



Llywodraeth Cymru
Welsh Government

Touring Caravan Exemption Certificates

Application Form

Application under Paragraph 12 of First Schedule to the Caravans Sites and Control of Development Act 1960 for a Touring Caravan Exemption Certificate

1. Name of organisation applying for exemption certificate:

2. Is this application for - tick applicable box:

a new certificate – New for Wales

a renewal of an existing certificate?

Previous exemption certificate number (if known):

3. Under which Paragraph(s) are you applying?

Paragraph 4

Paragraph 5

Paragraph 6

4. What is the primary purpose of the organisation:

Recreation

Other (Specify)

5. Which other caravanning organisation, if any, does your organisation have formal links with?

6. How many members are there in the organisation?

6000

7. How many rallies has the organisation held in the last 2 years?

41

8. How many rallies are planned for the next calendar year?

100

9. How many caravans are expected at the largest rally next year?

40

10. Name, address and position of individual to act as contact.

Name	Andrew Hanson
Address	

Position Held	Chairman

Note: The above individual will be responsible for ensuring that rallies are properly organised and that a recognised code of conduct is adhered to

11. Name and address and position of applicant if different:

Name	
Address	
Position Held	

- **The Articles and Constitution of the above organisation are enclosed with the programme for the most recent year**
- **The above organisation will adopt the Code of Conduct at Annex B or**
- **I enclose the Code of Conduct which the organisation has adopted**

Signed

Dated.....28/09/2016.....

The completed form and enclosures should be sent to :

Decisions Branch, Planning Directorate, Welsh Government, Cathays Park,
Cardiff, CF10 3NQ



Llywodraeth Cymru
Welsh Government

Camping Exemption Certificates

*Applications under section 269(6) of The Public Health Act 1936 **

** This only applies to England and Wales NOT Scotland where camping exemptions are **not** required*

Application / Renewal Form

Important:

Please read the accompanying guidance booklet before completing this form.

You must include copies of all the following documents along with your completed application form. Failure to do so will result in a delay in issuing an exemption certificate.

Constitution

This must include a reference to the organisation's membership rules and objectives, which must include recreation.

Code of Conduct

This must address all the points covered in the Model Code of conduct

1. Current name of organisation applying for exemption certificate(s)

Freedom Camping Club

2. Contact details

Name

Andrew Hanson

Address
(Please include
Postcode)

Either

Tel. No. or
Email address

: andrew@freedomcampingclub.org

Position Held

Chairman

Note: The address supplied above will be the one which appears on the exemption certificate, and be the main point of contact for the organisation. This individual will be responsible for ensuring that camping activities are properly organised and that a recognised code of conduct is adhered to.

3. Correspondence address (if different from above)

Name

Address
(Please include
Postcode)

Position Held

4. Please indicate in which country/countries you intend to hold rallies.

England.....

Scotland

Wales

5. What is this application for? (please tick appropriate box)

A new certificate ... Extension to existing certificates (England)

Renewal of existing certificate

Existing exemption certificate number (if known):

518

6. What is the primary purpose of the organisation?

Recreation

Other

If "Other", please specify:

7. How many members are there in your organisation?

6000

8. How many rallies/events has the organisation held in the last two years?

41

9. How many rallies/events do you plan to hold in the next calendar year?

100

10. What is the maximum number of units expected at the largest rally/event next year?

40

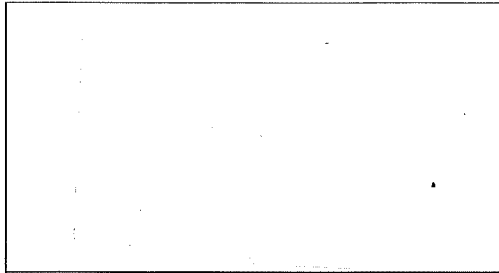
11. Please give details of any branches/units of your organisation and confirm that they share the same constitution and code of conduct as the main club:

I declare that the information given on this application form is correct to the best of my knowledge and belief. I confirm that I have read and understood the Guide and hereby agree to abide by the terms of the exemption certificate:

For applications submitted electronically, please either insert an electronic signature below or tick this box to confirm agreement with this declaration

Name: Andrew Hanson

Signed:



Date:

28/09/2016

Using and sharing your information

The data controller for the Welsh Government is Mark White, Cathays Park – 2, Cardiff, CF10 3NQ. Tel: 02920 826770

Your information will be stored and processed in accordance with the Data Protection Act 1998. This Act gives you, as an individual, the right to know what data we hold on you, how we use it, with whom we share it and for it to be accurate.

The Welsh Government will use your personal data for the purposes of processing applications, administering and maintaining records on the system for camping exemption certificates under the Public Health Act 1936. The Welsh Government may disclose the following data to local authorities when investigating complaints about potential breaches of the exemption certificate system: the name and contact address of the organisation, the name of any officers of the organisation, the date and period of any certificates and details of any branches or units of your organisation. If a request is made for exemption certificates in England and/or Scotland the organisations details will be forwarded on to the English and Scottish offices. The data will also be used to publish a list of organisations holding exemption certificates.

Please use this check list to make sure that you have enclosed ALL documents and information required to support your application. Please tick those you have submitted:

Completed & signed application form

Constitution of Organisation

Code of Conduct

Freedom camping Club Constitution

ARTICLE I: NAME & PURPOSE

Section A: Name – Freedom camping club

Section B: Purpose – The purpose of this club shall be:

1. *Provide low cost camping and caravanning facilities for members*
2. *Promote & encourage camping & caravanning in UK for the purpose of recreation and enjoyment of the UK countryside and coastal resorts*
3. *Promote & encourage low income families to take family holidays in UK*
4. *Promote and encourage diversity of camping and caravanning facilities in UK*

ARTICLE II: MEMBERSHIP & DUES

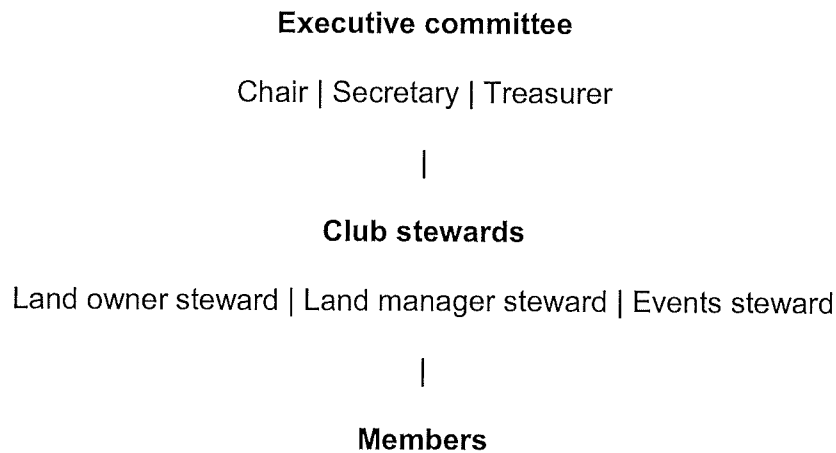
Section A: Eligibility - Membership shall be open to any person actively involved in camping and caravanning activities, providing the code of conduct is agreed to and upheld. Membership will be lifelong and without restriction however may be withdrawn by the club executive committee at any time in respect to a breach of the code of conduct or other behavior which may cause detriment to the experience of other members of the club.

Section B: Dues – Membership is free

ARTICLE III: Club organisation

Section A: Club structure – The club will be organized in a three tier structure with executive committee presiding over all club activities, Stewards will organise and preside over individual sites and members participate in club activities.

Fig A: Club structure Diagram



ARTICLE IV: OFFICERS

Section A: Executive Officers – The officers shall be Chair, Secretary, and Treasurer.

Section B: Stewards – Stewards shall be land owner stewards, land manager stewards and event organiser stewards

Section C: Election – Executive officers will be initially appointed by the founders and future elected position be appointed by a majority vote of the executive committee. Stewards will be appointed by the executive committee on successful application.

Section D: Term – Executive officers will remain in post until resignation or removal by a majority vote of the executive committee. Stewards will be reviewed annually by the executive committee.

ARTICLE V: DUTIES OF OFFICERS

Section A: Chair – it shall be the duty of the chair to:

- Preside at meetings
- Vote only in case of a tie
- Represent the club
- Perform such other duties as ordinarily pertain to this office

Section B: Secretary – It shall be the duty of the Secretary to:

- Record the minutes of all meetings
- Keep a file of the club's records
- Maintain a current roster of stewards & members
- Issue notices of meetings and conduct the general correspondence of the club

Section C: Treasurer – It shall be the duty of the Treasurer to:

- Receive all funds and process request for payment, deposit slip, and officer signature forms.
- Keep an itemized account of all receipts and expenditures and make reports as directed

Section C: Stewards – It shall be the duty of the Stewards to:

- Preside over camping activities, ensuring members code of conduct is adhere to
- Keep records of members on camping site.
- Ensure the site is maintained/cleaned/safe for members camping.

ARTICLE VI: MEETINGS

Section A: Meetings – Regular executive meetings shall be held quarterly.

Section B: Special Meeting – Special meetings may be called by any member with the approval of the Executive Committee.

Section C: Quorum – A quorum shall consist of [example: two-thirds (2/3)] of the membership

ARTICLE VII: EXECUTIVE COMMITTEE

Section A: Responsibility – Management of this club shall be vested in an Executive Committee responsible to the entire membership to uphold these bylaws.

Section B: Membership – This committee shall consist of the officers as listed in Article III and the faculty advisor.

ARTICLE VIII: AMENDMENTS

Section A: Selection – these bylaws may be amended by a two-thirds (2/3) majority vote of the executive membership.

Section B: Notice – All executive members shall receive advance notice of the proposed amendment at least five days before the meeting. [The time may be extended to the following meeting.]

Freedom camping club general code of conduct

General

1. One named member of the organisation (the "Steward" or "responsible person") is to be responsible for the conduct of any exempted touring caravan or camping event and for ensuring that those attending comply with this code.
2. The responsible person must ensure that all members are aware of The Countryside Code, The Caravan Code and The Seashore Code (see Annexes 1a -c).

The Venue

3. The organisation will take reasonable steps to satisfy themselves that the site to be used is not subject to a relevant order under paragraph 13 of the First Schedule to the 1960 Act (for caravans), or an Article 4 direction under Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (for caravans and camping), and that it is not one where planning permission has been refused or where enforcement action has been taken.
4. The organisation will consult the local authority before meeting on land adjacent to sites for which planning permission has been granted (i.e. next to permanent or commercial sites).
5. The organisation will agree to move from and avoid any site to which the local authority maintains a valid objection.
6. The organisation will not meet on sites adjacent to certificated locations/sites unless the proposed site is clearly differentiated and the risk of interference with local people and other users is minimal.
7. The organisation will take reasonable steps to ensure that the siting of units (a caravan, motor home, tent or trailer tent) does not unduly interfere with the activities of local people, their privacy or their enjoyment of their property. They will also ensure that the siting of units does not interfere with the enjoyment by others of the landscape, natural beauty or nature conservation value of the area, particularly in areas designated for their landscape or wildlife qualities.
8. The organisation will undertake not to over-use any venue and will consider carefully before holding successive meetings on the same land.

Nuisance

9. Local people should be able to carry on their normal activities when meetings are in progress. The organisation will take reasonable steps to minimise disturbance and will investigate and deal with the causes of any complaints made.
10. Care should be taken not to damage the site or the surrounding locality. Trees, fences, buildings, equipment and stock should all be respected.
11. Domestic animals belonging to members of the organisation will be kept on a lead and under close control. They will not be allowed to run loose on the site or cause disturbance to local people or animals. They will be exercised away from units and those parts of the site used for communal activities. Any mess will be cleared up.

12. The responsible person will identify open space suitable for the playing of games which might otherwise intrude upon or constitute a danger or annoyance to others on or around the site.
13. Noise should be kept to a minimum for the comfort of others on the site as well as people who live or work nearby.

Road Safety and Access

14. The responsible person will take steps to ensure that travel from major roads to a proposed site is not likely to cause undue disruption or difficulties for other road users. Access to the site must be suitable for the number and likely size of units attending the meeting. The arrival and departure of units should be arranged to minimise disruption to other road users.
15. The speed of vehicles on the site should be restricted to 5 mph.

Spacing and Density

16. For health and safety purposes emergency vehicles must be able to gain access to any unit on the site. As such, units should be well spaced and sited so they do not restrict access to, or exit from, any other unit or the site in general. At least 6 metres should be required between units in all circumstances. For this purpose a unit means a caravan, motor home, tent or trailer tent. In addition, there must be a minimum of 3 metres between any awnings, gazebo's or pup tent and the car or towing vehicle. Emergency vehicles should be able to secure access at all times to within 90 metres of any unit on the site.
17. Where a site is being used by both caravans and tents they must be sited entirely separate from each other for health & safety reasons. However, this does not necessarily mean segregated. If the layout of the field does not allow for separate lines of tents, it is permissible to continue a line of caravans/motor homes with a line of tents, but they must be sited *en-bloc* and not interspersed. Trailer tents are classified as tents and must be sited accordingly. Children's "pup-tents" may be erected alongside the parents' unit and should be considered as part of the unit for spacing purposes. It is recommended that there is at least 6 metres between any rows of caravans and tents. See Annex 1d for further advice on spacing issues.

Fire Precautions

18. Open fires and barbecues will not be held except with the permission of the responsible person. Where permission is given for open fires or barbecues, they will be sited on open ground, away from units, vehicles, awnings and any other structures.
19. A fire extinguisher approved to British Standards Institute and/or Fire Officers Certificate standards will be held on site.

Chemical Toilets and Waste Water Disposal

20. Organisations will act responsibly when disposing of the contents of chemical toilets and waste water and take full account of the need to safeguard water supplies and prevent the pollution of rivers and streams.

21. On-site disposal of the contents of chemical toilets and waste water will be in accordance with arrangements agreed with the site owner/occupier. Neither will be allowed to foul the ground except at designated disposal points. If there is any doubt about the disposal of waste, the organisation or, if appropriate, the responsible person will contact the relevant Local Authority for advice.

Refuse disposal

22. Organisations should ensure that refuse is either taken home or disposed of in accordance with on-site arrangements. The steward should be satisfied that appropriate arrangements are in place.

Duration and frequency of activities

23. The organisation will use every endeavor to prevent any site from overuse.

Freedom camping club Stewards code of conduct

All Steward

1. Uphold all clauses of the Freedom camping club general code of conduct and club constitution.
2. Ensure camping activities are supervised and accurate records of attendance are kept.
3. Ensure that a site is maintained and suitable for camping activities
4. Ensure all members uphold the code conduct and respect other members privacy, safety and enjoyment.
5. Ensure that all participants are current members or have completed a new member enrolment form before participating in camping/caravanning activities
6. Provide details of new members to the club organization.
7. Provide certificates of public liability insurance before commencement of camping and caravanning activities to the club

Land owner stewardship

8. Provide minimum facilities for camping/caravanning activities – Drinking water outlet within 100m of camping/caravanning – Chemical waste disposal point with closure – Dry waste collection points and removal
9. Land owner stewards will ensure facilities are maintained and kept to a serviceable standard.
10. Remove or arrange suitable removal of waste from sites (inc chemical toilet waste)
11. Inform the club of any changes to facilities

Land manager stewards

12. Obtain suitable written consent from the land owner to allow camping and caravanning activities
13. Ensure the land owner is fully aware of the responsibilities and requirements of the land before caravanning and camping activities take place.

Events organising stewards

14. Inform the club of planned events/rallies including start times/dates end times/dates, location, expected attendance.
15. Carry out a suitability assessment of site before used for camping/caravanning activities. Sites that do not meet a minimum standard will not be used for club activities.
16. For sites which have not been used for camping/caravanning activities previously or large events (50 units or more), consult with relevant local authorities before commencement of activities. Sites which have had valid objections raised will not be used for club activities.
17. Ensure that all sites are left in good condition before the location is closed, i.e rubbish removed, all members off site, gates closed, if possible inspection/approval by the land owner of site closure.



Adran yr Amgylchedd a Materion Gwledig
Department for Environment and Rural Affairs

Llywodraeth Cymru
Welsh Government

Mr Andrew Hanson
Freedom Camping Club

Ein Cyf/Our ref: qA1271580
Eich Cyf/Your ref:
Dyddiad/Date: 30 November 2016

Dear Mr Hanson

CARAVAN SITES AND CONTROL OF DEVELOPMENT ACT 1960:
FIRST SCHEDULE – PARAGRAPHS 4, 5, 6 & 12
CARAVAN EXEMPTION CERTIFICATE FOR THE FREEDOM CAMPING CLUB
PUBLIC HEALTH ACT 1936 - SECTION 269:
CAMPING EXEMPTION CERTIFICATE FOR THE FREEDOM CAMPING CLUB

You will be pleased to know that your Club's application, for a caravan exemption under Paragraphs 4, 5 and 6 of the above Schedule, has been carefully considered and the application has been partially approved. You will also be pleased to know that your Club's application for a camping exemption under section 269 of the Public Health Act 1936, has also been carefully considered, and approved.

When we receive an application for a caravan exemption certificate, we undertake a review as to what provisions the club has requested its exemption(s). Your request for a caravan exemption certificate, requested exemption under Paragraphs 4, 5 and 6.

The Welsh Ministers rarely grant exemption under Paragraph 5, as this allows an organisation or club to issue an exemption certificate to a site for the use of up to 5 of its members without the owner having to apply for planning permission. Club's with an exemption certificate enjoy exceptional freedom in its use, as it allows a Club, in most circumstances, to use a site without having to apply to the local authority or national park for planning permission, this freedom is not enjoyed by members of the general public and the Welsh Ministers have a duty to ensure that the exemption certificate system is not abused. We are entitled to reach a different view from Natural England as to whether or not a certificate should be granted or renewed and under which paragraphs it should be granted.

We have noted the information provided by your Club, but take the view that considering the size of your Club (6,000) an exemption under paragraph 5 is not warranted. Notwithstanding this, the Welsh Ministers have taken the view that it is appropriate to grant your Club a caravan exemption under Paragraphs 4 and 6. Accordingly, exemption certificates covering



Wales are enclosed.

I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WFG Act"). In reaching this decision, I have taken into account the ways of working set out at section 5 of the WFG Act and I consider that this decision is in accordance with the sustainable development principle through its contribution towards the well-being goal of a "Prosperous Wales", as defined in section 4 of the WGF Act.

It is important for the Welsh Government to have up-to-date details of the Freedom Camping Club and therefore I would be grateful if you would inform us immediately of any changes in the administration and aims of the Club, including changes to officers and the Club's constitution.

If you are not to be the contact point for the Club, would you please advise me of who is, along with their address, telephone number and, if applicable, their e-mail address, bearing in mind that person shall be responsible for ensuring that rallies are properly organised and that the relevant Welsh Government's Code of Conduct is adhered to.

I should be grateful if you would draw that person's attention and that of any subsequent change in personnel who would be contact points for the Data Protection Act 1998 and ask them to inform me as to whether or not they would be prepared for their personal details to be released without prior approval.

The certificates are valid until the 9 July 2021.

Your attention is drawn to the Codes of Conduct enclosed which your Club is required to comply with, when rallying or camping in Wales. You must also ensure that the relevant bilingual certificate is available for inspection by the local authority or national park authority whilst carrying out your Club's activities in Wales.

Yours sincerely

Nick Iles

Decisions Branch
Planning Directorate

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Your rights under the Data Protection Act 1998

This list is not exhaustive.

- * You have the right to ask the Welsh Government to provide you with access to and a copy of personal data held about you;
- * You have the right, in specified circumstances, to ask the Welsh Government to stop processing personal data about you;
- * You have the right to seek compensation if you believe that you have suffered damage or damage and distress because the Welsh Government has processed personal data about you in contravention of any of the requirements of the Data Protection Act 1998;
- * You have the right to ask the Information Commissioner to carry out an assessment of the way in which the Welsh Government has processed personal data about you.

Individuals who wish to exercise any of these rights should contact the Welsh Government's Data Protection Officer.



Llywodraeth Cymru
Welsh Government

DEDDF SAFLEOEDD CARAFANAU A RHEOLI DATBLYGU 1960

ATODLEN GYNTAF – PARAGRAFFAU 4, 5 A 6

TYSTYSGRIF EITHRIO rhif 327

FREEDOM CAMPING CLUB

YN GYMAINT Â BOD Gweinidogion Cymru, o dan baragraff 12 yn Atodlen Gyntaf Deddf Safleoedd Carafannau a Rheoli Datblygu 1960, yn cael rhoi tystysgrif eithrio at bwrpas paragraffau 4, 5 a 6 yr Atodlen honno i unrhyw gorff y mae Gweinidogion Cymru yn fodlon bod annog neu hyrwyddo gweithgareddau hamdden ymhlith ei amcanion.

GAN HYNNY ac yn unol â'r cais a wnaed, mae Gweinidogion Cymru drwy hyn yn rhoi'r dystysgrif hon i'r Freedom Camping Club o dan baragraff 12, at bwrpas paragraffau 4 a 6 yr Atodlen Gyntaf, a daw i rym ar 30 Tachwedd 2016.

Caiff Gweinidogion Cymru dynnu'r dystysgrif yn ôl unrhyw bryd, a daw i ben p'run bynnag ar 9 Gorffennaf 2021.

Rhoddir y dystysgrif hon i'w defnyddio'n unig gan y corff a enwir ac ni chaniateir ei throsglwyddo i unrhyw gorff arall.

Mae'r dystysgrif hon yn ddilys yng Nghymru yn unig.

Clare Dicks

Cangen Benderfyniadau
Y Gyfarwyddiaeth Gynllunio

Llofnodwyd o dan awdurdod Ysgrifennydd y Cabinet dros yr Amgylchedd a Materion Gwledig, un o Weinidogion Cymru.

30 Tachwedd 2016



Llywodraeth Cymru
Welsh Government

CARAVAN SITES AND CONTROL OF DEVELOPMENT ACT 1960

FIRST SCHEDULE – PARAGRAPHS 4, 5 and 6

CERTIFICATE OF EXEMPTION No 327

FREEDOM CAMPING CLUB

WHEREAS under paragraph 12 of the First Schedule to the Caravan Sites and Control of Development Act 1960, the Welsh Ministers may grant a certificate of exemption for the purposes of paragraph 4, 5 and 6 of that Schedule to any organisation as to which the Welsh Ministers are satisfied that its objects include the encouragement or promotion of recreational activities.

NOW THEREFORE and in accordance with the application made, the Welsh Ministers hereby grants the Freedom Camping Club this certificate under paragraph 12, for the purposes of paragraphs 4 and 6 of the First Schedule, with effect from 30 November 2016.

The certificate may be withdrawn at any time by the Welsh Ministers and in any event will cease to be valid on 9 July 2021.

This certificate is granted only for the use of the organisation named and is not transferable to any other organisation.

This certificate is granted only for use in Wales.

Clare Dicks

Decisions Branch

Planning Directorate

**Signed under authority of the Cabinet Secretary for Environment and Rural
Affairs, one of the Welsh Ministers**

30 November 2016



Llywodraeth Cymru
Welsh Government

DEDDF IECHYD CYHOEDDUS 1936

ADRAN 269

TYSTYSGRIF EITHRIO rhif 178

FREEDOM CAMPING CLUB

YN GYMAINT AG y'i darperir o dan isadran (6) adran 269 Deddf Iechyd Cyhoeddus 1936, os bydd corff yn bodloni Gweinidogion Cymru ei fod yn cymryd camau rhesymol i sicrhau

- (a) bod maes gwerysyla sy'n eiddo iddo neu sy'n cael ei ddarparu ganddo neu sy'n cael ei ddefnyddio gan ei aelodau, yn cael ei reoli'n briodol a'i gadw mewn cyflwr glân, a
- (b) bod yr anheddau symudol a ddefnyddir gan ei aelodau yn cael eu defnyddio fel nad ydynt yn peri niwsans,

caiff Gweinidogion Cymru roi tystysgrif i'r corff hwnnw i'w eithrio rhag darpariaethau adran 269

AC YN GYMAINT Â BOD y Freedom Camping Club wedi gwneud cais i Weinidogion Cymru am y materion dywededig

GAN HYNNY mae Gweinidogion Cymru yn unol â'r pwerau a roddir iddynt gan is-adran (6) adran 269 Deddf Iechyd Cyhoeddus 1936, drwy hyn yn rhoi tystysgrif i'r Freedom Camping Club i'w eithrio rhag darpariaethau'r is-adran 269 ddywededig o 30 Tachwedd 2016.

Caiff Gweinidogion Cymru dynnu'r dystysgrif yn ôl unrhyw bryd, a daw i ben p'run bynnag ar 19 Gorffennaf 2021.

Rhoddir y dystysgrif hon i'w defnyddio'n unig gan y corff a enwir ac ni chaniateir ei throsglwyddo i unrhyw gorff arall.

Mae'r dystysgrif hon yn ddilys yng Nghymru yn unig.

Clare Dicks

Cangen Benderfyniadau
Y Gyfarwyddiaeth Gynllunio

Llofnodwyd o dan awdurdod Ysgrifennydd y Cabinet dros yr Amgylchedd a Materion Gwledig, un o Weinidogion Cymru.

30 November 2016



Llywodraeth Cymru
Welsh Government

PUBLIC HEALTH ACT 1936

SECTION 269

CERTIFICATE OF EXEMPTION No 178

FREEDOM CAMPING CLUB

WHEREAS under subsection (6) of section 269 of the Public Health Act 1936 it is provided that if an organisation satisfies the Welsh Ministers that it takes reasonable steps for securing

- (a) that camping sites belonging to or provided by it, or used by its members, are properly managed and kept in good sanitary condition, and
- (b) that movable dwellings used by its members are so used as not to give rise to any nuisance,

the Welsh Ministers may grant to that organisation a certificate of exemption from the provisions of said section 269.

AND WHEREAS the Freedom Camping Club has applied to the Welsh Ministers as to the matters aforesaid.

NOW THEREFORE the Welsh Ministers in pursuance of the powers conferred upon them by the said subsection (6) of section 269 of the Public Health Act 1936, hereby grant the Freedom Camping Club a certificate of exemption from the provisions of the said section 269 as from 30 November 2016.

The certificate may be withdrawn at any time by the Welsh Ministers and in any event will cease to be valid on 9 July 2021.

This certificate is granted only for the use of the organisation named and is not transferable to any other organisation.

This certificate is granted only for use in Wales.

Clare Dicks

Decisions Branch
Planning Directorate

**Signed under authority of the Cabinet Secretary for Environment and Rural
Affairs, one of the Welsh Ministers**

30 November 2016

Iles, Nicholas (ESNR-Planning)

From:
Sent: 08 December 2016 15:19
To: Iles, Nicholas (ESNR-Planning)
Subject: organisations offering campsite planning exemption certificates in Wales

Dear Mr Iles

I phoned but I thought I'd email rather than leave voicemail. I have one point and one question.

I am keen to set up a campsite business in Wales (), to generate income for my family and the local economy, in an environmentally friendly and socially positive way. The Freedom Camping Club's offering is far superior to that of the Camping & Caravanning Club, allowing campsites to market to anyone. C&CC restrict you to their membership, removing markets such as those offered by the highly successful www.pitchup.com.

Yet I'm told that Freedom's application to extend into Wales has been turned down on the basis of insufficient demand. I don't know how this demand was measured, because there are numerous campsite operations popping up around Wales, in areas where diversification is much needed. Indeed such diversification is supported by planning guidelines.

And there's me and my demand. So please register, for the record, my demand for the Freedom Camping Club to be allowed to operate throughout Wales. The camping industry continues to grow and we need the best options possible to set up successful new businesses.

As things stand, however, can you recommend alternative organisations that cover our area, beside the Camping & Caravanning Club? I have looked at the [list of current exemption holders](#) on GOV.UK but can't see anything appropriate.

I look forward to hearing from you.

kind regards

Iles, Nicholas (ESNR-Planning)

From: Iles, Nicholas (ESNR-Planning)
Sent: 09 December 2016 10:16
To:
Subject: RE: organisations offering campsite planning exemption certificates in Wales

Dear Mr [REDACTED]

I acknowledge receipt of your representations. You state that you are keen to set up a campsite, I must advise you however, that the granting of a caravan/camping exemption certificate to the Freedom Camping Club, would not authorise you to set up such a site for general use. It only allows members of the Freedom Camping Club to use the site, providing the local planning authority does not object. **It does not allow it to be used by other individuals or organisations to use the site for camping purposes.** A site licence is a matter for the local authority to consider and you may also need planning permission from the local planning authority, if you propose to construct any structures, such as a toilet/shower block, parking area etc.

Yours sincerely

Nick Iles
 Cangen Benderfyniadau - Decisions Branch
 Y Gyfarwyddiaeth Gynllunio - Planning Directorate
 Llywodraeth Cymru - Welsh Government
 Parc Cathays - Cathays Park
 Caerdydd - Cardiff
 CF10 3NQ
 Ffon - Tel: 029 2082 3883 GTN: 1208 3883 Ffacs - Fax: 029 2082 5622
 e-bost - e-mail: Nicholas.iles@wales.gsi.gov.uk

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

From: [REDACTED]
Sent: 08 December 2016 15:19
To: Iles, Nicholas (ESNR-Planning)
Subject: organisations offering campsite planning exemption certificates in Wales

Dear Mr Iles

I phoned but I thought I'd email rather than leave voicemail. I have one point and one question.

I am keen to set up a campsite business in Wales ([REDACTED]), to generate income for my family and the local economy, in an environmentally friendly and socially positive way. The Freedom Camping Club's offering is far superior to that of the Camping & Caravanning Club, allowing campsites to market to anyone. C&CC restrict you to their membership, removing markets such as those offered by the highly successful www.pitchup.com.

Yet I'm told that Freedom's application to extend into Wales has been turned down on the basis of insufficient demand. I don't know how this demand was measured, because there are numerous campsite operations popping up around Wales, in areas where diversification is much needed. Indeed such diversification is supported by planning guidelines.

And there's me and my demand. So please register, for the record, my demand for the Freedom Camping Club to be allowed to operate throughout Wales. The camping industry continues to grow and we need the best options possible to set up successful new businesses.

As things stand, however, can you recommend alternative organisations that cover our area, beside the Camping & Caravanning Club? I have looked at the [list of current exemption holders](#) on [GOV.UK](#) but can't see anything appropriate.

I look forward to hearing from you.

kind regards

Iles, Nicholas (ESNR-Planning)

From: Iles, Nicholas (ESNR-Planning)
Sent: 12 December 2016 16:07
To: 'Andrew'
Subject: RE: Freedom Camping Club

Dear Andrew,

I note your comments and I will discuss this matter with my senior officer tomorrow. I will suggest approving paragraph 5 exemption for an initial 5 year period. We are not aware of any evidence that other Clubs operating in Wales do not limit the use of paragraph 5 sites to their members only, if you have any evidence to the contrary, we would appreciate sight of it, as we would consider this a breach of the terms in which the exemptions were granted and would take this matter up with them directly. Any breaches of the system in Wales are rigorously investigated and if deemed appropriate, the exemptions granted can be revoked by the Welsh Ministers, in full or in part.

Regards

Nick

From: Andrew [mailto:Andrew@freedomcampingclub.org]
Sent: 12 December 2016 11:58
To: Iles, Nicholas (ESNR-Planning)
Subject: Re: Freedom Camping Club

Dear Nick,

There seems to be some confusion as to how exemption apply between yourselves and Natural England. This mode of operation was questioned with Natural England in September 2015 to which we received the following response.

As regards non-members, this issue has been oft considered by legal folk over the years. You are correct in saying that if the landowner and the exempted organisation agree, then non-members may be accommodated. Most clubs never wish to go down this route as it lessens control, one loses the potential penalty of membership cancellation should club rules not be adhered to. I hope this makes sense and makes our position on this issue clear...

Regards
Paul
16/9

As our club offers free membership there is no real detriment to sites being limited to members only however we have spent a lot of time, effort and cost in developing our club to the specific requirements of Natural England on the basis of receiving accurate information from that office.

Should the Welsh minister agree to issuing a paragraph 5 certificate to our club for Wales, we will consider agreement to limiting sites in Wales for members, however we will insist that other club operate the same strict rules. The Camping and Caravanning club do advertise sites as members only but there is a vast amount of evidence showing that this is not the case and many sites advertise on open public booking systems. For many years the Camping and Caravanning Club also operated a try before you buy system which was widely accepted, we believe is partly the reason for the statement for the NE statement above.

Further more club which are advertising sites as members only but unable to ensure this is upheld may also be found in breach of the trade description act.

On our website page for starting a campsite with us, we have the following statement
<http://www.freedomcampingclub.org/campsite-startup.asp>

Can I build a toilet block on my certified campsite

Building, excavations and other works will require you to make a planning application, an exemption certificate only allows the site to be used as a campsite and doesn't allow you to undertake work for the site.

We also have a page on our site which is aimed at providing as much information as possible to perspective site operators so that they can make informed decisions on which option is best for them.
<http://www.freedomcampingclub.org/uk-campsite-law.asp>

Our club does not flout the law but attempts to us it for the purpose intended, which is to promote and encourage camping and caravanning in the UK. We do not make 49 million or 107 million per annum from exploiting this right as other clubs do, namely The Camping and Caravanning club and The Caravan Club respectively. It has long been recognised by Government that competition has great benefits to the public and monopolisation of certified sites is not in keeping with current Government policy on competition and markets.

In the last year our club has received over 150 application of which we have inspected around 100 of and only 56 have been approved thus far (many of these have been CCC and CC sites that have not met out certification requirements). We have a robust inspection and assessment process which involves consultation with Local authorities and local residents.

We appreciate that as a new club with very different goals than the current long standing clubs, we would make your office apprehensive. We can assure you that our goal is to promote and encourage camping and caravanning across the whole UK without holding the public to ransom for membership fees. We are a well informed and responsible club, it is not our intent or purpose to allow sites to avoid planning approval and would encourage sites that wish to operate on a commercial basis that planning approval is a more suitable means of gaining permission.

Look forward to your comments.

Kind regards
Andrew

From: Nicholas.Iles@wales.gsi.gov.uk
Sent: Monday, December 12, 2016 10:00 AM
To: Andrew@freedomcampingclub.org
Subject: RE: Freedom Camping Club

Dear Andrew,

Further to your previous e-mails I have looked on your Clubs web-site and found the following passage in your information pack.

We are a fully exempted organisation and hold certificates for paragraph's 4,5,6 of the First schedule, Caravan sites and control of Development Act, 1960 and section 269 Camping exemption under Public health act 1936. As a fully exempted organisation we are licensed by Natural England to issue exemption certificates for sites to be used as campsites, known as certified sites

without need for planning permission or licence for a local authority

The exemption provided by Natural England and the Welsh Ministers does not allow you to certify areas as a camp site for general use, nor would it allow the general public to use a site as a caravan site. The exemptions we issued only apply to fully paid up members of the Freedom Camping Club. Even if you granted a site licence under paragraph 5, planning permission would still need to be sought for any structures built on the land such as a toilet/shower block, parking area etc. This would also apply to a camp site.

I would be grateful for your comments on this before we consider your request further. You may also wish to check my understanding with Natural England, since you refer to them in your publication.

Regards

Nick

From: Andrew [<mailto:Andrew@freedomcampingclub.org>]
Sent: 08 December 2016 15:35
To: Iles, Nicholas (ESNR-Planning)
Subject: Fw: Freedom Camping Club

Dear Nick,

The email below was sent on the 2nd Dec, as we have not received any acknowledgment we would like to ensure it was received successfully. Would be grateful if you could confirm receipt.

Kind regards
Andrew Hanson
Freedom Camping Club

From: Andrew
Sent: Friday, December 02, 2016 2:15 PM
To: Nicholas.Iles@wales.gsi.gov.uk
Subject: Re: Freedom Camping Club

Dear Nick,

Thank you very much for approving our exemption application for which certificates have now been received for paragraph 4, 6 and section 269.

We are very disappointed that your office has decided to withhold paragraph 5. As our club is growing rapidly we believe there is a significant demand for paragraph 5 certification for our club in Wales, we currently have around 12 applications from sites in Wales which we are unable to process at present. These sites are predominately existing certified sites that no longer wish to operate under the certification from the Camping and caravanning club and have made applications to our club for transfer of certification.

We currently certify 56 sites in England and have procedures for assessing, inspection and supervising sites as well dealing with complaints, consulting with Local authorities and local residents. At this point we can see no justifiable reason why our club should not extend our coverage into Wales.

I have attached a letter which was drawn up by our legal representative in 2015, as far as we are aware there have been no significant change to the selection criteria for exempted organisation therefore the

advice provided in the letter is still relevant. We also believe that allowing a limit number of clubs to operate paragraph 5 exempted sites does give an unfair financial advantage to these selected clubs and thus could fall subject to the competition act 1998.

I would be grateful if you could give a more detailed explanation for the reasoning for this decision and forward details, if available of an appeal process for appealing this decision.

We would hope to resolve this issue without entering into a legal review process, as these proceeding are expensive and protracted.

Kind regards
Andrew Hanson
Freedom Camping Club

From: Nicholas.Iles@wales.gsi.gov.uk
Sent: Tuesday, November 29, 2016 3:56 PM
To: Andrew@freedomcampingclub.org
Subject: RE: Freedom Camping Club

Dear Andrew,

Your exemption certificates will be sent out tomorrow.

Regards

Nick

From: Andrew [<mailto:Andrew@freedomcampingclub.org>]
Sent: 14 November 2016 08:13
To: Iles, Nicholas (ESNR-Planning)
Subject: Fw: Freedom Camping Club

Dear Nick,

We submitted our application for exemptions on the 28th Sept and it has now been almost 7 weeks. Would be grateful for an update on progress.

Kind regards
Andrew

From: [Andrew](#)
Sent: Wednesday, September 28, 2016 3:44 PM
To: Nicholas.Iles@wales.gsi.gov.uk
Subject: Re: Freedom Camping Club

Dear Nick,

Please find attached applications for both tent camping and caravan exemptions for Wales, our current English exemption ID is 518. I have also attached our club constitution, general code of conduct and steward code of conduct.

If you require any further information please don't hesitate to contact us.

Kind regards
Andrew

From: Nicholas.Iles@wales.gsi.gov.uk
Sent: Wednesday, September 28, 2016 2:23 PM
To: Andrew@freedomcampingclub.org
Subject: RE: Freedom Camping Club

Dear Andrew,

Should you applications be successful, you will be issued certificates that cover Wales only. Legislation does not allow a certificate issued in England to cover Wales and visa versa. If you use a site in Wales you would need to have a Welsh exemption certificate.

Regards

Nick

From: Andrew [<mailto:Andrew@freedomcampingclub.org>]
Sent: 28 September 2016 14:17
To: Iles, Nicholas (ESNR-Planning)
Subject: Re: Freedom Camping Club

Dear Nick,

Thank you for forwarding the application form.

I am slightly confused as both the Natural England web site and the application guidance notes state that an application should be made in the country where the organisation is based and arrangements to issue certificates for both England and Wales will be dealt with by 1 office. We already hold certificates from the English office, however these certificates state for use in England only, can you confirm that completing the application forms for Wales is the correct procedure for extending our certificates into Wales.

Kind regards
Andrew

From: Nicholas.Iles@wales.gsi.gov.uk
Sent: Wednesday, September 28, 2016 1:26 PM
To: Andrew@freedomcampingclub.org
Subject: RE: Freedom Camping Club

Dear Andrew,

I attach the application form and guidance notes for applying for a caravan exemption certificates.

Regards

Nick

From: Andrew [<mailto:Andrew@freedomcampingclub.org>]
Sent: 28 September 2016 13:20
To: Iles, Nicholas (ESNR-Planning)
Subject: Re: Freedom Camping Club

Dear Nick,

Thank you for attaching the exemption application for section 269 of the public health act 1936.

We currently hold exemptions for section 269 of the public health act and paragraph 4,5 and 6 of the caravan site control of development act 1960 for England and would like extend our services into Wales therefor would like to make an application for all 4 exemptions. Would be grateful if you could advise on the process for application for all 4 certificates for Wales.

We note from the Natural England website that applications were not necessary to both offices but our query with the England office has been passed to you.

'If you need a certificate for more than 1 country (eg England and Wales), you only need to send your application and documents to 1 office.'

We will be happy to complete the relevant application forms and forward our club constitution and code of conduct if this is necessary.

Kind regards

Andrew

Freedom Camping Club

From: Nicholas.Iles@wales.gsi.gov.uk

Sent: Wednesday, September 28, 2016 11:11 AM

To: Andrew@freedomcampingclub.org

Subject: Freedom Camping Club

Dear Andrew,

Further to your e-mails to Natural England I attach a copy of the application form and guidance notes for your attention should you wish to apply for a Welsh camping exemption certificate.

Yours sincerely

Nick Iles

Cangen Benderfyniadau - Decisions Branch

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e-bost - e-mail: Nicholas.iles@wales.gsi.gov.uk

Dylai'r datganiadau neu'r sylwadau uchod gael eu trin fel rhai personol ac nid o reidrwydd fel datganiadau neu sylwadau gan Gynulliad Cenedlaethol Cymru, unrhyw ran ohono neu unrhyw gorff sy'n gysylltiedig ag ef.

Any of the statements or comments made above should be regarded as personal and not necessarily those of the National Assembly for Wales, any constituent part or connected body.

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Iles, Nicholas (ESNR-Planning)

From: Iles, Nicholas (ESNR-Planning)
Sent: 13 December 2016 15:23
To: 'Andrew'
Subject: RE: Freedom Camping Club
Attachments: Freedom Camping Club - Paragraph 5 - Bilingual Caravan Exemption Certificate.pdf

Dear Andrew,

I have discussed your request with my senior officer and she has agreed to grant you a separate exemption under paragraph 5, although only for an initial 2 year period. Notwithstanding Natural England's stance, we take the view that only full members of the Freedom Camping Club should use sites authorised under paragraph 5. Please ensure that copies of any site licences are sent to the local planning authority/national park authority stating when it comes into force and its expiry date, copies should also be sent to the Welsh Ministers. You are no doubt aware that they only remain extant for 12 months. We will consider extending the period on the paragraph 5 exemption at the appropriate time.

I have sent to hard copy to you in the post.

Regards

Nick

From: Andrew [mailto:Andrew@freedomcampingclub.org]
Sent: 12 December 2016 11:58
To: Iles, Nicholas (ESNR-Planning)
Subject: Re: Freedom Camping Club

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Sent: Monday, December 12, 2016 10:00 AM
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Yours sincerely

Nick Iles

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e-bost - e-mail: Nicholas.iles@wales.gsi.gov.uk

Dylai'r datganiadau neu'r sylwadau uchod gael eu trin fel rhai personol ac nid o reidrwydd fel datganiadau neu sylwadau gan Gynulliad Cenedlaethol Cymru, unrhyw ran ohono neu unrhyw gorff sy'n gysylltiedig ag ef.

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Iles, Nicholas (ESNR-Planning)

From: Andrew <Andrew@freedomcampingclub.org>
Sent: 31 October 2018 11:00
To: Iles, Nicholas (ESNR-Planning)
Subject: Re: Freedom Camping Club exemption
Attachments: P5 exemption renewal Wales 2018.pdf; FCC code of conduct.pdf; FCC Constitution.pdf

Dear Nick,

Please find attached Freedom Camping Club paragraph 5 renew application and supporting documents. Our current P5 exemption is due to expire on the 12th Dec 2018, however paragraph 4,6 and section 269 do not expire until 9th July 2021. If it would be more convenient to renew P5 until the 9th July 2021 we will be happy to accept that.

Regarding the members only issue which has yet to be resolved. We have taken legal advice which although we are confident that a judicial review would settle the matter one way or the other, the cost and inconvenience are prohibitive to this course of action, therefore the club has decided to adopt modified T&C for Welsh sites, should our exemption be renewed, of course.

If you require any further information, please don't hesitate to contact me directly.

Kind regards
Andrew Hanson
Freedom Camping Club

From: Nicholas.Iles@gov.wales
Sent: Thursday, February 22, 2018 10:23 AM
To: Andrew@freedomcampingclub.org
Subject: RE: Freedom Camping Club exemption

Dear Andrew,

I am still awaiting the answer to my queries from Natural England sent in November of last year. I am prepared to give you the Welsh Ministers view, should you so wish.

Regards

Nick

From: Andrew [<mailto:Andrew@freedomcampingclub.org>]
Sent: 07 February 2018 12:21
To: Iles, Nicholas (ESNR-Planning); Elizabeth (NE) Dixon
Subject: Re: Freedom Camping Club exemption

Dear Nick & Elizabeth,

We would be very grateful if you could provide an update to the query regarding accommodation of non members on certified sites.

This issue has now been on-going for 14 months and we now feel this has been more than reasonable time to respond appropriately. We can not allow this situation to continue indefinitely, should you be unable to come to an agreement as to how this issue can be resolved, we will have no choice but to escalate the issue to the appropriate ministers. We hope you can appreciate that this is not our preferred course of action but as it appears that there is little chance of resolving this through the current means, we have no choice but to take an alternative route.

Kind regards
Andrew Hanson
Freedom Camping Club

From: Nicholas.Iles@gov.wales
Sent: Monday, November 27, 2017 8:56 AM
To: Andrew@freedomcampingclub.org
Subject: RE: Freedom Camping Club exemption

Dear Andrew,

I have raised a couple of questions with Natural England in respect of the information on their web-site. I will respond when they answer my queries which they are currently seeking advice on.

Regards

Nick

From: Andrew [<mailto:Andrew@freedomcampingclub.org>]
Sent: 24 November 2017 12:17
To: Iles, Nicholas (ESNR-Planning)
Subject: Fw: Freedom Camping Club exemption

Hi Nick,

Don't appear to have had any response or acknowledgement from the email below. We would like to resolve this issue one way or another, before our exemptions expire for Wales.

Would be grateful if you could confirm that the issue is on-going.

Kind regards
Andrew Hanson
Freedom Camping Club

From: Andrew
Sent: Tuesday, November 07, 2017 10:45 AM
To: Nicholas.Iles@gov.wales ; [Elizabeth \(NE\) Dixon](#)
Subject: Freedom Camping Club exemption

Hi Nick & Elizabeth,

Hope you are both well.

Would be grateful for an update on progress of this.

Kind regards
Andrew
Freedom Camping Club

From: Nicholas.Iles@gov.wales
Sent: Friday, September 01, 2017 3:12 PM
To: Andrew@freedomcampingclub.org
Subject: RE: Freedom Camping Club application

Andrew,

I am on leave from today until the 19 September. I will consider the following and contact my colleagues in Natural England on my return.

Regards

Nick

From: Andrew [<mailto:Andrew@freedomcampingclub.org>]
Sent: 01 September 2017 14:46
To: Iles, Nicholas (ESNR-Planning)
Subject: Re: Freedom Camping Club application

Hi Nick,

Sorry to hear you have been unwell, hope you are feeling better now.

Thank you for the clarification. We are of the understanding the a members only site would require at least 1 person in a party to be a member of the club and would not necessarily require every person in the party to be members, that would be a ridiculous scenario, especially for other clubs that charge £38-£46 for membership. We also note that this specific query is related to P5 exemptions and not P4, although NE also have the view that P4 events (rallies) are not limited to members only.

The issue we have is that there is 1 version of legislation to which we measure our club policies against. Unfortunately the two authorities which govern the club (your selves and Natural England) have two different views on how that legislation should be interpreted. Without a legal judgement we are forced to make our own judgement as to which interpretation is likely to be supported legally, however should we choose to accept the Natural England interpretation this would put our policies in conflict with your interpretation and presumable have action taken against us should we pursue our exemptions in Wales. Should we choose to accept your interpretation, we would undoubtedly be served with a number of legal claims for damages from sites in England that have invested into site facilities and infrastructure based on a business plan which allow non member visitors (advice and policies we have issued to sites on the basis of NE guidance). This scenario puts us in conflict with at least one party whichever route we accept.

Our aim at this point is to get both yourselves and Natural England to at least agree on which interpretation will be supported by both ministers as per the memorandum of understanding. We fully understand that ultimately the legal judgement is reserved for the judicial services, however should all parties be in agreement there would be no requirement for a legal challenge.

Kind regards
Andrew

Freedom Camping Club

From: Nicholas.Iles@gov.wales
Sent: Thursday, August 31, 2017 2:01 PM
To: Andrew@freedomcampingclub.org
Subject: RE: Freedom Camping Club application

Dear Andrew,

I have been off on sickness absence, before I look further into this matter, can I just clarify one point. We are not stating non-members are not able to use a site, what we are saying is, the owner of the caravan/camper must be a paid up member of the Club to which the exemption was granted. Obviously, on occasion people will be in attendance at a venue during a rally (e.g a child or other family member). We are only saying, people who are using a caravan/camper on an exempted site, must be a member of the Club to which the exemption applies.

Regards

Nick

From: Andrew [<mailto:Andrew@freedomcampingclub.org>]
Sent: 05 July 2017 13:41
To: Iles, Nicholas (ESNR-Planning)
Cc: Elizabeth.Dixon@naturalengland.org.uk
Subject: Re: Freedom Camping Club application

Dear Nicholas,

Thank you for this, however this does make life very complicated.

Does this confirm that you are no longer upholding your previous opinion that the Welsh planning directorate have discretion in this matter and that the decision is based solely on the legal interpretation of Paragraph 5?

We are surprised by your comment that Natural England are in agreement as this issue was raised with them in Sept 2015 when we were given the opposite response (extract below), we also note that on the Natural England website, under 'Approved sites exemption - This is known as a paragraph 5 exemption.', it also states 'Non-members are allowed to stay on the site if your club and the landowner agree to it.'. This document was published in 2014 and updated earlier this year.

As regards non-members, this issue has been often considered by legal folk over the years. You are correct in saying that if the landowner and the exempted organisation agree, then non-members may be accommodated. Most clubs never wish to go down this route as it lessens control, one loses the potential penalty of membership cancellation should club rules not be adhered to. I hope this makes sense and makes our position on this issue clear...

Regards

Paul

16/9

We appreciate that ultimately the legal interpretation of any act is a matter for the judicial services, however as a government body we would assume you have an advisory role where responsibility for administering or enforcing of a scheme lay with your office.

Before we take any legal advice we would like to exhaust all possible avenues of resolving this issue without having to take that route.

Our main concern at this point is that we now have two different interpretations of the same legislation (paragraph 5, schedule 1 of the Caravan Sites and Control of Development Act 1960) by two different authorities. Our aim is to operate lawfully across England and Wales however we are unable to do this while we are unsure of the legality of our policies. Under the advisement of Natural England we currently support a policy of non-members are allowed on certified sites. Should Natural England now decide to interpret this legislation differently, making our policy unlawful, we will be of course change our policy, however this would be very damaging for our club and require considerable effort and cost to change documents, publications and signage. We are also concerned that there may be legal action taken against us, as we are currently advising 87 sites to operate illegally, albeit under the guidance of Natural England. Should the Natural England interpretation of Paragraph 5 be correct and your interpretation be inaccurate, we would assert that any restrictive term of certification which was not supported legally would be an infringement of our fundamental rights as set out in article 16 of the European Charter of fundamental rights.

We would also ask if you are aware of the other club who are currently operating a policy non member allowed on sites in Wales.

I have cc'd Natural England into this communication as we hope that you and Natural England can come to a unified interpretation of paragraph 5.

FAO Elizabeth Dixon, Natural England

Dear Elizabeth, as you can read above we request that both Natural England and the Welsh decision branch come to an agreement about the use of certified sites by non members. We are currently taking the advice offered by Natural England and the publication of guidance for exempted organisation <https://www.gov.uk/guidance/camping-and-caravanning-site-exemption-certificates-know-the-rules-and-how-to-apply>. We would be grateful if you could communicate with the Welsh decision branch regarding this issue.

Kind regards
Andrew Hanson
Freedom Camping Club

From: Nicholas.Iles@wales.gsi.gov.uk
Sent: Tuesday, July 04, 2017 11:36 AM
To: Andrew@freedomcampingclub.org
Subject: Freedom Camping Club application

Dear Andrew,

In response to the issues you raise.

The relevant Act states in section 5(2) that " For the purposes of the paragraph an exempted organisation may issue as respects any land a certificate stating that the land has been approved by the exempted organisation for use of its members for the purposes of recreation."

As the Act specifically states 'for the use of its members' it is difficult to argue that the basis on which we issued the Welsh exemption under paragraph 5, does not comply with its provisions. I have also been in correspondence with colleagues in Natural England and they also take the view

that only members can use a paragraph 5 site. We do not provide legal advice on the interpretation of any Act as ultimately only the Courts can give a definitive view.

You may use the exemptions provided by the Welsh Ministers to carry out your Club's activities in Wales, provided you abide with the terms on which they were issued. I would advise that should the certificate be used to undertake activities that are not permitted under the terms of the certificate the Welsh Ministers have the power to revoke it.

Regards

Nick

Nick Iles
Cangen Benderfyniadau - Decisions Branch
Y Gyfarwyddiaeth Gynllunio - Planning Directorate
Llywodraeth Cymru - Welsh Government
Parc Cathays - Cathays Park
Caerdydd - Cardiff
CF10 3NQ
Ffon - Tel: 0300 025 3883 GTN: 1208 3883
e-bost - e-mail: Nicholas.iles@wales.gsi.gov.uk

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

From: Andrew [<mailto:Andrew@freedomcampingclub.org>]
Sent: 20 December 2016 09:06
To: Iles, Nicholas (ESNR-Planning)
Subject: Freedom Camping Club application

Dear Nick,

Hope you are well. First of all please accept our apologies for our annoying persistence with this matter, we appreciate that this is taking up far more time than we would have hoped or expected.

We have conducted some preliminary research into the matter of non members on paragraph 5 certified sites In Wales. As the Government of Wales Act, legislative competency and discretionary powers make this subject far more complex than we would hope, we would request some assistance in identifying a suitable process of appeal.

We have developed a rudimentary understanding of Welsh devolution and how it would factor into this matter, however we would be grateful if you could correct any misinterpretations by means of reference to legislation, policy, guideline or consultation document.

1. The Government of Wales act gives powers to the Welsh assembly to supersede UK legislation, which would include The Caravan Sites and Control of Development Act 1960. However we can find no assembly act which would modify or over rule the current UK act and therefore Wales would inherit this act in its entirety.

2. The Welsh Planning directorate would as competent authority have the rights of discretion to modify the implementation of the act, however we can find no Legislative Competency Order or Consultation on Discretionary Powers which would relate to the implementation of the act.
3. The Memorandum of Understanding sets out a broad agreement of all ministers which would indicate that a co-operative relationship would seek to resolve such matters where there is shared responsibility or having significant bearing on, to come to an agreed policy.
4. The Natural England guidance for clubs <https://www.gov.uk/guidance/camping-and-caravanning-site-exemption-certificates-know-the-rules-and-how-to-apply> Does indicate that non members are allowed on paragraph 5 sites. The guidelines do give further guidance to clubs outside mainland England and Wales, however it would appear that this guidance is intended to be applicable in both England and Wales.

We understand that the Welsh ministers do have powers of discretion, however we are unable to identify where those powers are documented, which would relate directly to this matter. There is documented guidance supporting the use of paragraph 5 sites by non members, which leads us to believe that the discretion applied to this matter may not be supported.

We would be grateful for your comments.

Kind regards
Andrew
Freedom Camping Club

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correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

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Touring Caravan Exemption Certificates

Applications under Paragraph 12 of Schedule 1 of
The Caravan Sites and Control of Development Act 1960

Camping Exemption Certificates

Applications under section 269(6) of The Public Health Act 1936 *

* Only applies to England and Wales NOT Scotland

Application / Renewal Form

Important:

Please read the guidance booklet before completing this form.

You must include copies of all the following documents along with your completed application form. Failure to do so will result in a delay in issuing an exemption certificate.

Constitution

This must include a reference to the organisation's membership rules and objectives, which must include recreation.

Code of Conduct

This must address all the points covered in the Model Code of conduct to be found at Annex 2 of the Guidance Book.

Rally/Meeting Programme for most recent year

This must be provided by all organisations except new organisations that have no rallying history.

Evidence of Previous Experience

Applicants must provide details of their experience of management and supervision of camp sites/rallies and contact details for at least 2 previous sites used.

1. Name of organisation applying for exemption certificate(s)

Freedom Camping Club

2. Contact details – this address will appear on the exemption certificate, and be the main point of contact for the organisation. This individual will be responsible for ensuring that camping and caravan activities/rallies are properly organisation and that a recognised code of conduct is adhered to.

Name

Andrew Hanson

Address
(including Postcode)

Tel No/Email address

andrew@FreedomCampingClub.org

Position Held

Chairman

3. Please indicate in which country/countries you intend to hold rallies.
England..... Scotland WalesY

4. Which type of exemption certificate are you applying for? (Please tick appropriate box)
Caravan ExemptionY Camping Exemption
Both Caravan & Camping Exemption (N.B. Camping Exemptions can only be issued for England and Wales)

5. What is this application for? (please tick appropriate box)
A new certificate Renewal of existing certificateY
Existing exemption certificate number (if known):

6. If applying for a caravan exemption certificate, under which Paragraph(s) of the 1960 Act are you applying?
Paragraph 4 Paragraph 5Y
Paragraph 6

7. What is the primary purpose of the organisation?
RecreationY Other
If "other", please specify:

8. How many members are there in your organisation?

9. How many rallies/events has the organisation held in the last two years?

10. How many rallies/events do you plan to hold in the next calendar year?

11. What is the maximum number of units expected at the largest rally/event next year?

12. Please give details of any branches/units of your organisation and confirm that they share the same constitution and code of conduct as the main club:

I declare that the information given on this application form is correct to the best of my knowledge and belief. I confirm that I have read and understood the Guide and hereby agree to abide by the terms of the exemption certificate:

For applications submitted electronically, please either insert an electronic signature below or tick this box to confirm agreement with this declaration

Name: Andrew Hanson

Signed: Date: 31/10/2018

Using and sharing your information

The data controller is Natural England, Northminster House, Peterborough, PE1 1UA.

Your information will be stored and processed in accordance with the EU General Data Protection Regulation 2016. This Regulation gives you, as an individual, the right to know what data we hold on you, how we use it, with whom we share it and for it to be accurate.

Natural England will use your personal data for the purposes of processing applications, administering and maintaining records on the system for camping exemption certificates under the Public Health Act 1936 and for caravan exemption certificates under the Caravan Sites and Control of Development Act 1960. Natural England may disclose the following data to local authorities when investigating complaints about potential breaches of the exemption certificate system: the name and contact address of the organisation, the name of any officers of the organisation, the date and period of any certificates and details of any branches or units of your organisation. If a request is made for exemption certificates in Scotland and/or Wales the organisations details will be forwarded on to the Scottish and Welsh offices. The data will also be used to publish a list of organisations holding exemption certificates.

Because the exemption certificate system involves expenditure of public money there is public interest in how the money is spent. Natural England may, in limited circumstances, be required to release information about your application and certificate, including personal data and commercial information on request under the Environmental Information Regulations or the Freedom of Information Act 2000.

Natural England or its appointed agents may use the name, address and other details to contact you in connection with occasional customer research aimed at improving the services that Natural England provides to you.

Please use this check list to make sure that you have enclosed ALL documents and information required to support your application. Please tick those you have submitted:

- | | | | |
|---|--------------------------|---------------------------------------|--------------------------|
| Completed & signed application form | <input type="checkbox"/> | Rally/Meeting Programme | <input type="checkbox"/> |
| Constitution of Organisation | <input type="checkbox"/> | Evidence of experience..... | <input type="checkbox"/> |
| Code of Conduct | <input type="checkbox"/> | Contacts for Previous Sites used..... | <input type="checkbox"/> |

Organisations applying for an exemption certificate for the first time **MUST** complete questions 13, 14, 15, 16, and 17 as fully as possible:

13. If your organisation intends to use their own land please supply a map showing an outline of the proposed area.

14. If you have any other existing certified sites – please indicate which organisation this was obtained from (for example The Caravan Club/The Camping and Caravanning Club)

15. Please give details of your organisation's camping and/or caravanning history

Freedom Camping Club started in 2015 and obtained exempt status from Natural England in 2015 with Wales following in 2016. Although not currently certifying any sites in Wales due to a dispute over membership requirements. We plan to initiate exemptions in 2019 with modified application requirements to include members only sites.

16. Please give details of any relevant experience of organising camping and/or caravanning activities which members of your organisation have

All Club stewards are owner/operators of camping and caravanning sites, some have been operating for 10+ years with other exempt organisations. The Club has 133 stewards with estimated combined experience beyond 300 years.

17. Please give names and contact details of at least 2 previous sites used by your organisation:

The completed form and enclosures should be returned to:

For organisations based in England:

Natural England
Camping and Caravanning
First Floor Zone C
Eastbrook, Shaftesbury Road
Cambridge CB2 8DR

For organisations based in Scotland:

The Scottish Executive
Directorate of Housing, Regeneration & Welfare
Housing Options & Policy Unit
Area 1H South
Victoria Quay
Edinburgh EH6 6QQ

For organisations based in Wales:

Welsh Government
Decisions Branch, Planning Division
Cathays Park
Cardiff
CF10 3NQ

Freedom camping club general code of conduct

General

1. One named member of the organisation (the "Steward" or "responsible person") is to be responsible for the conduct of any exempted touring caravan or camping event and for ensuring that those attending comply with this code.
2. The responsible person must ensure that all members are aware of The Countryside Code, The Caravan Code and The Seashore Code (see Annexes 1a -c).

The Venue

3. The organisation will take reasonable steps to satisfy themselves that the site to be used is not subject to a relevant order under paragraph 13 of the First Schedule to the 1960 Act (for caravans), or an Article 4 direction under Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (for caravans and camping), and that it is not one where planning permission has been refused or where enforcement action has been taken.
4. The organisation will consult the local authority before meeting on land adjacent to sites for which planning permission has been granted (i.e. next to permanent or commercial sites).
5. The organisation will agree to move from and avoid any site to which the local authority maintains a valid objection.
6. The organisation will not meet on sites adjacent to certificated locations/sites unless the proposed site is clearly differentiated and the risk of interference with local people and other users is minimal.
7. The organisation will take reasonable steps to ensure that the siting of units (a caravan, motor home, tent or trailer tent) does not unduly interfere with the activities of local people, their privacy or their enjoyment of their property. They will also ensure that the siting of units does not interfere with the enjoyment by others of the landscape, natural beauty or nature conservation value of the area, particularly in areas designated for their landscape or wildlife qualities.
8. The organisation will undertake not to over-use any venue and will consider carefully before holding successive meetings on the same land.

Nuisance

9. Local people should be able to carry on their normal activities when meetings are in progress. The organisation will take reasonable steps to minimise disturbance and will investigate and deal with the causes of any complaints made.
10. Care should be taken not to damage the site or the surrounding locality. Trees, fences, buildings, equipment and stock should all be respected.
11. Domestic animals belonging to members of the organisation will be kept on a lead and under close control. They will not be allowed to run loose on the site or cause disturbance to local people or animals. They will be exercised away from units and those parts of the site used for communal activities. Any mess will be cleared up.

12. The responsible person will identify open space suitable for the playing of games which might otherwise intrude upon or constitute a danger or annoyance to others on or around the site.
13. Noise should be kept to a minimum for the comfort of others on the site as well as people who live or work nearby.

Road Safety and Access

14. The responsible person will take steps to ensure that travel from major roads to a proposed site is not likely to cause undue disruption or difficulties for other road users. Access to the site must be suitable for the number and likely size of units attending the meeting. The arrival and departure of units should be arranged to minimise disruption to other road users.
15. The speed of vehicles on the site should be restricted to 5 mph.

Spacing and Density

16. For health and safety purposes emergency vehicles must be able to gain access to any unit on the site. As such, units should be well spaced and sited so they do not restrict access to, or exit from, any other unit or the site in general. At least 6 metres should be required between units in all circumstances. For this purpose a unit means a caravan, motor home, tent or trailer tent. In addition, there must be a minimum of 3 metres between any awnings, gazebo's or pup tent and the car or towing vehicle. Emergency vehicles should be able to secure access at all times to within 90 metres of any unit on the site.
17. Where a site is being used by both caravans and tents they must be sited entirely separate from each other for health & safety reasons. However, this does not necessarily mean segregated. If the layout of the field does not allow for separate lines of tents, it is permissible to continue a line of caravans/motor homes with a line of tents, but they must be sited *en-bloc* and not interspersed. Trailer tents are classified as tents and must be sited accordingly. Children's "pup-tents" may be erected alongside the parents' unit and should be considered as part of the unit for spacing purposes. It is recommended that there is at least 6 metres between any rows of caravans and tents. See Annex 1d for further advice on spacing issues.

Fire Precautions

18. Open fires and barbecues will not be held except with the permission of the responsible person. Where permission is given for open fires or barbecues, they will be sited on open ground, away from units, vehicles, awnings and any other structures.
19. A fire extinguisher approved to British Standards Institute and/or Fire Officers Certificate standards will be held on site.

Chemical Toilets and Waste Water Disposal

20. Organisations will act responsibly when disposing of the contents of chemical toilets and waste water and take full account of the need to safeguard water supplies and prevent the pollution of rivers and streams.

21. On-site disposal of the contents of chemical toilets and waste water will be in accordance with arrangements agreed with the site owner/occupier. Neither will be allowed to foul the ground except at designated disposal points. If there is any doubt about the disposal of waste, the organisation or, if appropriate, the responsible person will contact the relevant Local Authority for advice.

Refuse disposal

22. Organisations should ensure that refuse is either taken home or disposed of in accordance with on-site arrangements. The steward should be satisfied that appropriate arrangements are in place.

Duration and frequency of activities

23. The organisation will use every endeavor to prevent any site from overuse.

Freedom camping Club Constitution

ARTICLE I: NAME & PURPOSE

Section A: Name – Freedom camping club

Section B: Purpose – The purpose of this club shall be:

1. *Provide low cost camping and caravanning facilities for members*
2. *Promote & encourage camping & caravanning in England for the purpose of recreation and enjoyment of the English countryside and coastal resorts*
3. *Promote & encourage low income families to take family holidays in England*
4. *Promote and encourage diversity of camping and caravanning facilities in England*

ARTICLE II: MEMBERSHIP & DUES

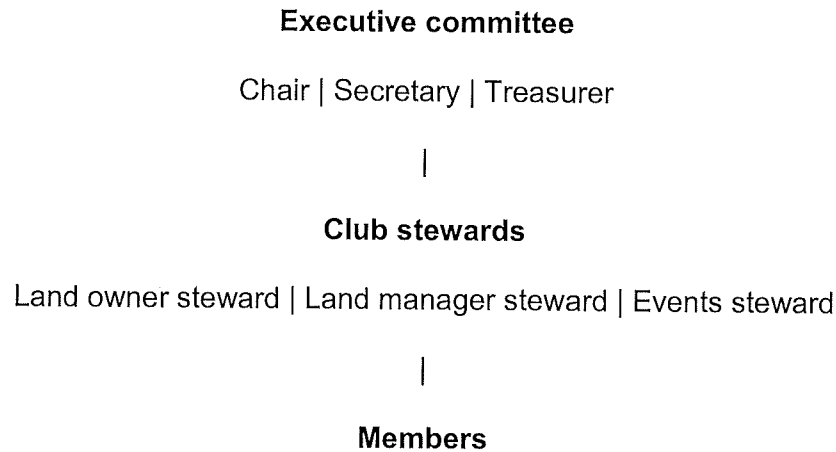
Section A: Eligibility - Membership shall be open to any person actively involved in camping and caravanning activities, providing the code of conduct is agreed to and upheld. Membership will be lifelong and without restriction however may be withdrawn by the club executive committee at any time in respect to a breach of the code of conduct or other behavior which may cause detriment to the experience of other members of the club.

Section B: Dues – Membership is free

ARTICLE III: Club organisation

Section A: Club structure – The club will be organized in a three tier structure with executive committee presiding over all club activities, Stewards will organize and preside over individual sites and members participate in club activities.

Fig A: Club structure Diagram



ARTICLE IV: OFFICERS

Section A: Executive Officers – The officers shall be Chair, Secretary, and Treasurer.

Section B: Stewards – Stewards shall be land owner stewards, land manager stewards and event organiser stewards

Section C: Election – Executive officers will be initially appointed by the founders and future elected position be appointed by a majority vote of the executive committee. Stewards will be appointed by the executive committee on successful application.

Section D: Term – Executive officers will remain in post until resignation or removal by a majority vote of the executive committee. Stewards will be reviewed annually by the executive committee.

ARTICLE V: DUTIES OF OFFICERS

Section A: Chair – it shall be the duty of the chair to:

- Preside at meetings
- Vote only in case of a tie
- Represent the club
- Perform such other duties as ordinarily pertain to this office

Section B: Secretary – It shall be the duty of the Secretary to:

- Record the minutes of all meetings
- Keep a file of the club's records
- Maintain a current roster of stewards & members
- Issue notices of meetings and conduct the general correspondence of the club

Section C: Treasurer – It shall be the duty of the Treasurer to:

- Receive all funds and process request for payment, deposit slip, and officer signature forms.
- Keep an itemized account of all receipts and expenditures and make reports as directed

Section C: Stewards – It shall be the duty of the Stewards to:

- Preside over camping activities, ensuring members code of conduct is adhere to
- Keep records of members on camping site.
- Ensure the site is maintained/cleaned/safe for members camping.

ARTICLE VI: MEETINGS

Section A: Meetings – Regular executive meetings shall be held quarterly.

Section B: Special Meeting – Special meetings may be called by any member with the approval of the Executive Committee.

Section C: Quorum – A quorum shall consist of [example: two-thirds (2/3)] of the membership

ARTICLE VII: EXECUTIVE COMMITTEE

Section A: Responsibility – Management of this club shall be vested in an Executive Committee responsible to the entire membership to uphold these bylaws.

Section B: Membership – This committee shall consist of the officers as listed in Article III and the faculty advisor.

ARTICLE VIII: AMENDMENTS

Section A: Selection – these bylaws may be amended by a two-thirds (2/3) majority vote of the executive membership.

Section B: Notice – All executive members shall receive advance notice of the proposed amendment at least five days before the meeting. [The time may be extended to the following meeting.]

Iles, Nicholas (ESNR-Planning)

From: Iles, Nicholas (ESNR-Planning)
Sent: 08 November 2018 09:22
To: 'Andrew'
Subject: RE: Freedom Camping Club exemption

Andrew,

I will re-issue your exemption certificate to grant paragraphs 4, 5 and 6 exemption which will expire on 9 July 2021. The officer who is authorised to sign it is on leave until Monday, but I will arrange for it to be sent to you electronically, with the original being sent in the post.

Regards

Nick

Nick Iles
Cangen Benderfyniadau - Decisions Branch
Y Gyfarwyddiaeth Gynllunio - Planning Directorate
Llywodraeth Cymru - Welsh Government
Parc Cathays - Cathays Park
Caerdydd - Cardiff
CF10 3NQ
Ffon - Tel: 0300 025 3883 GTN: 1208 3883
e-bost - e-mail: Nicholas.iles@gov.wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

From: Andrew <Andrew@freedomcampingclub.org>
Sent: 31 October 2018 11:00
To: Iles, Nicholas (ESNR-Planning) <Nicholas.iles@gov.wales>
Subject: Re: Freedom Camping Club exemption

Dear Nick,

Please find attached Freedom Camping Club paragraph 5 renew application and supporting documents. Our current P5 exemption is due to expire on the 12th Dec 2018, however paragraph 4,6 and section 269 do not expire until 9th July 2021. If it would be more convenient to renew P5 until the 9th July 2021 we will be happy to accept that.

Regarding the members only issue which has yet to be resolved. We have taken legal advice which although we are confident that a judicial review would settle the matter one way or the other, the cost and inconvenience are prohibitive to this course of action, therefore the club has decided to adopt modified T&C for Welsh sites, should our exemption be renewed, of course.

If you require any further information, please don't hesitate to contact me directly.

Kind regards
Andrew Hanson
Freedom Camping Club

From: Nicholas.Iles@gov.wales
Sent: Thursday, February 22, 2018 10:23 AM
To: Andrew@freedomcampingclub.org
Subject: RE: Freedom Camping Club exemption

Dear Andrew,

I am still awaiting the answer to my queries from Natural England sent in November of last year. I am prepared to give you the Welsh Ministers view, should you so wish.

Regards

Nick

From: Andrew [<mailto:Andrew@freedomcampingclub.org>]
Sent: 07 February 2018 12:21
To: Iles, Nicholas (ESNR-Planning); Elizabeth (NE) Dixon
Subject: Re: Freedom Camping Club exemption

Dear Nick & Elizabeth,

We would be very grateful if you could provide an update to the query regarding accommodation of non members on certified sites.

This issue has now been on-going for 14 months and we now feel this has been more than reasonable time to respond appropriately. We can not allow this situation to continue indefinitely, should you be unable to come to an agreement as to how this issue can be resolved, we will have no choice but to escalate the issue to the appropriate ministers. We hope you can appreciate that this is not our preferred course of action but as it appears that there is little chance of resolving this through the current means, we have no choice but to take an alternative route.

Kind regards
Andrew Hanson
Freedom Camping Club

From: Nicholas.Iles@gov.wales
Sent: Monday, November 27, 2017 8:56 AM
To: Andrew@freedomcampingclub.org
Subject: RE: Freedom Camping Club exemption

Dear Andrew,

I have raised a couple of questions with Natural England in respect of the information on their web-site. I will respond when they answer my queries which they are currently seeking advice on.

Regards

Nick

From: Andrew [<mailto:Andrew@freedomcampingclub.org>]
Sent: 24 November 2017 12:17
To: Iles, Nicholas (ESNR-Planning)
Subject: Fw: Freedom Camping Club exemption

Hi Nick,

Don't appear to have had any response or acknowledgement from the email below. We would like to resolve this issue one way or another, before our exemptions expire for Wales.

Would be grateful if you could confirm that the issue is on-going.

Kind regards
Andrew Hanson
Freedom Camping Club

From: Andrew
Sent: Tuesday, November 07, 2017 10:45 AM
To: Nicholas.Iles@gov.wales ; Elizabeth (NE) Dixon
Subject: Freedom Camping Club exemption

Hi Nick & Elizabeth,

Hope you are both well.

Would be grateful for an update on progress of this.

Kind regards
Andrew
Freedom Camping Club

From: Nicholas.Iles@gov.wales
Sent: Friday, September 01, 2017 3:12 PM
To: Andrew@freedomcampingclub.org
Subject: RE: Freedom Camping Club application

Andrew,

I am on leave from today until the 19 September. I will consider the following and contact my colleagues in Natural England on my return.

Regards

Nick

From: Andrew [<mailto:Andrew@freedomcampingclub.org>]
Sent: 01 September 2017 14:46

To: Iles, Nicholas (ESNR-Planning)
Subject: Re: Freedom Camping Club application

Hi Nick,

Sorry to hear you have been unwell, hope you are feeling better now.

Thank you for the clarification. We are of the understanding the a members only site would require at least 1 person in a party to be a member of the club and would not necessarily require every person in the party to be members, that would be a ridiculous scenario, especially for other clubs that charge £38-£46 for membership. We also note that this specific query is related to P5 exemptions and not P4, although NE also have the view that P4 events (rallies) are not limited to members only.

The issue we have is that there is 1 version of legislation to which we measure our club policies against. Unfortunately the two authorities which govern the club (your selves and Natural England) have two different views on how that legislation should be interpreted. Without a legal judgement we are forced to make our own judgement as to which interpretation is likely to be supported legally, however should we choose to accept the Natural England interpretation this would put our policies in conflict with your interpretation and presumable have action taken against us should we pursue our exemptions in Wales. Should we choose to accept your interpretation, we would undoubtedly be served with a number of legal claims for damages from sites in England that have invested into site facilities and infrastructure based on a business plan which allow non member visitors (advice and policies we have issued to sites on the basis of NE guidance). This scenario puts us in conflict with at least one party whichever route we accept.

Our aim at this point is to get both yourselves and Natural England to at least agree on which interpretation will be supported by both ministers as per the memorandum of understanding. We fully understand that ultimately the legal judgement is reserved for the judicial services, however should all parties be in agreement there would be no requirement for a legal challenge.

Kind regards
Andrew
Freedom Camping Club

From: Nicholas.Iles@gov.wales
Sent: Thursday, August 31, 2017 2:01 PM
To: Andrew@freedomcampingclub.org
Subject: RE: Freedom Camping Club application

Dear Andrew,

I have been off on sickness absence, before I look further into this matter, can I just clarify one point. We are not stating non-members are not able to use a site, what we are saying is, the owner of the caravan/camper must be a paid up member of the Club to which the exemption was granted. Obviously, on occasion people will be in attendance at a venue during a rally (e.g a child or other family member). We are only saying, people who are using a caravan/camper on an exempted site, must be a member of the Club to which the exemption applies.

Regards

Nick

From: Andrew [<mailto:Andrew@freedomcampingclub.org>]
Sent: 05 July 2017 13:41

To: Iles, Nicholas (ESNR-Planning)
Cc: Elizabeth.Dixon@naturalengland.org.uk
Subject: Re: Freedom Camping Club application

Dear Nicholas,

Thank you for this, however this does make life very complicated.

Does this confirm that you are no longer upholding your previous opinion that the Welsh planning directorate have discretion in this matter and that the decision is based solely on the legal interpretation of Paragraph 5?

We are surprised by your comment that Natural England are in agreement as this issue was raised with them in Sept 2015 when we were given the opposite response (extract below), we also note that on the Natural England website, under 'Approved sites exemption - This is known as a paragraph 5 exemption.', it also states 'Non-members are allowed to stay on the site if your club and the landowner agree to it.'. This document was published in 2014 and updated earlier this year.

As regards non-members, this issue has been often considered by legal folk over the years. You are correct in saying that if the landowner and the exempted organisation agree, then non-members may be accommodated. Most clubs never wish to go down this route as it lessens control, one loses the potential penalty of membership cancellation should club rules not be adhered to. I hope this makes sense and makes our position on this issue clear...

Regards

Paul

16/9

We appreciate that ultimately the legal interpretation of any act is a matter for the judicial services, however as a government body we would assume you have an advisory role where responsibility for administering or enforcing of a scheme lay with your office.

Before we take any legal advice we would like to exhaust all possible avenues of resolving this issue without having to take that route.

Our main concern at this point is that we now have two different interpretations of the same legislation (paragraph 5, schedule 1 of the Caravan Sites and Control of Development Act 1960) by two different authorities. Our aim is to operate lawfully across England and Wales however we are unable to do this while we are unsure of the legality of our policies. Under the advisement of Natural England we currently support a policy of non-members are allowed on certified sites. Should Natural England now decide to interpret this legislation differently, making our policy unlawful, we will be of course change our policy, however this would be very damaging for our club and require considerable effort and cost to change documents, publications and signage. We are also concerned that there may be legal action taken against us, as we are currently advising 87 sites to operate illegally, albeit under the guidance of Natural England. Should the Natural England interpretation of Paragraph 5 be correct and your interpretation be inaccurate, we would assert that any restrictive term of certification which was not supported legally would be an infringement of our fundamental rights as set out in article 16 of the European Charter of fundamental rights.

We would also ask if you are aware of the other club who are currently operating a policy non member allowed on sites in Wales.

I have cc'd Natural England into this communication as we hope that you and Natural England can come to a unified interpretation of paragraph 5.

FAO Elizabeth Dixon, Natural England

Dear Elizabeth, as you can read above we request that both Natural England and the Welsh decision branch come to an agreement about the use of certified sites by non members. We are currently taking the advice offered by Natural England and the publication of guidance for exempted organisation <https://www.gov.uk/guidance/camping-and-caravanning-site-exemption-certificates-know-the-rules-and-how-to-apply>. We would be grateful if you could communicate with the Welsh decision branch regarding this issue.

Kind regards
Andrew Hanson
Freedom Camping Club

From: Nicholas.Iles@wales.gsi.gov.uk
Sent: Tuesday, July 04, 2017 11:36 AM
To: Andrew@freedomcampingclub.org
Subject: Freedom Camping Club application

Dear Andrew,

In response to the issues you raise.

The relevant Act states in section 5(2) that " For the purposes of the paragraph an exempted organisation may issue as respects any land a certificate stating that the land has been approved by the exempted organisation for use of its members for the purposes of recreation."

As the Act specifically states 'for the use of its members' it is difficult to argue that the basis on which we issued the Welsh exemption under paragraph 5, does not comply with its provisions. I have also been in correspondence with colleagues in Natural England and they also take the view that only members can use a paragraph 5 site. We do not provide legal advice on the interpretation of any Act as ultimately only the Courts can give a definitive view.

You may use the exemptions provided by the Welsh Ministers to carry out your Club's activities in Wales, provided you abide with the terms on which they were issued. I would advise that should the certificate be used to undertake activities that are not permitted under the terms of the certificate the Welsh Ministers have the power to revoke it.

Regards

Nick

Nick Iles
Cangen Benderfyniadau - Decisions Branch
Y Gyfarwyddiaeth Gynllunio - Planning Directorate
Llywodraeth Cymru - Welsh Government
Parc Cathays - Cathays Park
Caerdydd - Cardiff
CF10 3NQ
Ffon - Tel: 0300 025 3883 GTN: 1208 3883
e-bost - e-mail: Nicholas.iles@wales.gsi.gov.uk

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

From: Andrew [<mailto:Andrew@freedomcampingclub.org>]
Sent: 20 December 2016 09:06
To: Iles, Nicholas (ESNR-Planning)
Subject: Freedom Camping Club application

Dear Nick,

Hope you are well. First of all please accept our apologies for our annoying persistence with this matter, we appreciate that this is taking up far more time than we would have hoped or expected.

We have conducted some preliminary research into the matter of non members on paragraph 5 certified sites in Wales. As the Government of Wales Act, legislative competency and discretionary powers make this subject far more complex than we would hope, we would request some assistance in identifying a suitable process of appeal.

We have developed a rudimentary understanding of Welsh devolution and how it would factor into this matter, however we would be grateful if you could correct any misinterpretations by means of reference to legislation, policy, guideline or consultation document.

1. The Government of Wales act gives powers to the Welsh assembly to supersede UK legislation, which would include The Caravan Sites and Control of Development Act 1960. However we can find no assembly act which would modify or over rule the current UK act and therefore Wales would inherit this act in its entirety.
2. The Welsh Planning directorate would as competent authority have the rights of discretion to modify the implementation of the act, however we can find no Legislative Competency Order or Consultation on Discretionary Powers which would relate to the implementation of the act.
3. The Memorandum of Understanding sets out a broad agreement of all ministers which would indicate that a co-operative relationship would seek to resolve such matters where there is shared responsibility or having significant bearing on, to come to an agreed policy.
4. The Natural England guidance for clubs <https://www.gov.uk/guidance/camping-and-caravanning-site-exemption-certificates-know-the-rules-and-how-to-apply> Does indicate that non members are allowed on paragraph 5 sites. The guidelines do give further guidance to clubs outside mainland England and Wales, however it would appear that this guidance is intended to be applicable in both England and Wales.

We understand that the Welsh ministers do have powers of discretion, however we are unable to identify where those powers are documented, which would relate directly to this matter. There is documented guidance supporting the use of paragraph 5 sites by non members, which leads us to believe that the discretion applied to this matter may not be supported.

We would be grateful for your comments.

Kind regards
Andrew
Freedom Camping Club

On leaving the Government Secure Intranet this email was certified virus free. Communications via the GSI

may be automatically logged, monitored and/or recorded for legal purposes.

Wrth adael Mewnwyd Ddiogel y Llywodraeth nid oedd unrhyw feirws yn gysylltiedig â'r neges hon. Mae'n ddigon posibl y bydd unrhyw ohebiaeth drwy'r GSi yn cael ei logio, ei monitro a/neu ei chofnodi yn awtomatig am resymau cyfreithiol.

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Iles, Nicholas (ESNR-Planning)

From: Iles, Nicholas (ESNR-Planning)
Sent: 12 November 2018 12:21
To: 'Andrew'
Subject: Freedom Camping Club exemption
Attachments: Freedom Camping Club - bilingual exemption certificate.pdf

Andrew,

As promised, please see the attached exemption certificate to grant paragraphs 4, 5 and 6 caravan exemption which will expire on 9 July 2021. The original has being sent in the post.

Regards

Nick

Nick Iles
Cangen Benderfyniadau - Decisions Branch
Y Gyfarwyddiaeth Gynllunio - Planning Directorate
Llywodraeth Cymru - Welsh Government
Parc Cathays - Cathays Park
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e-bost - e-mail: Nicholas.iles@gov.wales

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We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

From: Andrew <Andrew@freedomcampingclub.org>
Sent: 31 October 2018 11:00
To: Iles, Nicholas (ESNR-Planning) <Nicholas.iles@gov.wales>
Subject: Re: Freedom Camping Club exemption

Dear Nick,

Please find attached Freedom Camping Club paragraph 5 renew application and supporting documents. Our current P5 exemption is due to expire on the 12th Dec 2018, however paragraph 4,6 and section 269 do not expire until 9th July 2021. If it would be more convenient to renew P5 until the 9th July 2021 we will be happy to accept that.

Regarding the members only issue which has yet to be resolved. We have taken legal advice which although we are confident that a judicial review would settle the matter one way or the other, the cost and inconvenience are prohibitive to this course of action, therefore the club has decided to adopt modified T&C for Welsh sites, should our exemption be renewed, of course.

If you require any further information, please don't hesitate to contact me directly.

Kind regards
Andrew Hanson
Freedom Camping Club

From: Nicholas.Iles@gov.wales
Sent: Thursday, February 22, 2018 10:23 AM
To: Andrew@freedomcampingclub.org
Subject: RE: Freedom Camping Club exemption

Dear Andrew,

I am still awaiting the answer to my queries from Natural England sent in November of last year. I am prepared to give you the Welsh Ministers view, should you so wish.

Regards

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From: Andrew [<mailto:Andrew@freedomcampingclub.org>]
Sent: 07 February 2018 12:21
To: Iles, Nicholas (ESNR-Planning); Elizabeth (NE) Dixon
Subject: Re: Freedom Camping Club exemption

Dear Nick & Elizabeth,

We would be very grateful if you could provide an update to the query regarding accommodation of non members on certified sites.

This issue has now been on-going for 14 months and we now feel this has been more than reasonable time to respond appropriately. We can not allow this situation to continue indefinitely, should you be unable to come to an agreement as to how this issue can be resolved, we will have no choice but to escalate the issue to the appropriate ministers. We hope you can appreciate that this is not our preferred course of action but as it appears that there is little chance of resolving this through the current means, we have no choice but to take an alternative route.

Kind regards
Andrew Hanson
Freedom Camping Club

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To: Andrew@freedomcampingclub.org
Subject: RE: Freedom Camping Club exemption

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Sent: 24 November 2017 12:17
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Subject: Fw: Freedom Camping Club exemption

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Would be grateful if you could confirm that the issue is on-going.

Kind regards
Andrew Hanson
Freedom Camping Club

From: Andrew
Sent: Tuesday, November 07, 2017 10:45 AM
To: Nicholas.Iles@gov.wales ; [Elizabeth \(NE\) Dixon](#)
Subject: Freedom Camping Club exemption

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Kind regards
Andrew
Freedom Camping Club

From: Nicholas.Iles@gov.wales
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To: Andrew@freedomcampingclub.org
Subject: RE: Freedom Camping Club application

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Regards

Nick

From: Andrew [<mailto:Andrew@freedomcampingclub.org>]
Sent: 01 September 2017 14:46

To: Iles, Nicholas (ESNR-Planning)
Subject: Re: Freedom Camping Club application

Hi Nick,

Sorry to hear you have been unwell, hope you are feeling better now.

Thank you for the clarification. We are of the understanding the a members only site would require at least 1 person in a party to be a member of the club and would not necessarily require every person in the party to be members, that would be a ridiculous scenario, especially for other clubs that charge £38-£46 for membership. We also note that this specific query is related to P5 exemptions and not P4, although NE also have the view that P4 events (rallies) are not limited to members only.

The issue we have is that there is 1 version of legislation to which we measure our club policies against. Unfortunately the two authorities which govern the club (your selves and Natural England) have two different views on how that legislation should be interpreted. Without a legal judgement we are forced to make our own judgement as to which interpretation is likely to be supported legally, however should we choose to accept the Natural England interpretation this would put our policies in conflict with your interpretation and presumable have action taken against us should we pursue our exemptions in Wales. Should we choose to accept your interpretation, we would undoubtedly be served with a number of legal claims for damages from sites in England that have invested into site facilities and infrastructure based on a business plan which allow non member visitors (advice and policies we have issued to sites on the basis of NE guidance). This scenario puts us in conflict with at least one party whichever route we accept.

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Kind regards
Andrew
Freedom Camping Club

From: Nicholas.Iles@gov.wales
Sent: Thursday, August 31, 2017 2:01 PM
To: Andrew@freedomcampingclub.org
Subject: RE: Freedom Camping Club application

Dear Andrew,

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Regards

Nick

From: Andrew [<mailto:Andrew@freedomcampingclub.org>]
Sent: 05 July 2017 13:41

To: Iles, Nicholas (ESNR-Planning)
Cc: Elizabeth.Dixon@naturalengland.org.uk
Subject: Re: Freedom Camping Club application

Dear Nicholas,

Thank you for this, however this does make life very complicated.

Does this confirm that you are no longer upholding your previous opinion that the Welsh planning directorate have discretion in this matter and that the decision is based solely on the legal interpretation of Paragraph 5?

We are surprised by your comment that Natural England are in agreement as this issue was raised with them in Sept 2015 when we were given the opposite response (extract below), we also note that on the Natural England website, under 'Approved sites exemption - This is known as a paragraph 5 exemption.', it also states 'Non-members are allowed to stay on the site if your club and the landowner agree to it.'. This document was published in 2014 and updated earlier this year.

As regards non-members, this issue has been often considered by legal folk over the years. You are correct in saying that if the landowner and the exempted organisation agree, then non-members may be accommodated. Most clubs never wish to go down this route as it lessens control, one loses the potential penalty of membership cancellation should club rules not be adhered to. I hope this makes sense and makes our position on this issue clear...

Regards

Paul

16/9

We appreciate that ultimately the legal interpretation of any act is a matter for the judicial services, however as a government body we would assume you have an advisory role where responsibility for administering or enforcing of a scheme lay with your office.

Before we take any legal advice we would like to exhaust all possible avenues of resolving this issue without having to take that route.

Our main concern at this point is that we now have two different interpretations of the same legislation (paragraph 5, schedule 1 of the Caravan Sites and Control of Development Act 1960) by two different authorities. Our aim is to operate lawfully across England and Wales however we are unable to do this while we are unsure of the legality of our policies. Under the advisement of Natural England we currently support a policy of non-members are allowed on certified sites. Should Natural England now decide to interpret this legislation differently, making our policy unlawful, we will be of course change our policy, however this would be very damaging for our club and require considerable effort and cost to change documents, publications and signage. We are also concerned that there may be legal action taken against us, as we are currently advising 87 sites to operate illegally, albeit under the guidance of Natural England. Should the Natural England interpretation of Paragraph 5 be correct and your interpretation be inaccurate, we would assert that any restrictive term of certification which was not supported legally would be an infringement of our fundamental rights as set out in article 16 of the European Charter of fundamental rights.

We would also ask if you are aware of the other club who are currently operating a policy non member allowed on sites in Wales.

I have cc'd Natural England into this communication as we hope that you and Natural England can come to a unified interpretation of paragraph 5.

FAO Elizabeth Dixon, Natural England

Dear Elizabeth, as you can read above we request that both Natural England and the Welsh decision branch come to an agreement about the use of certified sites by non members. We are currently taking the advice offered by Natural England and the publication of guidance for exempted organisation <https://www.gov.uk/guidance/camping-and-caravanning-site-exemption-certificates-know-the-rules-and-how-to-apply>. We would be grateful if you could communicate with the Welsh decision branch regarding this issue.

Kind regards
Andrew Hanson
Freedom Camping Club

From: Nicholas.Iles@wales.gsi.gov.uk
Sent: Tuesday, July 04, 2017 11:36 AM
To: Andrew@freedomcampingclub.org
Subject: Freedom Camping Club application

Dear Andrew,

In response to the issues you raise.

The relevant Act states in section 5(2) that " For the purposes of the paragraph an exempted organisation may issue as respects any land a certificate stating that the land has been approved by the exempted organisation for use of its members for the purposes of recreation."

As the Act specifically states 'for the use of its members' it is difficult to argue that the basis on which we issued the Welsh exemption under paragraph 5, does not comply with its provisions. I have also been in correspondence with colleagues in Natural England and they also take the view that only members can use a paragraph 5 site. We do not provide legal advice on the interpretation of any Act as ultimately only the Courts can give a definitive view.

You may use the exemptions provided by the Welsh Ministers to carry out your Club's activities in Wales, provided you abide with the terms on which they were issued. I would advise that should the certificate be used to undertake activities that are not permitted under the terms of the certificate the Welsh Ministers have the power to revoke it.

Regards

Nick

Nick Iles
Cangen Benderfyniadau - Decisions Branch
Y Gyfarwyddiaeth Gynllunio - Planning Directorate
Llywodraeth Cymru - Welsh Government
Parc Cathays - Cathays Park
Caerdydd - Cardiff
CF10 3NQ
Ffon - Tel: 0300 025 3883 GTN: 1208 3883
e-bost - e-mail: Nicholas.iles@wales.gsi.gov.uk

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

From: Andrew [<mailto:Andrew@freedomcampingclub.org>]
Sent: 20 December 2016 09:06
To: Iles, Nicholas (ESNR-Planning)
Subject: Freedom Camping Club application

Dear Nick,

Hope you are well. First of all please accept our apologies for our annoying persistence with this matter, we appreciate that this is taking up far more time than we would have hoped or expected.

We have conducted some preliminary research into the matter of non members on paragraph 5 certified sites In Wales. As the Government of Wales Act, legislative competency and discretionary powers make this subject far more complex than we would hope, we would request some assistance in identifying a suitable process of appeal.

We have developed a rudimentary understanding of Welsh devolution and how it would factor into this matter, however we would be grateful if you could correct any misinterpretations by means of reference to legislation, policy, guideline or consultation document.

1. The Government of Wales act gives powers to the Welsh assembly to supersede UK legislation, which would include The Caravan Sites and Control of Development Act 1960. However we can find no assembly act which would modify or over rule the current UK act and therefore Wales would inherit this act in it entirety.
2. The Welsh Planning directorate would as competent authority have the rights of discretion to modify the implementation of the act, however we can find no Legislative Competency Order or Consultation on Discretionary Powers which would relate the the implementation of the act.
3. The Memorandum of Understanding sets out a broad agreement of all ministers which would indicate that a co-operative relationship would seek to resolve such matters where there is shared responsibility or having significant bearing on, to come to an agreed policy.
4. The Natural England guidance for clubs <https://www.gov.uk/guidance/camping-and-caravanning-site-exemption-certificates-know-the-rules-and-how-to-apply> Does indicate that non members are allowed on paragraph 5 sites. The guidelines do give further guidance to clubs outside mainland England and Wales, however it would appear that this guidance is intended to be applicable in both England and Wales.

We understand that the Welsh ministers do have powers of discretion, however we are unable to identify where those powers are documented, which would relate directly to this matter. There is documented guidance supporting the use of paragraph 5 sites by non members, which leads us to believe that the discretion applied to this matter may not supported.

We would be grateful for your comments.

Kind regards
Andrew
Freedom Camping Club

On leaving the Government Secure Intranet this email was certified virus free. Communications via the GSI

may be automatically logged, monitored and/or recorded for legal purposes.

Wrth adael Mewnwrwyd Ddiogel y Llywodraeth nid oedd unrhyw feirws yn gysylltiedig â'r neges hon. Mae'n ddigon posibl y bydd unrhyw ohebiaeth drwy'r GSi yn cael ei logio, ei monitro a/neu ei chofnodi yn awtomatig am resymau cyfreithiol.

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Wrth adael Llywodraeth Cymru sganiwyd y neges yma am bob feirws. Mae'n bosibl y bydd gohebiaeth gyda Llywodraeth Cymru yn cael ei logio, ei monitro ac/neu ei chofnodi yn awtomatig am resymau cyfreithiol. Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi. On leaving the Welsh Government this email was scanned for all known viruses. Communications with Welsh Government may be automatically logged, monitored and/or recorded for legal purposes. We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Wrth adael Llywodraeth Cymru sganiwyd y neges yma am bob feirws. Mae'n bosibl y bydd gohebiaeth gyda Llywodraeth Cymru yn cael ei logio, ei monitro ac/neu ei chofnodi yn awtomatig am resymau cyfreithiol. Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi. On leaving the Welsh Government this email was scanned for all known viruses. Communications with Welsh Government may be automatically logged, monitored and/or recorded for legal purposes. We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.



Llywodraeth Cymru
Welsh Government

CARAVAN SITES AND CONTROL OF DEVELOPMENT ACT 1960

FIRST SCHEDULE – PARAGRAPHS 4, 5 and 6

CERTIFICATE OF EXEMPTION No 327

FREEDOM CAMPING CLUB

WHEREAS under paragraph 12 of the First Schedule to the Caravan Sites and Control of Development Act 1960, the Welsh Ministers may grant a certificate of exemption for the purposes of paragraph 4, 5 and 6 of that Schedule to any organisation as to which the Welsh Ministers are satisfied that its objects include the encouragement or promotion of recreational activities.

NOW THEREFORE and in accordance with the application made, the Welsh Ministers hereby grants the Freedom Camping Club this certificate under paragraph 12, for the purposes of paragraphs 4, 5 and 6 of the First Schedule, with effect from 12 November 2018.

The certificate may be withdrawn at any time by the Welsh Ministers and in any event will cease to be valid on 9 July 2021.

This certificate is granted only for the use of the organisation named and is not transferable to any other organisation.

This certificate is granted only for use in Wales.

Marged Wyatt

Decisions Branch

Planning Directorate

Signed under authority of the Cabinet Secretary for Energy, Planning and Rural Affairs, one of the Welsh Ministers

12 November 2018



Llywodraeth Cymru
Welsh Government

DEDDF SAFLEOEDD CARAFANAU A RHEOLI DATBLYGU 1960

ATODLEN GYNTAF – PARAGRAFFAU 4, 5 A 6

TYSTYSGRIF EITHRIO rhif 327

FREEDOM CAMPING CLUB

YN GYMAINT Â BOD Gweinidogion Cymru, o dan baragraff 12 yn Atodlen Gyntaf Deddf Safleoedd Carafannau a Rheoli Datblygu 1960, yn cael rhoi tystysgrif eithrio at bwrpas paragraffau 4, 5 a 6 yr Atodlen honno i unrhyw gorff y mae Gweinidogion Cymru yn fodlon bod annog neu hyrwyddo gweithgareddau hamdden ymhlith ei amcanion.

GAN HYNNY ac yn unol â'r cais a wnaed, mae Gweinidogion Cymru drwy hyn yn rhoi'r dystysgrif hon i'r Freedom Camping Club o dan baragraff 12, at bwrpas paragraffau 4, 5 a 6 yr Atodlen Gyntaf, a daw i rym ar y 12 o Dachwedd 2018.

Caiff Gweinidogion Cymru dynnu'r dystysgrif yn ôl unrhyw bryd, a daw i ben p'run bynnag ar y 9 o Orffennaf 2021.

Rhoddir y dystysgrif hon i'w defnyddio'n unig gan y corff a enwir ac ni chaniateir ei throsglwyddo i unrhyw gorff arall.

Mae'r dystysgrif hon yn ddilys yng Nghymru yn unig.

Marged Wyatt

Cangen Benderfyniadau
Y Gyfarwyddiaeth Gynllunio

Arwyddwyd o dan awdurdod Ysgrifennydd y Cabinet dros Ynni, Cynllunio a Materion Gwledig, un o Weinidogion Cymru.

12 o Dachwedd 2018

Iles, Nicholas (ESNR-Planning)

From: :woodlandchampionsclub@gmail.com>
Sent: 03 September 2018 10:15
To: Iles, Nicholas (ESNR-Planning)
Subject: RE: Exempted Organisation Paragraph 5
Attachments: 1 COMPLETED EXEMPTION APPLICATION FORM 23.03.2018.pdf; The Rules and Constitution of Woodland Champions Club.pdf; Code of Conduct.pdf; Exemption Certificate 1.png; Exemption Certificate 2.png

Hi
I can forward you the details myself as I still have copies of them.
Please find attached all documentations provided to Natural England originally and the certificates issued to Woodland Champions Club by them.

Sent from Mail for Windows 10

From: Nicholas.Iles@gov.wales
Sent: 03 September 2018 09:16
To: woodlandchampionsclub@gmail.com
Subject: RE: Exempted Organisation Paragraph 5

Dear Ms Jones,

If you contact Natural England and ask them to forward on copies of your application documentation to us, we can process your application from the details already provided to them.

Yours sincerely

Nick Iles
Cangen Benderfyniadau - Decisions Branch
Y Gyfarwyddiaeth Gynllunio - Planning Directorate
Llywodraeth Cymru - Welsh Government
Parc Cathays - Cathays Park
Caerdydd - Cardiff
CF10 3NQ
Ffon - Tel: 0300 025 3883 GTN: 1208 3883
e-bost - e-mail: Nicholas.iles@gov.wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

<woodlandchampionsclub@gmail.com>

Sent: 01 September 2018 15:34

To: Iles, Nicholas (ESNR-Planning) <Nicholas.Iles@gov.wales>
Subject: Exempted Organisation Paragraph 5

Sent from Mail for Windows 10

From: _____
Sent: 01 September 2018 15:32
To: nicholas.iles@wales.gsi.gov.uk
Subject: Exempted Organisation Paragraph 5

Hi,

I currently hold exemption certificates for in England. I wanted to apply to be apply to do the same in wales.

How do I go about this?

Kind Regards

Woodland Champions Club

Sent from Mail for Windows 10

Wrth adael Llywodraeth Cymru sganiwyd y neges yma am bob feirws. Mae Llywodraeth Cymru yn diogelu eich data o ddifrif. Os cysylltwch â Llywodraeth Cymru Mae ein hysbysiad preifatrwydd esbonio sut rydym yn defnyddio eich gwybodaeth a ffyrdd yr ydym yn diogelu eich preifatrwydd. Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi. On leaving the Welsh Government this email was scanned for all known viruses. The Welsh Government takes the protection of your data seriously. If you contact the Welsh Government then our Privacy Notice explains how we use your information and the ways in which we protect your privacy. We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.



Touring Caravan Exemption Certificates

Applications under Paragraph 12 of Schedule 1 of
The Caravan Sites and Control of Development Act 1960

Camping Exemption Certificates

Applications under section 269(6) of The Public Health Act 1936 *

* Only applies to England and Wales NOT Scotland

Application / Renewal Form

Important:

Please read the guidance booklet before completing this form.

You must include copies of all the following documents along with your completed application form. Failure to do so will result in a delay in issuing an exemption certificate.

Constitution

This must include a reference to the organisation's membership rules and objectives, which must include recreation.

Code of Conduct

This must address all the points covered in the Model Code of conduct to be found at Annex 2 of the Guidance Book.

Rally/Meeting Programme for most recent year

This must be provided by all organisations except new organisations that have no rallying history.

Evidence of Previous Experience

Applicants must provide details of their experience of management and supervision of camp sites/rallies and contact details for at least 2 previous sites used.

1. Name of organisation applying for exemption certificate(s)

Woodland Champions

2. Contact details – this address will appear on the exemption certificate, and be the main point of contact for the organisation. This individual will be responsible for ensuring that camping and caravan activities/rallies are properly organisation and that a recognised code of conduct is adhered to.

Name

Address
(including Postcode)

Tel No/Email address

Position Held

Chair Person

3. Please indicate in which country/countries you intend to hold rallies.

England.....Yes..... Scotland Wales

4. Which type of exemption certificate are you applying for? (Please tick appropriate box)

Caravan Exemption Camping Exemption
Both Caravan & Camping Exemption Yes..... *(N.B. Camping Exemptions can only be issued for England and Wales)*

5. What is this application for? (please tick appropriate box)

A new certificate Yes..... Renewal of existing certificate

Existing exemption certificate number (if known):

6. If applying for a caravan exemption certificate, under which Paragraph(s) of the 1960 Act are you applying?

Paragraph 4

Paragraph 5

..... Yes.....

Paragraph 6

7. What is the primary purpose of the organisation?

Recreation

Other

If "other", please specify:

8. How many members are there in your organisation?

9. How many rallies/events has the organisation held in the last two years?

10. How many rallies/events do you plan to hold in the next calendar year?

11. What is the maximum number of units expected at the largest rally/event next year?

12. Please give details of any branches/units of your organisation and confirm that they share the same constitution and code of conduct as the main club:

I declare that the information given on this application form is correct to the best of my knowledge and belief. I confirm that I have read and understood the Guide and hereby agree to abide by the terms of the exemption certificate:

For applications submitted electronically, please either insert an electronic signature below or tick this box to confirm agreement with this declaration

Name:

Signed:

Date:

23.03.2018

Using and sharing your information

The data controller is Natural England, Northminster House, Peterborough, PE1 1UA.

Your information will be stored and processed in accordance with the EU General Data Protection Regulation 2016. This Regulation gives you, as an individual, the right to know what data we hold on you, how we use it, with whom we share it and for it to be accurate.

Natural England will use your personal data for the purposes of processing applications, administering and maintaining records on the system for camping exemption certificates under the Public Health Act 1936 and for caravan exemption certificates under the Caravan Sites and Control of Development Act 1960. Natural England may disclose the following data to local authorities when investigating complaints about potential breaches of the exemption certificate system: the name and contact address of the organisation, the name of any officers of the organisation, the date and period of any certificates and details of any branches or units of your organisation. If a request is made for exemption certificates in Scotland and/or Wales the organisations details will be forwarded on to the Scottish and Welsh offices. The data will also be used to publish a list of organisations holding exemption certificates.

Because the exemption certificate system involves expenditure of public money there is public interest in how the money is spent. Natural England may, in limited circumstances, be required to release information about your application and certificate, including personal data and commercial information on request under the Environmental Information Regulations or the Freedom of Information Act 2000.

Natural England or its appointed agents may use the name, address and other details to contact you in connection with occasional customer research aimed at improving the services that Natural England provides to you.

Please use this check list to make sure that you have enclosed ALL documents and information required to support your application. Please tick those you have submitted:

Completed & signed application form

Rally/Meeting Programme ...N/A.....

Organisations applying for an exemption certificate for the first time MUST complete questions 13, 14, 15, 16, and 17 as fully as possible:

13. If your organisation intends to use their own land please supply a map showing an outline of the proposed area.
14. If you have any other existing certified sites – please indicate which organisation this was obtained from (for example The Caravan Club/The Camping and Caravanning Club)

N/A

15. Please give details of your organisation's camping and/or caravanning history

The organisation has a history of using sites in Hertfordshire for events/rallies ex. Weddings, family camping, laser tag, L.A.R.P.

16. Please give details of any relevant experience of organising camping and/or caravanning activities which members of your organisation have

- Organising of Woodland Weddings in which people camped in tents and camper vans.
- Organising a Fireworks Display and overnight camping.
- Organising of Live Action Role Play events with camping.
- Woodland Laser tag events including camping.
- VW Camper Vans, barbeque, overnight camping.

17. Please give names and contact details of at least 2 previous sites used by your organisation:

--

--

Constitution of Organisationγ
Code of Conductγ

Evidence of experience.....γ
Contacts for Previous Sites used.....γ

The completed form and enclosures should be returned to:

For organisations based in England:

Natural England
Camping and Caravanning
First Floor Zone C
Eastbrook, Shaftesbury Road
Cambridge CB2 8DR

For organisations based in Scotland:

The Scottish Executive
Directorate of Housing, Regeneration & Welfare
Housing Options & Policy Unit
Area 1H South
Victoria Quay
Edinburgh EH6 6QQ

For organisations based in Wales:

Welsh Government
Decisions Branch, Planning Division
Cathays Park
Cardiff
CF10 3NQ



Woodland Champions Club

PROMOTING OUTDOOR RECREATION IN WOODLANDS.

The Rules and Constitution of Woodland Champions Club

1. The name of the club is Woodland Champions Club.

Object(s) of the club:

2. Object(s) of the club are as follows:

To identify and create woodland campsites for members to enjoy and engage in outdoor recreation activities.

To obtain and make available information of woodland campsites.

To facilitate and encourage campsite owners to plant native woodlands.

To promote camping in 'Pods'.

To promote outside leisure activities.

To preserve the beauty of the landscape and ensure exempted sites do not cause harm to the amenity value of the landscape.

To conserve and enhance bio-diversity in woodlands.

To help conserve native broadleaf woodlands for future generations.

Membership

3. Any person aged 18 or over is eligible to become a member.
4. The signatories to these rules are the first members of the Club.

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Phone: 07890551646 Website: www.woodlandchampions.co.uk Email: woodlandchampionsclub@gmail.com



Woodland Champions Club

PROMOTING OUTDOOR RECREATION IN WOODLANDS.

5. An applicant for membership must submit a dated application forms to the Secretary stating.
 - i) The applicants name, address;
 - ii) That the applicant has been given and read a copy of these rules, supports the objects of the Club and agrees to be bound by the rules immediately upon submission.
 - iii) Campsite applicants agree to campsite terms and conditions.
 - iv) Camper applicants agree to campers' terms and conditions.

6. Until an applicant is approved for membership, he/she is not entitled to any of the privileges of the club.

Officers and their Duties

7. The club has the following members:
Chairperson – Who chairs all General Meetings and all Executive Committee meetings when present.

Secretary – Who is responsible for the keeping of all books and records of the Club, including the Members' Register (containing the name and address of every member and such other contact details as the member supplies) and the taking of minutes of all General Meetings and Executive Committee Meetings.

Treasurer – Who ensures that the financial affairs of the Club are kept in good order and that the annual accounts and a financial report are submitted to the Executive Committee for it to place before the members and the Annual General Meeting.

Executive Committee

8. The day-to-day running of the Club is under the control of the Executive Committee which consists of:

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Phone: 07890551646 Website: www.woodlandchampions.co.uk Email: woodlandchampionsclub@gmail.com



Woodland Champions Club

PROMOTING OUTDOOR RECREATION IN WOODLANDS.

The three officers of the Club.

9. A quorum for the Executive Committee meetings is 3.
10. The members present will elect a chair for that meeting whenever the Chairperson is not present.
11. Minutes of the Executive Committee meetings must be taken and made available to club members.
12. The Executive Committee has the following powers and responsibilities:

Supervision and direction of the day to day running of the Club.

Preparation and presentation to the Annual General Meeting of a written annual report on the Club and its activities (annexing the annual accounts and the Treasurer's financial report).

Appointment of sub-committees, whose membership must include at least one member of the Executive Committee, to which it may delegate powers and duties on such terms as the Executive Committee sees fit.

Vacancies on Executive Committee

13. The Executive Committee may appoint a member to fill any casual vacancy on the Executive Committee until the next Annual General Meeting.
14. Any member so appointed must retire at the next Annual General Meeting but may be elected as a member for Executive Committee at that meeting.

Financial year, accounts and auditors

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Phone: 07890551646 Website: www.woodlandchampions.co.uk Email: woodlandchampionsclub@gmail.com



Woodland Champions Club

PROMOTING OUTDOOR RECREATION IN WOODLANDS.

15. The Clubs financial year runs to 31 December. An income and expenditure account must be made for that year and the balance sheet struck at that date.
16. An independent audit firm are elected by the members as Auditors for one year terms and will audit the annual accounts.

Re-election and further terms of office

17. Members are always eligible for re-election for further terms as Officers or members of the Executive Committee.

Membership Classes and subscriptions

18. There shall be the following classes of membership:

Campsite Membership

19. The membership subscription for this class is £200 for each calendar year and must be paid by date set by secretary (the "Fee Date") to the Secretary unless the Executive Committee determine that payment may be taken by installments.
20. On being admitted to the Club the member in this class must pay an entrance fee of £500 to the secretary.
21. The future level of subscription and entrance fee may be changed by a resolution at the Annual General Meeting passed by a majority of those present when the vote is taken.
22. This membership class is available to any person who satisfies the following criteria:

Is a land owner of an exempted site.
23. Members in this class will not be entitled to vote.

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Woodland Champions Club

PROMOTING OUTDOOR RECREATION IN WOODLANDS.

Campers Membership

24. The membership subscription for this class is £0 for each calendar year and must be paid by date set by secretary (the "Fee Date") to the Secretary unless the Executive Committee determine that payment may be taken by installments.
25. The future level of subscription and entrance fee may be changed by a resolution at the Annual General Meeting passed by a majority of those present when the vote is taken.
26. This membership class is available to any person.
27. Members in this class will not be permitted to vote.

Power to appoint members

28. Any person who is approved for membership by the members at the Annual General Meeting will become a member for one year on whatever terms and with whatever rights that the members decide, and at the of each year the members will consider re-approval.

Renewal

29. Campsite Membership is assessed yearly and is not a automatic renewal.
30. Campers membership is automatically renewed each year unless:
 - i) The member resigns.

Resignation from membership

31. A member can resign at anytime by notice in writing to the Secretary. On receiving the notice the secretatry will remove that member from the Members register within 28 days of recieving the notice and this will terminate the membership.
32. The resigning member is not entitled to any return or rebate of subrciption and remains liable for any unpaid subscriptions and any others sum due from him/her to the club.

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Woodland Champions Club

PROMOTING OUTDOOR RECREATION IN WOODLANDS.

Diciplinary Officers

33. Any member who is in breach of the rules or who otherwise acts in a way in which opinion of the Executive Committee is inappropriate.

Effect of resignations, expulsion or death

34. All rights and interests in the Club and its property cease immediately on termination of membership by resignation, expulsion or death.

General Meetings of Members

35. Annual General Meeting: An annual general meeting of all members must be held in December each year (or failing that, as soon as possible thereafter) and called by the Secretary on 14 days's written notice to the members stating the date, time and place of the meeting, and the business to be conducted. The business will include
- i) Presentation and summary explanation by the Treasurer of (a) the Clubs annual accounts for the financial year last ended and (b) a budget for the Clubs current financial year for approval of the Executive Committee.
 - ii) Election of officers, members of Executive Committee and Auditors; and
 - iii) Such resolutions as are stated in the notice of the meeting.
36. Special General Meeting: at any time the Executive Committee or any 2 members may by a joint written notice request the Secretary to call a meeting of members and the Secretary must then call a Special General Meeting on no less than 21 days written notice to all members stating the date, time and place of the meeting, and the business to be conducted.
37. The quorum for the Annual General Meeting and any Special General Meeting is 3 or at least 30% voting members, which ever is larger.

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Woodland Champions Club

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38. The voting members present elect a chair for any General Meeting whenever the Club Chair is not present.
39. Minutes of the General Meetings must be taken and made available to all members.

Notice

40. Any notice required or allowed to be given to any member under these Rules is validly given if:
 - i) Sent by post to that members address in the Members register (it which case it is deemed given to the member 2 after posting) or
 - ii) Given to him personally or
 - iii) Sent by email or fax to that members email address or fax number in the Members register.
41. Any notice required or allowed to be given by any member to the Secretary under these rules is validly given if sent by post, email or fax to the Secretary at the postal address, email address or fax number most recently notified to members by the Secretary. It is deemed given when actually received at that address, email or fax number.

Resolutions and voting

42. Resolutions and other decisions at all General Meetings, Executive Committee or any sub-committee meetings are passed and made if so voted by a majority of those members present and voting when vote is taken.
43. Voting may at the discretion of the Chair be undertaken by show of hands, by ballot or by show of hands followed by ballot.
44. Proxies are not allowed.

Trustees and Club Property

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45. There will be 3 Trustees of the Club who are the Treasurer and 2 other members elected in General Meeting.
46. The first Trustees are the Treasurer 2 others members elected at the first members meeting at which these rules have been adopted.
47. A General Meeting may remove or appoint Trustees at any time (except that the Treasurer cannot be removed as a Trustee as long as he/she is Treasurer but ceases to be a Trustee on ceasing to be Treasurer when the new Treasurer automatically becomes a Trustee).
48. A Trustee holds office until death, resignation or removal by a General Meeting.
49. All property of the Club including money (except cash up to £500 held by the Treasurer at any time for Club purposes) is to be held and used by the Trustees for the benefit of the Club.
50. The Trustees will hold and use the Clubs property in accordance with all lawful directions of the Executive Committee.

Owner to provide club premises and pay all expenses

51. The Club premises are at:

68 School Lane
Welwyn
Hertfordshire
AL69PJ

52. The occupier of these premises:

Sandy Jones

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Woodland Champions Club

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Employment and Other Contracts

53. The Club may engage employees on such terms as the Executive Committee decides.
54. All contracts of employment will be made by the Chair Person and will state the Chairperson is the employee on behalf of the Club for the time being.
55. Secretary may enter into contracts as agent for the Members provided that no such contract involves property or money beyond the value of £1000.
56. All other contracts between the Club and any other person are made by the Trustees as agents for the members unless the Executive Committee instead authorise any one or more of the Officers or other members of the Executive Committee to enter into a contract as agent for the members.

Indemnities and limitation of liability

57. Full indemnity out of the Club funds is given to:
 - i) Trustees against all payments and other liabilities properly incurred by them as Trustees;
 - ii) Officers and other members of the Executive Committee against all payments and other liabilities properly incurred by them in the exercise of their duties or powers for the club.
 - iii) Every Trustee, Officer, or other member entering into any contract on behalf of the members against all payments and other liabilities incurred by them in connection with that contract.

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58. The liability of the Trustees, Officers or other members entering into any contract for the Club and the liability of any members on whose behalf the contract is made is limited to the assets of the Club.
59. The limit of each members indemnity given to Trustees, Officers or other members in any calendar year in relation to any contracts entered into by them for the Club is a sum equal to one year's membership subscription.

Legal Proceedings

60. No Trustess, Officers or members shall be bound to bring or defend any actual or prospective claim or proceedings or incur any actual or prospective liability for legal costs (including to any legal costs that may be payable to another party) unless they are first satisfied that they shall be sufficiently indemnified or otherwise protected against having to pay such costs and any other judgment against them (except as to the extent of one's year membership subscription) in one or more of the following ways:
- i) Indemnity out of the Clubs assets
 - ii) Personal imdemnities from some or all of the members
 - iii) Legal expenses insurance.
61. Non-payment of sums due to the Club.
62. On a member being given a written notice of demand by secretary for payment of any sum already due from that member to the Club, failure to pay that sum in full within 14 days (or such longer period as may be specified in the notice) is a serious breach of the rules which may be disciplined in accordance with these Rules save to the extent that there will be no appeal from a decision of the Executive Committee unless the Executive Committee decides that there are special circumstances making it fair for the member to be able to appeal to an Appeal Committee.

Borrowing and Charges

63. The Executive Committee may borrow money if authorised by the Trustees.

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Woodland Champions Club

PROMOTING OUTDOOR RECREATION IN WOODLANDS.

64. The Trustees shall make such dispositions of Club property and enter into such agreements as the Executive Committee directs for the giving of security for such borrowing.

Amendment of the Rules.

65. These Rules may be amended by Executive Committee.

Dissolution

66. The Club may be dissolved by Executive Committee.

67. As soon as dissolution is decided the Executive Committee must pay or otherwise settle all debts and other liabilities of the Club.

Signed (with name and address printed):

Sandy Jones 68 School Lane, Welwyn, Herts, AL69PJ CHAIR

Benjamin Carden 68 School Lane, Welwyn, Herts, AL69PJ SECRETARY

Elaine Jones 9 Timbercroft, Welwyn Garden City, Herts, AL71NS TREASURER

Robert Smith 9 Timbercroft, Welwyn Garden City, Herts, AL71NS TRUSTEE

Charlie Carden 25 Millfield, Welwyn Garden City, Herts, AL7 2DY TRUSTEE

_____ TRUSTEE

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Woodland Champions Club

PROMOTING OUTDOOR RECREATION IN WOODLANDS.

Appendices

Appendix 1 - Woodland Champions Code of Conduct

Appendix 2 – Certified Sites Terms and Conditions

Appendix 3 – Campers Terms and Conditions

Print Name: _____

Signed: _____

Dated: _____

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Woodland Champions Club

PROMOTING OUTDOOR RECREATION IN WOODLANDS.

Code of Conduct

General

1. One named member of the organisation (the "rally marshal" or "responsible person") is to be responsible for the conduct of any exempted touring caravan or camping event and for ensuring that those attending comply with this code.
2. The responsible person must ensure that all members are aware of the The Countryside Code, The Caravan Code and The Seashore Code (see Annexes 1a-1c.)

The Venue

3. The organisation will take reasonable steps to satisfy themselves that the site to be used is not subject to a relevant order under paragraph 13 of the First Schedule to the 1960 Act (for caravans), or an Article 4 direction under Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (for caravans and camping), and that it is not one where planning permission has refused or where enforcement action has been taken.
4. The organisation will consult the local authority before meeting on land adjacent to sites for which planning permission has been granted (i.e. next to permanent or commercial sites).
5. The organisation will agree to move from and avoid any site to which the local authority objects.
6. The organisation will not meet on sites adjacent to certified locations/sites unless the proposed site is clearly differentiated and the risk of interference with local people and other users is minimal.
7. The organisation will take reasonable steps to ensure that the siting of units (a caravan, motor home, tent or trailer tent) does not unduly interfere with the activities of local people, their privacy or their enjoyment of their property. They will also ensure that the siting of units does not interfere with the enjoyment by others of the landscape, natural beauty or nature conservation value of the area, particularly in areas designated for their landscape or wildlife qualities.

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8. The organisation will undertake not to over-use any venue and will consider carefully before holding successive meetings on the same land.
9. The organisation will use every endeavour not to camp on any site for more than 42 consecutive days or 60 days in any 12 consecutive months. The organisation will also endeavour not to camp on any site being used by camping by other exempted organisation's if, by doing so, the use of this site would be taken over these limits. This will help avoid overuse of sites, particularly in popular areas.

Nuisance

10. Local people should be able to carry on their normal activities when meetings are in progress. The organisation will take reasonable steps to minimise disturbance and will investigate and deal with the causes of any complaints made.
11. Care should be taken not to damage the site or the surrounding locality. Trees, fences, buildings, equipment and stock should all be respected.
12. Domestic animals belonging to members of the organisation will be kept on a lead and under close control. They will not be allowed to run loose on the site or cause disturbance to local people or animals. They will be exercised away from units and those parts of the site used for communal activities. Any mess will be cleared up.
13. The responsible person will identify open space suitable for the playing of games which might otherwise intrude upon or constitute a danger or annoyance to others on or around the site.
14. Noise should be kept to a minimum for the comfort of others on the site as well as people who live or work nearby.

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Woodland Champions Club

PROMOTING OUTDOOR RECREATION IN WOODLANDS.

Contents

No table of contents entries found.

Road Safety and Access

15. The responsible person will take steps to ensure that travel from major roads to a proposed site is not likely to cause undue disruption or difficulties for other road users. Access to the site must be suitable for the number and likely size of units attending the meeting. The arrival and departure of units should be arranged to minimise disruption to other road users.
16. The speed of vehicles on the site should be restricted to 5mph.

Spacing and density

17. For health and safety purposes emergency vehicles must be able to gain access to any unit on the site. As such, units should be well spaced and sited so they do not restrict access to, or exit from, any other unit or the site in general. At least 3 metres should be required between units in all circumstances. For this purpose, a unit includes the caravan, motor-home, tent, pods and trailer-tents, plus any awnings, gazebo or pup-tent and the car or towing vehicle.
18. Where a site is being used by both caravans and tents they must be sited entirely separate from each other for health and safety reasons. However, this does not necessarily mean segregated. If the layout of the field does not allow for separate lines of tents, it is permissible to continue a line of caravans/motorhomes with a line of tents, but they must be sited en-bloc and not interspersed. Trailer tents are classified as tents and must be sited accordingly. Children's "pup-tents" may be erected alongside the parent's unit and should be considered as part the unit for spacing purposes. It is recommended that there is at least 6 metres between any row of caravans and tents.

Fire Precautions

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19. Open fires and barbecues will not be held except with the permission of the responsible person. Where permission is given for open fires for barbecues, they will be sited on open ground, away from units, vehicles, awnings and any others structures.
20. A fire extinguisher approved to British Standards Institute and/or Fire Officers Certificate standards will be held on site.

Chemical Toilets and Waste Water Disposal

21. Organisations will act responsibly when disposing of the contents of chemical toilets and waste water and take full account of the need to safeguard water supplies and prevent the pollution of rivers and streams.
22. On-site disposal of the contents of chemical toilets and waste water will be in accordance with arrangements agreed with the site owner/occupier. Neither will be allowed to foul the ground except a designated disposal points. If there is any doubt about the disposal of waste, the organisation or, if appropriate, the responsible person will contact the relevant Local Authority for advice.

Refuse Disposal

23. Organisations should ensure that refuse is either taken home or disposed of in accordance with on-site arrangements. The rally Marshall should be satisfied that appropriate arrangements are in place.

Annexes

Annex 1a – The Countryside Code

Annex 1b – The Caravan Code

Annex 1c – The Seashore Code

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Iles, Nicholas (ESNR-Planning)

From: <woodlandchampionsclub@gmail.com>
Sent: 21 September 2018 11:19
To: Iles, Nicholas (ESNR-Planning)
Subject: Re: Exempted Organisation Paragraph 5

Hi Nick

Our membership has doubled since that figure that is slightly outdated information. I understand the members only policy.

Thank you.

On Fri, 21 Sep 2018 at 10:49, <Nicholas.Iles@gov.wales> wrote:

I returned to the office earlier than anticipated and I hope to issue your certificates next week. I note your Club currently has 21 members. In respect of your query in respect of issuing a paragraph 5 exemption for a site, I think it appropriate to remind you, the exemption only applies to members of your Club, it does not allow other persons to use the site for caravanning or camping activity.

Regards

Nick

<woodlandchampionsclub@gmail.com>
Sent: 05 September 2018 09:33

To: Iles, Nicholas (ESNR-Planning) <Nicholas.Iles@gov.wales>
Subject: RE: Exempted Organisation Paragraph 5

Hi Nick

Thank you for the speedy response and thank you for the information. I look forward to hearing from you on your return.

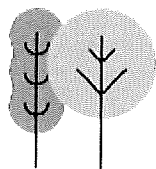
Kind Regards

Chair Person

Woodland Champions Club

www.woodlandchampions.co.uk

Tel: 01438 504418 Mobile: 07890551646



Woodland Champions Club
CREATING WOODLAND CAMPSITES

From: Nicholas.Iles@gov.wales

Sent: 05 September 2018 08:47

To: woodlandchampionsclub@gmail.com

Subject: RE: Exempted Organisation Paragraph 5

Club's with an exemption certificate enjoy exceptional freedom in its use, as it allows a Club, in most circumstances, to use a site without having to apply to the local authority or national park for

planning permission, this freedom is not enjoyed by members of the general public and the Welsh Ministers have a duty to ensure that the exemption certificate system is not abused.

The Welsh Ministers may grant exemption under Paragraph 5, as this allows an organisation or club to issue an exemption certificate to a site for the use of up to 5 of its members without the owner having to apply for planning permission. As stated below we expect Club's to consult with the relevant local authority or national park, prior to issuing a certificate. It is not clear why Pembrokeshire County Council are taking this stance, but they are perfectly entitled to object to the use of a particular site.

Ultimately it would be up to your Club whether to issue a certificate, or not, but you would need to carefully consider the representations made to your Club by the relevant authority and indeed any residents living within the vicinity, before doing so.

I am currently considering your application, but I am on leave from today, until the 24 September. We will issue your exemptions on my return, if we consider you meet the necessary criteria.

Regards

Nick

Nick Iles
Cangen Benderfyniadau - Decisions Branch
Y Gyfarwyddiaeth Gynllunio - Planning Directorate
Llywodraeth Cymru - Welsh Government
Parc Cathays - Cathays Park
Caerdydd - Cardiff
CF10 3NQ
Ffon - Tel: 0300 025 3883 GTN: 1208 3883
e-bost - e-mail: Nicholas.iles@gov.wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

From: <woodlandchampionsclub@gmail.com>
Sent: 03 September 2018 15:14
To: Iles, Nicholas (ESNR-Planning) <Nicholas.Iles@gov.wales>
Subject: RE: Exempted Organisation Paragraph 5

Nick,

No that is not the case, however I will have a look at the document and change the wording so it would not be misconstrued in the future.

I have had a query from a potential campsite asking me why Pembrokeshire County Council are “flagged” with certain organisations they have looked at. By flagged she explained that their website and publications state they cannot issue exemptions in that authority.

Could you please let me know if this something that would affect us potentially issuing a certificate to a land owner in that county.

Kind Regards

Sent from [Mail](#) for Windows 10

From: Nicholas.Iles@gov.wales
Sent: 03 September 2018 15:09
To: woodlandchampionsclub@gmail.com
Subject: RE: Exempted Organisation Paragraph 5

Sandy,

It does not explicitly state it, in sections 18 and 19, on density, but the wording could be construed to imply, more than five caravan/motorhomes units are permitted.

As long as we have your assurance, this is not the case, you need not amend the Code of Conduct.

Regards

Nick

From: <woodlandchampionsclub@gmail.com>
Sent: 03 September 2018 14:55
To: Iles, Nicholas (ESNR-Planning) <Nicholas.Iles@gov.wales>
Subject: RE: Exempted Organisation Paragraph 5

Hi Nick,

Yes it is the Paragraph 5 Exemption.

Could I ask where in the code of conduct it appeared we would exceed that, as this must be a mistake and I will need to amend it.

Kind Regards

Sent from Mail for Windows 10

From: Nicholas.Iles@gov.wales
Sent: 03 September 2018 14:52
To: woodlandchampionsclub@gmail.com
Subject: RE: Exempted Organisation Paragraph 5

Dear Ms Jones,

I am in receipt of your Club's application. Can you confirm the caravan exemption you are seeking. Paragraph 5 exemption allows the Club to issue a site certificate to a site for a maximum of 5 caravans/camper homes at any one time. These certificates must be for a period not exceeding 12 months and certificates granted must be notified to the local authority and Welsh Ministers annually.

From your Code of Conduct, it appears this number may be exceeded. The exemptions which can be granted by the Welsh Ministers are:

Paragraph 4

Sites occupied and supervised by exempted organisations

- Exemption under paragraph 4 allows organisations to arrange meetings for the purpose of recreation, to a maximum of 28 days on the site at any one time. A member or officer of the organisation must be appointed to supervise activity on the site.
- Organisations using paragraph 4 exemption must agree to consult local planning authorities about sites before they use them and not to use any site to which the local planning authority objects. Organisations must have the legal status to enable them to enter into an agreement with the landowner or manager, which gives them control over the site.

Paragraph 5

Sites approved by exempted organisations

- Organisations exempted under paragraph 5 may issue certificates to owners/occupiers for particular sites, stating that the land has been approved by them for use by their members for the purposes of recreation (these sites are known as "certificated locations" or "certificated sites"). No more than 5 caravans can be stationed on a paragraph 5 site at one time.

- Before issuing a certificate an exempted organisation is expected to have a system for consulting neighbours and the relevant local planning authority.
- The organisation must issue a certificate, valid for up to one year, to the owner/occupiers of the land. The certificate should state the date on which it comes into force and the period for which it is in force. Organisations which issue certificates must have systems in place to inspect their sites to check that the terms of the certificate are being observed; and for dealing with inquiries or complaints from the public about their sites.
- Each organisation has to send details of the certificates it has issued to the relevant planning authority, and to the Welsh Ministers.

Paragraph 6

Sites used for meetings organised by exempted organisations

Most organisations apply for certificates for paragraph 6 use. It allows an organisation to arrange a meeting of its members only, lasting up to 5 days. The rally must be under the supervision of a member of the organisation appointed for the purpose.

Can you please confirm which exemption(s) you are applying for.

Yours sincerely

Nick Iles
Cangen Benderfyniadau - Decisions Branch
Y Gyfarwyddiaeth Gynllunio - Planning Directorate
Llywodraeth Cymru - Welsh Government
Parc Cathays - Cathays Park
Caerdydd - Cardiff
CF10 3NQ
Ffon - Tel: 0300 025 3883 GTN: 1208 3883
e-bost - e-mail: Nicholas.iles@gov.wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

From: <woodlandchampionsclub@gmail.com>
Sent: 03 September 2018 10:15
To: Iles, Nicholas (ESNR-Planning) <Nicholas.Iles@gov.wales>
Subject: RE: Exempted Organisation Paragraph 5

Hi

I can forward you the details myself as I still have copies of them.

Please find attached all documentations provided to Natural England originally and the certificates issued to Woodland Champions Club by them.

Sent from Mail for Windows 10

From: Nicholas.Iles@gov.wales
Sent: 03 September 2018 09:16
To: woodlandchampionsclub@gmail.com
Subject: RE: Exempted Organisation Paragraph 5

Dear Ms Jones,

If you contact Natural England and ask them to forward on copies of your application documentation to us, we can process your application from the details already provided to them.

Yours sincerely

Nick Iles
Cangen Benderfyniadau - Decisions Branch
Y Gyfarwyddiaeth Gynllunio - Planning Directorate
Llywodraeth Cymru - Welsh Government
Parc Cathays - Cathays Park
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We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

From: <woodlandchampionsclub@gmail.com>
Sent: 01 September 2018 15:34
To: Iles, Nicholas (ESNR-Planning) <Nicholas.Iles@gov.wales>
Subject: Exempted Organisation Paragraph 5

Sent from [Mail](#) for Windows 10

From: [redacted]
Sent: 01 September 2018 15:32

To: nicholas.iles@wales.gsi.gov.uk
Subject: Exempted Organisation Paragraph 5

Hi,

I currently hold exemption certificates for in England. I wanted to apply to be apply to do the same in wales.

How do I go about this?

Kind Regards

Chair Person

Woodland Champions Club

Sent from Mail for Windows 10

Wrth adael Llywodraeth Cymru sganiwyd y neges yma am bob feirws. Mae Llywodraeth Cymru yn diogelu eich data o ddifrif. Os cysylltwch â Llywodraeth Cymru Mae ein hysbysiad preifatrwydd esbonio sut rydym yn defnyddio eich gwybodaeth a ffyrdd yr ydym yn diogelu eich preifatrwydd. Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi. On leaving the Welsh Government this email was scanned for all known viruses. The Welsh Government takes the protection of your data seriously. If you contact the Welsh Government then our Privacy Notice explains how we use your information and the ways in which we protect your privacy. We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

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Yr Adran Ynni, Cynllunio a Materion Gwledig
Department for Energy, Planning and Rural Affairs

Llywodraeth Cymru
Welsh Government

Ein Cyf/Our ref: qA1362464

Eich Cyf/Your ref:

Dyddiad/Date: 25 September 2018

Dear Ms Jones

**CARAVAN SITES AND CONTROL OF DEVELOPMENT ACT 1960:
FIRST SCHEDULE – PARAGRAPHS 4, 5, 6 & 12
CARAVAN EXEMPTION CERTIFICATE FOR THE WOODLAND CHAMPIONS
PUBLIC HEALTH ACT 1936 - SECTION 269:
CAMPING EXEMPTION CERTIFICATE FOR THE WOODLAND CHAMPIONS**

You will be pleased to know that your Club's application, for a caravan exemption under Paragraph 5 of the above Schedule, has been carefully considered and the application has been approved. You will also be pleased to know that your Club's application for a camping exemption under section 269 of the Public Health Act 1936, has also been carefully considered, and approved. Accordingly, exemption certificates covering Wales are enclosed

Section 3 of the Well-being of Future Generations (Wales) Act 2015 ("the WFG Act") places a duty on the Welsh Ministers, as a public body, to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle and aimed at achieving well-being goals, as defined in section 4 of the WFG Act. In order to act in that manner, I have taken into account the ways of working, set out in section 5 of the WFG Act and the associated statutory guidance (SPSF1: Core Guidance, Shared Purpose: Shared Future). In reaching this decision, I have considered the well-being duty under section 3 of the WFG Act.

In considering the relevant objectives, this decision contributes towards the objectives to 'Foster conditions for sustainable economic development and employment, whilst stimulating innovation and growth for a modern low carbon economy' and to 'Promote and enhance the culture and heritage of Wales' through the provision of accommodation for leisure and recreational purposes, thus promoting local tourism.

It is important for the Welsh Government to have up-to-date details of the Woodland Champions and therefore I would be grateful if you would inform us immediately of any changes in the administration and aims of the Club, including changes to officers and the Club's constitution.

If you are not to be the contact point for the Club, would you please advise me of who is, along with their address, telephone number and, if applicable, their e-mail address, bearing in mind that person shall be responsible for ensuring that rallies are properly organised and that the relevant Welsh Government's Code of Conduct is adhered to.

I should be grateful if you would draw that person's attention and that of any subsequent change in personnel who would be contact points for the Data Protection Act 1998 and ask them to inform me as to whether or not they would be prepared for their personal details to be released without prior approval.

The certificates are valid until the 5 July 2023.

Your attention is drawn to the Codes of Conduct enclosed which your Club is required to comply with, when camping or rallying in Wales. You must also ensure that the relevant bilingual certificate is available for inspection by the local authority or national park authority whilst carrying out your Club's activities in Wales.

Yours sincerely



Nick Iles
Decisions Branch
Planning Directorate

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Your rights under the Data Protection Act 1998

This list is not exhaustive.

- * You have the right to ask the Welsh Government to provide you with access to and a copy of personal data held about you;
- * You have the right, in specified circumstances, to ask the Welsh Government to stop processing personal data about you;
- * You have the right to seek compensation if you believe that you have suffered damage or damage and distress because the Welsh Government has processed personal data about you in contravention of any of the requirements of the Data Protection Act 1998;

- * You have the right to ask the Information Commissioner to carry out an assessment of the way in which the Welsh Government has processed personal data about you.

Individuals who wish to exercise any of these rights should contact the Welsh Government's Data Protection Officer.





Llywodraeth Cymru
Welsh Government

CARAVAN SITES AND CONTROL OF DEVELOPMENT ACT 1960

FIRST SCHEDULE – PARAGRAPHS 4, 5 and 6

CERTIFICATE OF EXEMPTION No 352

WOODLAND CHAMPIONS

WHEREAS under paragraph 12 of the First Schedule to the Caravan Sites and Control of Development Act 1960, the Welsh Ministers may grant a certificate of exemption for the purposes of paragraph 4, 5 and 6 of that Schedule to any organisation as to which the Welsh Ministers are satisfied that its objectives include the encouragement or promotion of recreational activities.

NOW THEREFORE and in accordance with the application made, the Welsh Ministers hereby grants the Woodland Champions this certificate under paragraph 12, for the purposes of paragraph 5 of the First Schedule, with effect from 25 September 2018.

The certificate may be withdrawn at any time by the Welsh Ministers and in any event will cease to be valid on 5 July 2023.

This certificate is granted only for the use of the organisation named and is not transferable to any other organisation.

This certificate is granted only for use in Wales.

Marged Wyatt
Decisions Branch
Planning Directorate

Signed under authority of the Cabinet Secretary for Energy, Planning and Rural Affairs, one of the Welsh Ministers
25 September 2018.



Llywodraeth Cymru
Welsh Government

DEDDF SAFLEOEDD CARAFANAU A RHEOLI DATBLYGU 1960

ATODLEN GYNTAF – PARAGRAFFAU 4, 5 a 6

TYSTYSGRIF EITHRIO rhif 352

WOODLAND CHAMPIONS

YN GYMAINT Â BOD Gweinidogion Cymru, o dan baragraff 12 yn Atodlen Gyntaf Deddf Safleoedd Carafannau a Rheoli Datblygu 1960, yn cael rhoi tystysgrif eithrio at bwrpas paragraffau 4, 5 a 6 yr Atodlen honno i unrhyw gorff y mae Gweinidogion Cymru yn fodlon bod annog neu hyrwyddo gweithgareddau hamdden ymhlith ei amcanion.

GAN HYNNY ac yn unol â'r cais a wnaed, mae Gweinidogion Cymru drwy hyn yn rhoi'r dystysgrif hon i'r Woodland Champions o dan baragraff 12, at bwrpas paragraff 5 yr Atodlen Gyntaf, a daw i rym ar y 25 o Fedi 2018.

Caiff Gweinidogion Cymru dynnu'r dystysgrif yn ôl unrhyw bryd, a daw i ben p'run bynnag ar y 5 o Orffennaf 2023.

Rhoddir y dystysgrif hon i'w defnyddio'n unig gan y corff a enwir ac ni chaniateir ei throsglwyddo i unrhyw gorff arall.

Mae'r dystysgrif hon yn ddilys yng Nghymru yn unig.

Marged Wyatt

Cangen Benderfyniadau
Y Gyfarwyddiaeth Gynllunio

Arwyddwyd o dan awdurdod Ysgrifennydd y Cabinet dros Ynni, Cynllunio a Materion Gwledig, un o Weinidogion Cymru.

25 o Fedi 2018



Llywodraeth Cymru
Welsh Government

PUBLIC HEALTH ACT 1936

SECTION 269

CERTIFICATE OF EXEMPTION No 207

WOODLAND CHAMPIONS

WHEREAS under subsection (6) of section 269 of the Public Health Act 1936 it is provided that if an organisation satisfies the Welsh Ministers that it takes reasonable steps for securing

- (a) that camping sites belonging to or provided by it, or used by its members, are properly managed and kept in good sanitary condition, and
- (b) that movable dwellings used by its members are so used as not to give rise to any nuisance,

the Welsh Ministers may grant to that organisation a certificate of exemption from the provisions of said section 269.

AND WHEREAS the Woodland Champions has applied to the Welsh Ministers as to the matters aforesaid.

NOW THEREFORE the Welsh Ministers in pursuance of the powers conferred upon them by the said subsection (6) of section 269 of the Public Health Act 1936, hereby grant the Woodland Champions a certificate of exemption from the provisions of the said section 269 as from 25 September 2018.

The certificate may be withdrawn at any time by the Welsh Ministers and in any event will cease to be valid on 5 July 2023.

This certificate is granted only for the use of the organisation named and is not transferable to any other organisation.

This certificate is granted only for use in Wales.

Marged Wyatt
Decisions Branch
Planning Directorate

Signed under authority of the Cabinet Secretary for Energy, Planning and Rural Affairs, one of the Welsh Ministers
25 September 2018.



Llywodraeth Cymru
Welsh Government

DEDDF IECHYD CYHOEDDUS 1936

ADRAN 269

TYSTYSGRIF EITHRIO rhif 207

WOODLAND CHAMPIONS

YN GYMAINT AG y'i darperir o dan isadran (6) adran 269 Deddf Iechyd Cyhoeddus 1936, os bydd corff yn bodloni Gweinidogion Cymru ei fod yn cymryd camau rhesymol i sicrhau

(a) bod maes gwerysyla sy'n eiddo iddo neu sy'n cael ei ddarparu ganddo neu sy'n cael ei ddefnyddio gan ei aelodau, yn cael ei reoli'n briodol a'i gadw mewn cyflwr glân, a

(b) bod yr anheddau symudol a ddefnyddir gan ei aelodau yn cael eu defnyddio fel nad ydynt yn peri unrhyw niwsans,

caiff Gweinidogion Cymru roi tystysgrif i'r corff hwnnw i'w eithrio rhag darpariaethau adran 269.

AC YN GYMAINT Â BOD y Woodland Champions wedi gwneud cais i Weinidogion Cymru am y materion dywededig.

GAN HYNNY mae Gweinidogion Cymru yn unol â'r pwerau a roddir iddynt gan is-adran (6) adran 269 Deddf Iechyd Cyhoeddus 1936, drwy hyn yn rhoi tystysgrif i Woodland Champions i'w eithrio rhag darpariaethau'r is-adran 269 ddywededig o'r 25 o Fedi 2018.

Caiff Gweinidogion Cymru dynnu'r dystysgrif yn ôl unrhyw bryd, a daw i ben p'run bynnag ar y 5 o Orffennaf 2023.

Rhoddir y dystysgrif hon i'w defnyddio'n unig gan y corff a enwir ac ni chaniateir ei throsglwyddo i unrhyw gorff arall.

Mae'r dystysgrif hon yn ddilys yng Nghymru yn unig.

Marged Wyatt

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Y Gyfarwyddiaeth Gynllunio

Arwyddwyd o dan awdurdod Ysgrifennydd y Cabinet dros Ynni, Cynllunio a Materion Gwledig, un o Weinidogion Cymru.

25 o Fedi 2018