearly identified and those applying to a wide area require a particularly strong justification. This is emphasised in the Government's current consultation on proposed revisions to the NPPF (January 2021), which reiterates that Article 4 directions should be limited to situations where it is, "...essential to avoid wholly unacceptable adverse impacts..." and that the direction should apply to the smallest geographical area possible.¹
- 4.10 Given the high level of campsite and holiday park provision within the National Park and the importance of protecting the internationally designated nature conservation sites (and the conclusions of the Local Plan Habitats Regulations Assessment), there is a case to support making an Article 4 direction to bring temporary campsites under proper planning control. As noted above (3.2), this option is clearly laid out in paragraph 8.29 of the Local Plan. Should the Authority choose to exercise this option, it would be necessary to give sufficient notice of the intended withdrawal of permitted development rights (of at least 12 months in advance). It would also be necessary for the Authority to adopt new policy/guidance to consider and inform future planning applications which would be necessitated by the Direction for temporary campsites.

5. Proposed Way Forward

- 5.1 Nationally, the Government has shown its support for this type of permitted development right as evidenced by the recent extension of the allowance to 56 days (for 2021). The benefits of the tourism industry to the New Forest economy are not underestimated but as noted above, the New Forest is already well provided for in terms

¹ NPPF draft for consultation (publishing.service.gov.uk), MHCLG, January 2021, paragraph 53

of existing holiday parks and campsites. It is understood that all the Camping in the Forest campsites are due to reopen in 2021.

- 5.2 Applying the Habitat Regulations is a matter of law and in that context, the operators of temporary campsites must seek the written prior approval of the Authority to continue to do so. An Article 4 Direction, which is a discretionary power, would give a greater level of control.
- 5.3 It is proposed that the Authority progress a combination of the two, with an Article 4 Direction directed at the larger and most impactful campsites whilst smaller sites are asked to make contributions to the Habitat Mitigation Scheme and demonstrate nutrient neutrality (which would need to be secured by a unilateral undertaking).
- 5.4 If Members agree, it is proposed that officers prepare a guidance note and mitigation framework that would allow smaller existing temporary campsites (still to be defined but likely to be 50 pitches or less) to continue operating whilst larger existing temporary sites (still to be defined but likely to be 51 pitches or more) would be subject to an Article 4 Direction to take effect from 1 June 2022. The Article 4 Direction would also apply to all new temporary campsites sites irrespective of their size (i.e. those sites established from this calendar year onwards).
- 5.5 In advance of the Authority meeting, officers have written to temporary campsite operators to advise them that this paper is being considered on 25 March 2021 and drawing their attention to the need to secure compliance with the Habitat Regulations.
- 5.6 In the meantime, officers are continuing to liaise with colleagues at New Forest District Council and Natural England to agree a coordinated approach across the National Park and New Forest District.

6. Recommendation:

- (i) **The Executive Director be authorised to prepare a guidance note and mitigation framework to assist temporary campsites in meeting the requirements of the Habitat Regulations; and**
- (ii) **The Executive Director be authorised to make a non immediate Article 4 Direction to remove permitted development rights (Schedule 2, Part 4, Class B) for larger and all new temporary campsites to take effect from 1 June 2022, supported by new policy/guidance against which future planning applications would be assessed.**

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