

**WRITTEN QUESTION TO THE MINISTER FOR PLANNING AND ENVIRONMENT
BY THE CONNÉTABLE OF ST. PETER
ANSWER TO BE TABLED ON TUESDAY 14th APRIL 2015**

Question

“With the onset of the summer season, will the Minister advise whether there is a need to control of use of motor homes and caravan type vehicles using the wider St. Ouen’s Bay area overnight and, if so, will he further advise whether the existing planning legislation is the best form of control or does he consider that this matter could be dealt with using other methods or legislation?”

Answer

By way of background, the Planning and Building (Jersey) Law 2002 contains provisions which control the importation and use of caravans - requiring permission granted by Minister for Planning and Environment. Caravans include (by definition in the Law) any vehicle, or other structure capable of being moved from place to place, which is designed or adapted for human habitation.

The controls enacted by the Minister include the ability to attach conditions to the grant of permission to import and use a caravan. Amongst other matters, these conditions require that the caravan is not used for human habitation unless on a registered camp site.

If a caravan is imported or used without securing permission, or in breach of the conditions, then the owner or user may be charged with an offence which, if found guilty, shall incur a fine of Level 2 on the standard scale (currently £500). The Law also allows the Minister to seize and retain the caravan for 2 months while this process is administered and if found guilty the owner / user may also be required to export the vehicle from Jersey.

In practice this element of the Planning Law has been very effective in controlling imported caravans and ferry operators will usually not allow such vehicles to be loaded on the boats without sight of the necessary permissions. Any caravanner visiting the Island as a holidaymaker will therefore be clear about the condition requiring use only on proper camp sites.

This legislation has perhaps been less effective in controlling the use of caravans by Islanders within the Island. A caravan can include a motorhome or auto-sleeper vehicle, which a local owner might use as a main or second vehicle on a day-to-day basis. This could include using the vehicle as a base for a family day out to St Ouen’s Bay, or perhaps an evening barbeque. There is a grey area as to whether such an activity would constitute “human habitation” for the purposes of complying with the conditions on the permission, or whether the threshold of “human habitation” would indeed be overnight sleeping. There is the further question about what constitutes overnight sleeping and how evidence would be gathered.

Where the Department receive complaints about caravans which are clearly being used for habitation, outside a registered campsite, we do take proportionate action and matters are usually concluded without need to revert to the formal options available under Law. An example would be when the caravan is plainly being used as a primary abode by visiting seasonal workers, who then voluntarily leave the Island with their caravan. This is a time and labour intensive process and its administration must be balanced against other Department priorities and responsibilities.

The situation in St Ouen’s Bay is more complex than just overnight sleeping, and the Department are aware of the difficulties in facilitating access to the countryside and enabling the enjoyment of our coastlines, but making sure that is done in a managed manner, and is not just for the benefit of a few users

who might perhaps dominate a particular locality to the detriment of others. The Department clearly have a role to play in relation to the management of caravans which become used for human habitation, but that is not the only issue of relevance to the range of users in St. Ouen's Bay.

I consider that a broader approach is needed to assist with the more general management issues, beyond overnight sleeping. For example, we understand that Le Port, along St Ouen's Bay, is not formally designated as a "car park" for the purposes of parking enforcement. Other car parks do have such designations and enable, for example, parking controls to be instigated, such as maximum stays of 6 hours in a 24-hour period, and proper parking bays to be marked out – which may enable larger recreational vehicles to be properly catered for alongside vehicles for other users. New services may also include regular and managed waste collection facilities and perhaps even include public toilet provision. Clearly this will come with an initial and ongoing cost. If sites are designated and run as formal car parks the management of the vehicles across St Ouen's Bay becomes in-step with other car parks and consistency, coupled with simplicity, can only be beneficial for both the users wanting to enjoy the beautiful coastline, and those seeking to deliver sensible, straightforward and proportionate management.

In conclusion, given the limitations of the Planning Law, I consider that there are other approaches to more effectively control overnight stays, which will enable the proper management of other issues to also be addressed. Primarily, I consider this could be through mechanisms available in car parking legislation.

I look forward to working with the Transport and Technical Services Minister and the Comité des Connétables to find the most straightforward solution for all involved.