

AM 613/22

NEW FOREST NATIONAL PARK AUTHORITY

AUTHORITY MEETING – 27 JANUARY 2022

ARTICLE 4 DIRECTION – TEMPORARY CAMPSITES – UPDATE

Report by: Steve Avery, Executive Director (Strategy and Planning)

1. Introduction

1.1 At the March 2021 full Authority meeting, Members considered a report on the options for managing temporary ‘pop up’ campsites within the National Park (report AM 583/21). This was in response to concerns expressed by local residents, parish councils and others regarding both the number of temporary campsites operating in the New Forest National Park and their impact on local communities, the designated sites and the wider Forest. In March 2021 Members approved the following recommendations:

- the Executive Director be authorised to prepare a guidance note and mitigation framework to assist temporary campsites in meeting the requirements of the Conservation of Habitats and Species Regulations 2017; and
- 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.

1.2 In May 2021 we published a [Guidance Note](#) relating to temporary pop-up campsites and the requirements of the Habitats Regulations. It is a condition of any permitted development right (including the use of land for camping) that development likely to have a significant effect on protected nature conservation sites - which make up over half of the land area of the designated New Forest National Park - cannot commence without the approval of the planning authority under the Habitats Regulations.

1.3 In terms of the second resolution, a non-immediate Article 4 Direction was published in September 2021 and subject to a 6-week period of consultation (running from 27 September – 7 November 2021). This report summarises the main points raised during the consultation, before setting out the next steps for confirming the Direction.

2. Consultation on the non-immediate Article 4 Direction

2.1 Schedule 3 of the Town & Country Planning (General Permitted Development) (England) Order 2015 sets out the procedures for Article 4 Directions. The consultation on the non-immediate Article 4 Direction was co-ordinated by the Authority’s Policy team in accordance with the Government regulations and included:

- Public notices in the Lymington Times and the Herald Community Magazine prior to the start of the consultation
- A press release issued on 24 September 2021
- Notices posted at 6 locations across the National Park – Ashurst, Brockenhurst, Landford, Lyndhurst, Sway and Woodgreen.

- A copy of the non-immediate Article 4 Direction and the related notice being sent to all 37 town and parish councils within the National Park; constituent local authorities (Hampshire County Council, New Forest District Council, Test Valley Borough Council and Wiltshire Council); the larger Estates within the National Park (e.g. Beaulieu, Exbury, Cadland, Meyrick and Somerley); and Forestry England
 - A copy of the non-immediate Article 4 Direction and the related notice being sent to all existing temporary campsite operators within the National Park
 - A copy of the non-immediate Article 4 Direction and the related notice being sent to the Secretary of State on the same day that the notice was published.
- 2.2 During the 6-week consultation period responses were received from a total of 99 individuals and organisations. There was a broad range of respondents, including 12 of the town and parish councils within the National Park; a number of key stakeholders including the RSPB and the Verderers of the New Forest; local residents; and existing campsite operators. In total 71% of the respondents supported the proposed Article 4 Direction; 20% objected to it; and 9% submitted comments (neither for nor against).
- 2.3 Support for the Article 4 Direction was received from New Milton Town Council, Wellow Parish Council, Hythe & Dibden Parish Council, Woodgreen Parish Council, Hale Parish Council, Hordle Parish Council, East Boldre Parish Council, Hyde Parish Council, Minstead Parish Council, Redlynch Parish Council, Godshill Parish Council, the RSPB and the Verderers of the New Forest. The majority of the responses submitted by residents of the National Park supported the proposed Direction.
- 2.4 The proposed Article 4 Direction received objections from the Camping & Caravan Club and the campsite operators at Folds Farm at Godshill, New Close Farms at Holmsley, Teddys Field at Battramsley, Harrys Field and Harrys Meadow in Frogham.
- 2.5 The Department for Levelling Up, Housing and Communities confirmed on 13 October 2021 that they were content for the Authority to decide whether to confirm the Article 4 Direction or not. They asked to be notified of our decision, but do not intend to intervene in the process, so it will be solely a decision for the National Park Authority.
- 2.6 A summary of the main points raised in the consultation comments is set out below, alongside an outline of the current intention on how they are addressed.

<i>Summary of consultation responses</i>	<i>NPA proposed response</i>
Controls are badly needed on these campsites to address problems associated with traffic, anti-social behaviour, smoke, noise, light pollution, litter and fires.	The intention is to publish new guidance to support the consideration of subsequent planning applications that would cover residential amenity issues like these.
Management is badly needed – campsites are allowing fires close to woodland, heathland and thatched properties in the hottest part of the year in areas where fires cause devastation.	A number of respondents highlighted risks with fires to properties and protected habitats. This issue will be covered in the supporting guidance the Authority intends to publish.
Agree with the proposed Article 4 Direction, but the proposed threshold of 50 pitches is set too high and should be much lower (e.g. 10, 15 or 20 pitches).	The Direction is intentionally directed at the larger existing campsites; and all new campsites established from March 2020. This balances addressing the existing

	<p>campsites having the greatest impacts with support for smaller scale camping uses.</p>
<p>Welcome the commitment to prepare guidelines to inform future decisions. These should include a presumption against sites adjacent to protected habitats; minimum distances from residential properties; and the imposition of conditions relating to waste, traffic management and reinstatement of land</p>	<p>Many respondents highlighted the range of adverse impacts on amenity from existing temporary camping uses. The intention is to publish new guidance to support the consideration of subsequent planning applications that would cover residential amenity issues like these.</p>
<p>Agree with the proposed Article 4 Direction, but the implementation date should be brought forward to June 2022 as originally intended.</p>	<p>It is necessary to give 12 months' notice of the intended withdrawal of permitted development rights through a non-immediate Direction and so it cannot be implemented before September 2022.</p>
<p>Support for the proposed Article 4 Direction, but it should be extended to cover other forms of exempted campsites in the National Park.</p>	<p>The decision was made in March 2021 that as exempt organisations 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, they would not be covered by the Direction.</p>
<p>Any new campsites permitted through the planning application process should not be in addition to the Camping in the Forest sites. The Local Plan sets an appropriate policy framework for considering such applications.</p>	<p>The Article 4 Direction focuses on temporary sites established under national permitted development rights. Additional guidance against which future planning applications would be assessed is being progressed (see section 4 below).</p>
<p>The proposed Direction is against Government policy and contrary to the support the Government is offering landowners in the face of the pandemic.</p>	<p>Article 4 Directions are a legitimate planning tool that enable planning authorities to protect areas and ensure development is properly planned. The Government has stated it is content for the Authority to decide whether the Direction is confirmed.</p>
<p>The focus should instead be on the Camping in the Forest sites, which cater for far more people, are on designated sites, and have been identified for closure/relocation for 20 years without any action from authorities.</p>	<p>The future of the Camping in the Forest sites has been raised by several respondents and we recognise that the future of campsites in the core of the Forest merits further consideration as part of a wider review. However this is outside the scope of the current Article 4 Direction.</p>
<p>Object to the Article 4 Direction - campsites support the local economy and help make rural services viable.</p>	<p>The Article 4 Direction does not necessarily stop temporary campsites being established - it would instead mean they require planning permission in the future. It would also only apply to 'new' and 'larger' sites.</p>
<p>The Direction should distinguish between campsites supporting local farms and those not associated with well-established farms and commoning smallholdings.</p>	<p>The intention is to publish new guidance to support the consideration of subsequent planning applications. This would cover the links between campsites and the land-based economy.</p>

3. Justification for the Article 4 Direction

3.1 Government guidance on the use of Article 4 Directions is set out in the National Planning Policy Framework (NPPF, 2021) and the National Planning Practice Guidance (NPPG) section on ‘When is permission required?’ (paragraphs 36 - 53). National policy recognises that Article 4 Directions are a legitimate tool available to planning authorities to protect amenity and it is clear from the consultation undertaken in Autumn 2021 – summarised in the table in section 2 - that the majority of respondents in the New Forest supported the use of the Direction. Paragraph 53 of the NPPF confirms that the use of Article 4 Directions to remove national permitted development rights should:

- be limited to situations where an Article 4 Direction is necessary to protect local amenity or the well-being of the area; and
- be based on robust evidence, and apply to the smallest geographical area possible

(i) *The protection of local amenity and well-being of the area*

3.2 The responses received during the 6-week public consultation on the Article 4 Direction illustrate a range of impacts relating to local amenity and the well-being of the National Park (and the communities within it) from temporary campsite uses. Residents and parish councils submitted detailed accounts of the adverse impacts they have experienced, including (but not limited to) increased traffic on local roads, with associated SSSI verge damage; campfires close to properties and increasing the risk of Forest fires; light and noise pollution; increased littering; and the siting of temporary buildings (e.g. toilet blocks) close to neighbouring properties. Temporary campsites can also have landscape impacts, within an area designated as having the highest level of protection in relation to landscape and scenic beauty in the NPPF (2021).

(ii) *Applied to the smallest geographical area possible*

3.3 National permitted development rights for temporary land uses apply throughout the National Park, with a limited number of exemptions (e.g. SSSIs). As illustrated in paragraph 2.3 of this report, support for the Article 4 Direction has been received from across the National Park, with town and parish councils ranging from Woodgreen, Hale and Redlynch in the north to New Milton and Hordle in the south supporting the Direction. Given that permitted development rights apply Park-wide (and reports of impacts have been received from residents across the National Park), it is logical that the Article 4 Direction must also apply Park-wide. There is no obvious option for how the geographical scope of the Direction could be limited to only parts of the National Park.

3.4 In terms of the justification for the Direction, national permitted development rights for temporary land uses (including camping) have reverted back to 28 days per annum for 2022. This follows an extension to 56 days in 2020 and 2021 in response to the coronavirus pandemic. It should be emphasised that the Authority’s decision to make an Article 4 Direction was not in response to the extension of permitted development rights, and therefore the reversion back to the original 28 days does not alter matters.

3.5 The Authority signalled its intention to consider an Article 4 Direction prior to the coronavirus pandemic and before national permitted development rights were extended in 2020. Paragraph 8.29 of the Local Plan (adopted August 2019) is clear that if the trend of an increase in the number of 28 day ‘pop up’ campsites continued, “...consideration will be given to the use of an Article 4 Direction to ensure this type of development is properly planned.” The number and scale of temporary campsites has

increased since the Local Plan was adopted in 2019 and therefore the use of an Article 4 Direction is entirely consistent with the wording in the adopted development plan.

4. Preparation of guidance to assist in determining planning applications

- 4.1 In March 2021 it was agreed that the use of a non-immediate Article 4 Direction to remove permitted development rights for larger campsites and all new temporary campsites would be supported by new policy/guidance against which future planning applications would be assessed. This accompanying guidance is currently being prepared by the Policy team and will be presented to the March 2022 Authority meeting to help inform Members' decision on whether to confirm the Direction. It will also allow the owners of those sites caught by the Article 4 Direction sufficient time to prepare and submit a suitable planning application before the Direction takes effect in September 2022.
- 4.2 Many of the respondents to the consultation in Autumn 2021 supported the need for additional guidance and highlighted several areas that could be covered. It is important to emphasise that the adopted Local Plan for the National Park will remain the primary consideration for decisions on future planning applications for campsite use. The Local Plan includes policies on general development principles (Policy DP2); impacts on the natural environment (Policies SP5 and SP6); landscape character (Policy SP7); campsites (Policy DP47); and the land-based economy (Policy SP48). Further guidance will be consistent with these statutory development plan policies, but also provides an opportunity to set out further detail on how appropriate campsites will be supported.
- 4.3 Based on the relevant Local Plan policies and the points raised in the public consultation responses, the new guidance is likely to cover the following:
- Number of days permitted: The maximum number of days for any temporary camping uses permitted is not likely to exceed 28 days in any one calendar year.
 - Supporting infrastructure: National permitted development rights do not allow permanent works to support temporary uses. The guidance is therefore likely to include a presumption against any associated permanent infrastructure (e.g. tracks, toilets, hardstanding) on sites granted temporary planning permission through the Article 4 Direction.
 - Location of campsites: New temporary camping uses will not be supported within the national or international nature conservations designations of the National Park. The guidance will also cover impacts on the designated sites from adjacent campsites.
 - Support for the land-based economy: The planning policy framework for the National Park supports the land-based economy and further guidance on temporary campsites will only support uses that help to sustain the long-term management of the land.
 - Compliance with the Habitats Regulations: Applications will need to demonstrate mitigation for nutrients affecting either the Solent or River Avon designated sites; and address recreational pressures on the New Forest designated sites. The Authority produced guidance on these matters in May 2021 for campsite operators.
 - Use of planning conditions: Within the protected landscape and habitats of the New Forest, temporary camping uses can have impacts that could be addressed through

the use of appropriate planning conditions. These are likely to cover amenity and habitat impacts including barbeques and fires (given the fire risk in the New Forest in the summer); noise and lighting; and limits on the duration of the temporary permission and days' use per annum.

5. Next steps in the process

- 5.1 The Authority's decision in March 2021 to issue a non-immediate Article 4 Direction to remove permitted development rights for larger and all new temporary campsites has been supported by the majority of respondents to the public consultation. This includes local town and parish councils, local residents and bodies including the RSPB and the Verderers of the New Forest.
- 5.2 The Department for Levelling Up, Housing and Communities have confirmed that they are content for the Authority to decide whether to confirm the Article 4 Direction or not and they have asked to be notified of our decision in due course. Based on the support received through the public consultation in late 2021, officers are now working to prepare the information required to present the Direction for confirmation at the March Authority meeting, along with the associated guidance.
- 5.3 The Direction would come into effect from 30 September 2022.

Recommendation:

Members: (i) note the summary of responses to the National Park-wide Article 4 Direction relating to temporary campsites following the public consultation held in September – November 2021; and (ii) note the intention to present a report on the confirmation of the Article 4 Direction, accompanied by the planning guidance, to the full Authority meeting in March 2022.

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Papers: **AM 613/22** – cover paper
AM 583/21

Annex 1 – Notice of making of a non-immediate direction pursuant to Article 4(1) in respect of all land in the New Forest National Park

Equality Impact Assessment: The use of a non-immediate Article 4 Direction is enabled through planning legislation and policy to protect the amenity of an area and ensure the impacts of development are fully considered through the planning application process. The Direction would enable all those with an interest in the area to be engaged in a democratic process.