

COMMITTEE:	RESPONSIBLE COMMITTEE – WALES NATIONAL ASSEMBLY
DATE:	5 JUNE 2014
TITLE:	RESPONSE OF THE REGULATORY DEPARTMENT, GWYNEDD COUNCIL TO THE CONSULTATION ON THE DRAFT MEASURE – HOLIDAY CARAVAN SITES (WALES) BILL
PURPOSE:	To submit evidence
AUTHOR:	HEAD OF REGULATORY DEPARTMENT, GWYNEDD COUNCIL

1. Introduction

- 1.1 Gwynedd Council welcomes the opportunity to submit evidence to this Committee on the proposed changes to legislation relating to licensing and managing the use of holiday caravan sites in Wales. As a Council, we have already responded to two previous consultations on the Measure, and it is heartening that observations made on specific aspects have been addressed in the latest version of the Measure.
- 1.2 There are around 380 holiday caravan sites in Gwynedd. In 2006, a desktop exercise was undertaken using Gwynedd Council’s Geographical Information System (GIS) to find out approximately how many static caravans were in the area of the Gwynedd and Anglesey Joint Local Development Plan. The findings revealed there were 9442 units in Gwynedd with 8678 (91.9%) of them located within 2km of the coast.
- 1.3 An Economic Impact Assessment of the Holiday Park Industry in Wales (September 2011) was commissioned jointly by the British Holiday and Home Parks Association and Visit Wales. The main findings of the Economic Impact Assessment were that the total turnover and visitor expenditure as a result of the holiday park industry in Wales is £727 million per annum. Its total economic impact has been calculated as a Gross Value Added (GVA) contribution of £317 million per annum supporting a total of 10,645 direct and indirect jobs in Wales.
- 1.4 The Wales Coastal Tourism Strategy (Welsh Government, 2008) states that caravans and camping, particularly static caravans were the

preferred accommodation for tourists staying at coastal locations, accounting for 44% of all trips in 2006.

2. **Occupation season of holiday caravan sites**

2.1 Current local policy promotes the use of static holiday caravan sites for a period of up to 10 and a half months (the Gwynedd Planning Authority area). As the standards of the holiday units and facilities on sites improve, and as the demand in the holiday industry changes, there is pressure to extend the holiday occupation period. From the perspective of local planning policy, the aim is to manage developments in the countryside carefully, avoid random residential developments that are contrary to the settlement strategy, and ensure that the caravan parks add as much as possible to the local economy. It is believed that promoting regular turnover in the use of the caravans promotes the last objective. National planning policy promotes proposals to extend the occupancy period of holiday units subject to some conditions. These include:

- That it can be shown that the accommodation is used for holiday purposes only and not as the occupier's main or sole residence,
- That extending the occupancy period will not have an adverse effect on local amenities and/or the local environment.
- That the accommodation and the site are considered acceptable for occupation during the low season (especially during the winter months).

2.2 Generally, the concern of some Members with planning applications for extending the holiday season to 12 months is how can this be appropriately monitored and enforced. In conjunction with this concern is the possibility that caravans will be used as permanent living accommodation and the resulting community and linguistic side effects.

2.3 Snowdonia National Park Authority operates as the Planning Authority for vast areas of Gwynedd. The Authority does not have a specific policy in the Local Development Plan in relation to extending the season on static sites, but the Park does not permit static sites to extend the season from eight or ten months to 12 months. Permission is granted to extend the season on some sites from eight months to ten and a half months subject to restricting the use to short-term self-catering holiday accommodation only (no more than 28 days at a time).

3. **Holiday caravan sites (Wales) bill**

3.1 Currently, holiday caravan sites are licensed under the provisions of the Caravans and Development Control Act 1960. The general opinion is that the legislation no longer enables sufficiently effective management of these standards for licensed sites. At present, prosecution is the

only option in terms of enforcement, in relation to a breach of licence conditions under the Act. Introducing other enforcement options; such as the use of Enforcement Notices / a Licence Review Procedure which is similar to the procedure permitted under the Licensing Act 2003, would enable better control in order to maintain a high and safe standard on caravan sites.

- 3.2 In the last consultation on the measure, additional enforcement sanctions were restricted to controlling the occupancy of holiday caravans as a main residence. By now, there is greater clarity in the measure and the intention is made clear of extending the enforcement sanctions to the entire range of conditions within caravan site licences. It is noted that the recommended enforcement powers are robust and address the need to be able to enforce improvements through a system of Compliance Notices or Fixed Penalty Notices on all site licence conditions.
- 3.3 Concern it expressed that the range and nature of the proposed licensing system and the additional enforcement duties place a substantial burden on resources; and it is not clear whether it will be possible to recover additional costs through the fee levels that will be set.
- 3.4 A new duty is introduced to ensure that every site receives an inspection in accordance with risk assessment, at least once every three years. Additionally, all licences will be reviewed every five years. The reasoning behind such a review is not clear, given that there will be a comprehensive inspection programme in place.
- 3.5 The main fundamental purpose of imposing conditions on a site licence is to ensure the health and safety of the public. Following the Löfstedt Review in 2013, there is a presumption against undertaking proactive health and safety inspections on businesses if there is no evidence that the inspection is proportionate to the risks relating to the management of health and safety. Consideration should therefore be given to whether or not there is justification for introducing a duty to undertake proactive inspections in this broader context.
- 3.6 The measure introduces the power to act in an emergency situation where there is risk to health on a site. This duplicates adequate enforcement powers that already exist under the provisions of the Health and Safety at Work Act 1974.
4. **Managing residential use on holiday caravan sites**

- 4.1 Generally, the powers to manage the use of holiday sites as residential sites already exist in planning legislation; and planning legislation should remain as the main enforcement tool in this context. Attempting to manage the use of caravans for holiday use only is a land use planning matter. The only time there would be justification for enforcing a residential condition on a licence is if the period of caravan use affected health and safety aspects.

It is of crucial importance that licensing legislation and planning legislation intertwine and facilitate the management of caravan sites rather than duplicating it thus complicating the situation for the Council / Authority and caravan site operators.

- 4.2 The Measure refers to the need to include a condition that places requirements on site owners to conduct tests to establish whether the occupiers of caravans on the site comply with the "Residence test". This condition places considerable pressure on site owners, and is very difficult for Local Authorities to enforce. There will be a need to ensure that adequate support is offered to site owners and managers to ensure they are able to comply.

- 4.3 Additional responsibilities have been introduced for site owners to undertake a 'residence test' on specific residents who have agreements to occupy holiday caravans for more than six weeks. The site owners will be required to maintain records and evidence of these tests in order for Local Authority officers to inspect them. The fact that the responsibility for gathering the 'residence test' evidence falls on the site owner is welcomed; however in practice, it is anticipated that the site owners will find it difficult to comply without support and clear guidance.

5. Conclusions

- 5.1 The fact that the Measure is a full and comprehensive review of the Legislation relating to controlling the use of holiday caravan sites is welcomed. Current legislation is no longer fit for purpose; and the proposed legislation offers much more effective enforcement options to address non-compliance.

- 5.2 It is important that the Measure does not lead to legislation which is too complex and difficult to enforce, and does not impose an unjustified burden on local government resources; and impractical expectations for business owners. There is also a need to address the fact that the Measure duplicates enforcement powers relating to Planning and Health and Safety legislation. It should be ensured that the measure does not seek control over land use planning matters, and that it

endorses and facilitates the control that exists through the Planning system.