

Report to: Cabinet



Date of Meeting 3rd March 2023

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

'Vanlifers' – Estuary Lorry Park, Exmouth

Report summary:

A report on the current situation and concerns with the occupation of Estuary Lorry Park in Exmouth.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

- (1) That Cabinet acknowledge the Planning, Parking and Equality implications of the current "vanlife" occupation of Estuary Lorry Park, and agree to its reintroduction as a Parking place for Lorries and Coaches.

Reason for recommendation:

Due consideration has been given to the availability of alternative sites and the planning considerations relating to the current occupation of the site. Local commercial landowners have been contacted, to no avail, and with no suitable EDDC owned land identified to accommodate the "vanlife" community.

Officer: Richard Easthope, Parking Services Manager

Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Democracy, Transparency and Communications
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities
- Tourism, Sports, Leisure and Culture

Equalities impact Low Impact

Equalities impact assessment will be required if recommendation not agreed

Climate change Low Impact

Risk: Low Risk;

Links to background information none

Link to Council Plan

Priorities (check which apply)

- Better homes and communities for all
 - A greener East Devon
 - A resilient economy
-

Report in full

Since the completion of the tidal defence works at Estuary Lorry park in Exmouth, a number of individuals have permanently occupied the site, living and sleeping in converted van's and motor-caravan's. There is a regular cohort of between 10-15 people that occupy the site every day, with a fluctuating number of other motorists taking advantage of the opportunity to park and sleep without charge. At the last count in early February, there were 23 vehicles at the site, some parked as close as 1m from the neighbouring vehicle.

During the Cabinet meeting on the 7th September 2022, two of the current permanent occupants of the site shared their perspective of living at the site, resulting in Cabinet proposing the following recommendations;

1. That when the regulations for the coach / lorry park are reintroduced that any enforcement action against the vanlifers is held so officers can explore other options to assist them with such a position to continue until EDDC determines that discussions are concluded and serves notice on the van lifers that the hold on enforcement is at an end.
2. Officers look for additional sites for van lifers in Exmouth.

"Vanlifing" is way of life which has become more popular during the Covid-19 pandemic and now through a period of high inflation and increased cost-of-living. Vanlifers benefit from a personal space and reduced overhead costs (as opposed to living in a bricks & mortar dwelling), and are able to move freely between locations. Access to dedicated facilities, water and waste disposal are all limitations of this lifestyle, and there are very few sites nationally that specifically cater for people living in this way. With no fixed address, vanlifers commonly use the homes of family and friends to dispose of waste, register for services and receive post. Parking on streets without restrictions is most common, as overnight sleeping is permitted in a roadworthy vehicle. One of the primary aims of "vanlifing" is to have lower outgoings, whether that be as a lifestyle choice or through a matter of circumstance.

There appears to be two very distinct opinions in respect of this way of life, with one corner empathetic towards people's reasons for living in vehicles, and others showing resentment towards an approach that can be seen as "freeloading" from society. The "vanlifers" currently occupying the lorry park have always demonstrated a willingness to contribute to where they are currently staying, however as permission has not been sought, nor granted for their occupation, this has never been an option. The costs involved in creating a legal, dedicated site with facilities for this group would far outweigh the income that would be received from "rent", which is a reason as to why the local campsite operators would not be prepared to accommodate them on their land on commercial terms. This leads to the question as to whether EDDC could accommodate the vanlifers on Council owned land.

Comments on the matter from Ed Freeman (EDDC Planning Service Lead) on the subject are below, and broadly answer this question;

The occupation of the Exmouth Lorry park site by the "Vanlifer" community leads to a number of planning issues not least the fact that it does not have planning permission. The lawful use of the site is as a car park/lorry park and so its use for the stationing of mobile homes for residential use

requires planning permission. No consent has been either sought or granted for this use and so it is unauthorised. The Local planning Authority would only take action if harm arises from this unauthorised use, however early assessment suggests that this is the case as detailed below. The site is owned by the Council and as a responsible land owner we should be complying with planning legislation which as an authority we are also required to enforce.

If planning permission were sought for the use of the site for this purpose then it is considered that a number of significant challenges would need to be overcome. Firstly the site is within an area identified as flood zone 2/3 according to the Environment Agency flood zones – see map at appendix 1. The estuary side has recently been the subject of tidal defence works in the town, however these works do not change the flood zone status of the site which is based largely on historic flooding. Therefore while the site is defended from flooding under government guidance it would still need to comply with government guidance and Local Plan policy that seek to address flood risk. An application would need to be supported by a Flood Risk Assessment (FRA) to consider these issues in detail and consultation with the Environment Agency would be required. However it should be noted that mobile homes for permanent residential occupation are considered to be a highly vulnerable use under the guidance. Even if a FRA could demonstrate that the development could be made safe throughout its lifetime without increasing risk elsewhere the sequential test would still need to be satisfied. The sequential test seeks to locate development to areas at lowest risk of flooding rather than put lives and property at risk by locating development at areas at high risk of flooding. As a result an assessment of alternative sites at lower risk where the development could be accommodated would have to be undertaken. This would look at sites across the entire district and would in officers opinion be likely to identify other sites where this development could be accommodated without generating significant flood risks. It would only be if wider sustainable development objectives and application of local and national policies would provide a clear reason for refusing development in any alternative locations identified that an exception could be made and even then it would have to be demonstrated that wider sustainability benefits to the community outweigh flood risk. It seems unlikely that the planning requirements in terms of flood risk could be satisfied.

The site is also sensitive in terms of bio-diversity being adjacent to the Exe Estuary which is a Special Protection Area (SPA), Site of Special Scientific Interest (SSSI) and a Ramsar site – see map at appendix 1. The site is protected for its wildlife and it is disturbance from recreational use of the area primarily which causes impacts and so new dwellings within 10km of the habitat are subject to an appropriate assessment under the habitats regulations and at least required to pay a contribution to the joint habitat mitigation strategy. This would certainly need to be the case here, however the close proximity of the site to the estuary also causes concern in terms of direct disturbance and issues such as light pollution that would need to be considered through an appropriate assessment in consultation with Natural England.

Even if these environmental constraints could be addressed it should also be noted that the site is on the gateway to the town centre of Exmouth. The previous use of the site as a lorry park and the use of adjacent areas does not necessarily provide the most attractive views from the public domain from Marine Way and the estuary there are also concerns about the visual impact of the use of the site for mobile homes as these could be stationed there permanently and can have an unattractive “shanty town” like appearance.

There is therefore significant concern regarding the acceptability in planning terms of the current unauthorised use of the site that mean that urgent action is needed to address the situation either through applying for planning permission to determine the acceptability of the site in planning terms more definitively following detailed assessment or through cessation of the current unauthorised use.

It should be noted that if consent is to be sought for the site then Members should also be mindful of their obligations under the planning legislation to make provision for plots for caravans and mobile homes for members of the travelling community. Previous work has demonstrated an unmet need for gypsy and traveller pitches in the district largely within the western part of the district. Further work is ongoing to update this assessment. In recent years gypsies and travellers

have frequently passed through the town and so it is known as a location where there would be likely to be demand for provision.

If the site were deemed to be acceptable as a location for permanent use by caravans and mobile homes then strong consideration should be given to whether it should be utilised to meet the long standing unmet needs of the gypsy and traveller community. The implications of not making such provision under the planning legislation as well as the Equalities Act if the site were made available to those from the settled community only would need careful consideration. Indeed the implications of simply allowing the current unauthorised occupation of the site in this regard should be carefully considered as well.

Members also need to be mindful that although in planning terms every case has to be considered on its individual merits there are dangers of setting a precedence if the current use is allowed to continue. Although the site may be occupied by people in genuine need there is no way through planning of ensuring that is the case unless delivered as some form of affordable housing through a registered provider.

The desire to allow people to meet their own housing needs particularly given the current housing crisis is understood but allowing this use to continue could be seen to encourage people elsewhere in the district to set up home in a mobile home on council land without consent which could create significant pressures for the planning enforcement service and other teams within the council which we are ill equipped to cope with.

Considering the unmet demand for gypsy and traveller sites in the Western quarter of the District, and the distinct similarities in lifestyle characteristics and the facilities, land and services that would be required, it is fair to conclude that there is not a suitable dedicated alternative site that can meet the long-term needs of the ‘vanlife’ community. As well as considering available EDDC owned land, private campsites and another large local landowner have been contacted, to no avail. The equality implications in this matter apply not only when seeking the provision of dedicated land, but also when considering the approach to eviction and enforcement action. Under normal circumstances, EDDC has a robust enforcement process in place to evict any unauthorised encampments on Council land and a consistent approach is significantly important in effectively managing EDDC owned assets.

From a purely Parking perspective there is no doubt that the current lack of regulation at the lorry park undermines the restrictions that are in place throughout Exmouth, and the longer the current situation is allowed to continue, the more notorious the site will become, encouraging even more motorists to take advantage of the opportunity for free car parking and overnight stays. As well as a loss of parking income, in the Estuary lorry park, and others, the lack of regulation also hampers our EDDC’s ability to manage the site and control the movement of vehicles from a compliance and safety perspective.

In the absence of alternative sites, and in due consideration of the length of time for which the vanlifers have been occupying the site, the unanswered question is where can the group move on to next?

Overnight stays for motorhomes in Exmouth are currently permitted in Maer Road and on Queens Drive Echelon, this is for a stopover fee which includes 24 hours parking at that location. The maximum stay of 3 days has recently been removed allowing visitors to park and sleep in the area for longer if they wish to. This overnight motorhome offer is designed to encourage tourism and visitors to the town, and not for mobile communities that wish to occupy the on a permanent basis. Should this be transpire to be the way in which these car parks are used, the planning concerns highlighted by Ed Freeman (above) in regards to the nature of the car park usage, would be brought to the forefront once again as the lines between parking and permanent occupation become blurred. Occasional paid stopovers would of course be encouraged, however neither car park represent a viable long term option.

The likelihood is that the ‘vanlifers’ will return to on-street parking, falling under the enforcement control of Devon County, or the equivalent highway authority should they move further afield. As it is not possible to offer a dedicated place to move to, EDDC can have no control over where the ‘vanlifers’ move on to next, such is the nature of their way of living and accommodation choice. Should the group choose to park on residential streets, there is the possibility that this would lead to concern amongst local communities, especially if their vehicles wish to stay together in a group. If this transpires to be an issue, the relevant land owner would need to take a decision on how to manage the situation based on the nature of the concerns.

The current circumstances and need for consideration have been exacerbated by the length of time for which the current group of ‘vanlifers’ have been allowed to occupy the site. Major defence works, Covid-19 and the cost of living have all been valid considerations and have played their part in allowing the group to stay for as long as they have. The Planning, Equality and Parking implications of allowing the site to continue to be used in this way are considerable, and we run the risk of further undermining our parking restrictions, breaching planning legislation and setting a dangerous precedent for similar occupation on other EDDC owned land if this is allowed to continue any longer.

Financial implications:

There are no financial implications requiring comment at this stage.

Legal implications:

Legal services will continue to work with colleagues to ensure that correct processes and procedures are followed in this difficult situation.