

AM 624/22

NEW FOREST NATIONAL PARK AUTHORITY

AUTHORITY MEETING – 24 MARCH 2022

CONFIRMATION OF ARTICLE 4 DIRECTION – TEMPORARY CAMPSITES

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

1. Introduction

1.1 At the March 2021 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 regarding the number of temporary campsites operating in the National Park; their impact on local communities; and impacts on the wider landscape and habitats of the New 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 for larger and all new temporary campsites, supported by new guidance against which future applications would be assessed.

1.2 A non-immediate Article 4 Direction was subsequently published in September 2021 (Annex 1) and subject to a 6-week period of consultation. Report AM 613/22 was considered at the Authority meeting in January 2022 and summarised the main points raised during this consultation. The report confirmed the intention to confirm the Article 4 Direction, accompanied by planning guidance, to the full Authority meeting in March 2022.

2. Consultation on the Article 4 Direction (Autumn 2021)

- 2.1 Schedule 3 of the Town & Country Planning (General Permitted Development) (England) Order 2015 sets out the procedures for Article 4 Directions. The 6-week consultation on the Authority's non-immediate Article 4 Direction was co-ordinated by the Policy team in accordance with the Government regulations.
- 2.2 Report AM 613/22 provided more detail on the consultation responses received. During the consultation responses were received from 99 individuals and organisations. There was a broad range of respondents, including 12 town and parish councils within the National Park; a number of key stakeholders; 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 There is a legal requirement to notify the Secretary of State of the Article 4 Direction. The Secretary of State has the power to modify or cancel an Article 4 Direction, but there is no requirement for the Secretary of State to formally approve the Direction. The Government was directly notified of the Article 4 Direction as part of the consultation

launched in September 2021. In response the Department for Levelling Up, Housing & 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 and confirmed they did not intend to intervene in the process.

3. Process for making an Article 4 Direction

- 3.1 Having undertaken consultation and considered the responses received (see report AM 613/22), the Authority must now decide whether to confirm the Article 4 Direction. Report AM 613/22 – considered in January 2022 - set out the clear intention to confirm the Direction at the March 2022 Authority meeting and was supported by Members.
- 3.2 Given the significant majority of responses during the public consultation in Autumn 2021 supported the use of the Article 4 Direction, allied to the response that the Secretary of State is content to leave the decision to the Authority, this report recommends the formal confirmation of the Direction. The Article 4 Direction would come into effect on 30 September 2022. The Authority has issued a non-immediate Article 4 Direction and this means campsite owners, local communities and others will have had 12-months' notice of the Direction coming into effect.
- 3.3 Under the relevant procedures, local planning authorities are required to take into account any representation received in deciding whether to confirm an Article 4 Direction. Annex 3 to this report sets out a summary of the main points raised during the consultation in Autumn 2021 and the Authority's response. The majority of the representations received supported the use of the Article 4 Direction as a legitimate planning tool to help protect the National Park and ensure development is properly planned. In considering these representations, it is important to emphasise that the Article 4 Direction does not necessarily stop temporary campsites being established - it instead means they require planning permission. On this basis it is recommended that the Authority proceeds with confirming the Direction.
- 3.4 Once an Article 4 Direction has been confirmed, the Authority is required to give notice of the confirmation in the same way as it gave notice of the initial Direction in Autumn 2021 (including public notices in local newspapers, notices posted at locations across the National Park, and copies of the Direction being sent to statutory consultees), specifying the date that the Direction comes into force. A copy of the Article 4 Direction as confirmed must also be sent to the Secretary of State.

4. Accompanying planning guidance (Annex 2)

- 4.1 The Government's National Planning Practice Guidance (NPPG) resource on 'When is permission required?' confirms in paragraph 040 (reference ID 12-040-20140306),

"An Article 4 Direction only means that a particular development cannot be carried out under permitted development and therefore needs a planning application. This gives a local planning authority the opportunity to consider a proposal in more detail."
- 4.2 It is important to emphasise that the adopted National Park Local Plan remains 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). In addition, report AM 583/21 set out the intention to prepare new guidance against which

future planning applications would be considered. Report AM 613/22 provided a summary of the main points that would be covered in this accompanying guidance.

4.3 There are a number of principles the accompanying guidance (Annex 2) is based on:

- The guidance cannot create new policy, which would need to be subject to public consultation and, in the case of development plan policy, independent examination. The guidance in Annex 2 is therefore consistent with the principles established in the adopted Local Plan policies on farm diversification (policies SP46 and SP48), development close to designated habitats (policies SP5 and SP6), and the protection of the tranquillity of the National Park (policy SP15).
- The New Forest National Park is already well provided for in terms of visitor accommodation in general, and campsite provision in particular. The New Forest has more than three times the number of camping and touring caravan bed spaces per square kilometre than the average of all other English national parks. In considering applications for temporary campsite use, the Authority's position is clear that permission will not be granted for longer than the 28 days per annum that national permitted development rights would allow. Through the issuing of the Article 4 Direction, the Authority is not looking to introduce a more permissive regime, or to grant planning permission for the permanent change of use of land for camping use.
- To ensure 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 all temporary campsite operators which is available [online](#). The need to demonstrate compliance with the Habitats Regulations applies whether proposals require planning permission or not.

5. Conclusions

- 5.1 National policy recognises Article 4 Directions as a legitimate tool available to authorities to protect local amenity. Our adopted Local Plan (2019) confirms that consideration would be given to the use of an Article 4 Direction to ensure temporary campsites are properly planned. It is clear from the consultation undertaken in Autumn 2021 that the majority of respondents in the New Forest supported the Direction.
- 5.2 Given that national permitted development rights apply Park-wide (and reports of detrimental impacts from temporary campsites have been received from residents across the National Park), it is logical that the Article 4 Direction is applied Park-wide.
- 5.3 The non-immediate Article 4 Direction would come into effect from 30 September 2022, providing six months' notice for local communities, landowners and campsite operators. The guidance (Annex 2) prepared to accompany the Article 4 Direction has been produced to assist applicants when applying for planning permission for temporary camping uses caught by the Article 4 Direction. It emphasises that the Article 4 Direction is not being used to prevent all camping uses, but instead ensure they are assessed in more detail. In circumstances where planning permission could be supported, appropriate conditions would be used to protect the National Park.

Recommendation:

Members:

- (i) confirm the 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 30 September 2022 (Annex 1); and authorise the Executive Director to attest its sealing and to take all such action as necessary in relation to its publication and service in accordance with the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended); and
- (ii) endorse the accompanying planning guidance to assist applicants applying for planning permission for temporary camping uses caught by the Article 4 Direction.

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Papers: **AM 624/22** – cover paper

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

Annex 2 – Accompanying planning guidance note (March 2022)

Annex 3 – Summary of consultation responses on the Article 4 Direction

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 Article 4 Direction has been the subject of public consultation which has enabled all those with an interest in the area to be engaged in a democratic process.