



Llywodraeth Cymru
Welsh Government

A Guide to Touring Caravan Exemption Certificates

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Touring Caravan Exemption Certificates

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Foreword

1. For land to be used lawfully as a caravan site it requires

- (a) a grant of planning permission; and
- (b) a licence obtained under the Caravan Sites and Control of Development Act 1960.

It is possible, however, for organisations which meet certain requirements to apply for certificates exempting them from the need to obtain a grant of planning permission from the local planning authority and a site licence from the local authority. These are known as touring caravan exemption certificates.

2. In Wales such certificates are issued by the Welsh Ministers and this guide deals with exemption certificates for use in Wales.

What does having an exemption certificate mean? (Types of activity)

3. Three types of activity are allowed by touring caravan exemption certificates and they are referred to by the relevant paragraph number of the Caravan Sites and Control of Development Act 1960 concerned with that activity (see Annex 4):-

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 (see Annex 1).
- 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 (see paragraph 19). 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 (for sites in Wales), Natural England (for sites in England) and the Scottish Government (for sites in Scotland).

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 (see Annex 1).

How does an organisation qualify for an exemption certificate?

4. An organisation is eligible to apply for an exemption certificate if
 - It has a formal constitution.
 - The objectives of the organisation include the encouragement or promotion of a recreational activity.
 - The organisation has the resources to arrange and supervise activities.

How to apply for a certificate

5. Organisations must apply for exemption in their own right.
6. Certificates are issued by Welsh Ministers, Natural England and the Scottish Government and are only valid in the country of issue.
7. Organisations based, or mainly operating, in Wales should submit their application to the Welsh Ministers. If a certificate is also required in England or Scotland, the Welsh Ministers will liaise with colleagues in England and Scotland to make the necessary arrangements for the issue of a certificate. (England and Scotland will make similar arrangements in respect of applications from organisations based in those countries who want an exemption certificate covering Wales).
8. Certificates cannot be used in Northern Ireland, the Channel Islands, the Isle of Man or the Isles of Scilly. Any organisation which wishes to apply for an exemption certificate for activities in Northern Ireland should contact the Northern Ireland Assembly for details of how to apply for exemption.

The responsibilities of holding a certificate

9. Holders of exemption certificates should be aware that the use of land as a caravan site can generate concern and/or enquiries from local residents and local authority officers are

entitled to inspect sites to investigate possible contravention of the exemption certificate requirements.

10. Organisations can avoid concerns by compliance with the following recommendations:

- one member of the organisation, should be responsible for holding the exemption certificate and for making a copy of it available for inspection at meetings
- a member of the organisation must supervise a meeting organised under paragraph 4 or 6.
- the name of the organisation should be displayed when a site is in use.
- organisations must adopt a suitable code of conduct for activities carried out under their certificates. A recommended model code of conduct is at Annex 2.

National Parks

11. Special arrangements have been established by the caravanning organisations for meetings in National Parks. Some Parks are very popular in the summer months, and the arrangements are intended to help the Park authorities safeguard the qualities of the Parks.

Organisations should notify National Park Rally Co-ordination Centres (see Annex 3) of their intentions to meet in the Parks by 30 May in the year before they want to rally.

Sites which should be avoided

12. If an organisation has any doubt about the use or status of a site, it should seek the views of the local planning authority before making arrangements. It should also seek the agreement of the local community before using the land next to a commercial site.

13. Organisations should take reasonable steps to satisfy themselves that the site which they propose to use under their certificates is not one for which there is a *Paragraph 13 order* or an appropriate *Article 4 direction* in force (see paragraphs 20 and 21).

14. **Paragraph 5 sites are restricted to no more than 5 caravans.** When, exceptionally, it is proposed to use a paragraph 5 site for a meeting organised under paragraph 6, there should be a clear and permanent differentiation between the two activities.

Taking account of the views of local people

15. Organisations should be sensitive to the concerns of residents who may be affected by frequent or large-scale caravanning activity. When a site is identified for future use, organisations should take adequate steps to minimise the impact of activities. Noise, road congestion and caravans overlooking local properties are the complaints most frequently drawn to the attention of the Welsh Government.

16. Organisations should be particularly sensitive to the views of local people where paragraph 5 sites are in prospect because they may be in use all year. The major organisations require their members to consult neighbours before they consider applications for a paragraph 5 certificate. Other organisations should consider introducing similar procedures.

Complaints

17. If an activity breaches the terms of the organisation's certificate then the organisation runs the real risk of losing its right to exemption from the need to obtain planning permission and a site licence. In addition, the local authority can take action against the landowner of the site where the breach has occurred.

18. Each organisation should investigate complaints about the activities of its members. The Welsh Government, Natural England and the Scottish Government will also investigate complaints reported to them with the organisation concerned and, if appropriate, the local authority. Certificates will be withdrawn from organisations which persistently breach the terms of their certificates.

The role of local authorities

19. Local authorities have to prepare *development plans*, which set out their policies to guide development in their area. Plans must make provision for new development and at the same time take account of the need to protect the natural and built environment. If a local authority is concerned about the use of a site by an organisation holding an exemption certificate, or if it is approached by one, the policies set out in its plan should form the basis of its response. Where an authority objects to the use of a site, it should give reasons for its objection and explore the options for alternative arrangements.

20. Local authorities can also apply for orders withdrawing the exemptions provided by certificates from a particular site or area on the grounds of health, safety and local amenity. These orders are made under paragraph 13 of the 1st Schedule to the Caravan Sites and Control of Development Act 1960 and the Welsh Ministers would deal with applications from Welsh authorities, Natural England with applications from English authorities and the Scottish Government with applications from Scottish authorities.

21. A local authority may also withdraw permitted development rights, through an Article 4 direction where it is concerned about the appropriateness of caravanning activity on a particular site. The Town and Country Planning (General Permitted Development) Order 1995 grants planning permission for development specified within the Order (referred to as permitted development rights) and a direction made under Article 4 of the Order withdraws that grant of permission in respect of the permitted development rights specified in the direction. The planning permission on which the exemption certificate system relies is granted by the 1995 Order.

22. The landowner or an organisation wishing to use a site on which a Paragraph 13 order or an Article 4 direction has been placed must apply to the local authority for planning permission and a site licence.

Information about certificate holders

23. The Welsh Government, Natural England and the Scottish Government maintain lists of all the organisations holding certificates, which are available on request. For further information on the processing of data please see the 'Data Protection Act 1998 – Fair Processing Notice' section of the Explanatory Notes.

Membership

Paragraph 4 meetings must be supervised by a member of the organisation arranging the meeting. People who are not members of the organisation may also use the site provided they are under the supervision of the organisation occupying the site.

Paragraph 5 sites – Exempted organisations issue certificates stating that the site has been approved for use by its members (not more than 5 caravans and or motor homes may use the site at any one time). The certificate will be issued to the occupier of the land to which it relates and details of certificates issued shall be sent to the **Welsh Ministers on an annual basis**.

Paragraph 6 meetings are only for members of the organisation organising the activity. Membership should usually be granted for a full year. Membership must have been given in advance of attending meetings and must be for a longer period than that associated with attendance at only one event. Both the individual and the organisation must enter into a membership agreement with the intention that it is to run to its full course (although there may be genuine reasons why an individual does not remain a member for the full term). Arrangements to give prospective members a chance to see what an organisation is like by inviting them to attend a meeting or by granting “temporary” membership are not allowed.

The status of guests staying in the caravans of members depends on the membership arrangements of the organisation arranging the meeting. For example, family membership may embrace people who do not regularly attend events or who are not members of the immediate family. The key requirement is that the organisation has genuinely made arrangements for a meeting of its members.

Meetings organised by one organisation for the benefit of members of other organisations (“joint rallies”) are not allowed, unless all the organisations hold exemption status and have affiliation to each other written into their constitution.

Code of Conduct

I. Introduction

1. One named member of the organisation (from now on called the rally marshal) is to be responsible for the conduct of any exempted rally and for ensuring that members attending comply with the code.

II. Venue

2. Organisations should take reasonable steps to satisfy themselves that the site proposed for an exempted rally is not subject to an order under paragraph 13 of Schedule 1, or an Article 4 direction, or one for which planning permission has been refused or where enforcement action has been taken.

3. Organisations should seek the agreement of the local authority before meeting on land adjacent to sites for which planning permission has been granted.

4. Organisations should 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.

5. Organisations should take care that the siting of caravans does not unduly interfere with the activities of local people, their privacy or their enjoyment of their property. They should also take care that the siting of caravans does not interfere with the enjoyment by others of the landscape or natural beauty or nature conservation value of the area and particularly in areas designated for their of landscape or wildlife qualities.

6. Organisations undertake not to over-use any venue and will consider carefully before holding successive meetings at the same land.

III. Nuisance

7. Local people should be able to carry on their normal activities when meetings are in progress, and disturbance should be minimised. Complaints should be treated seriously and steps taken to investigate and deal with the causes of complaints.

8. Care should be taken not to damage the site or surrounding locality. Trees, fences, buildings, equipment and stock should be respected.

9. Domestic animals belonging to members of the organisation should be kept on a lead, under close control. They should not be allowed to run loose on the site or cause disturbance to local people or animals. They should be exercised away from caravans and parts of the site used for communal activities and any mess should be picked up.

10. The rally marshal should identify open space suitable for games, which might otherwise intrude on or constitute a danger or annoyance to caravanners or others on or around the site.

11. Noise should be kept to a minimum for the comfort of other caravanners on the site as

well as people who live or work nearby.

IV. Road safety and access

12. The rally marshal should take steps to ensure that travel from major roads to a proposed site is not likely to cause undue disruption to or difficulties for other road users. Access to the rally site must be suitable for the number and likely size of units attending the meeting. The arrival and departure of caravans should be arranged to minimise disruption to other road users.

13. The speed of vehicles on the site should be restricted to 5 mph.

V. Spacing and density

14. Units should be well spaced, and sited so that they do not restrict access to, or exit from, any unit or the area in case of emergencies as indicated below.

Every unit should be not less than 6 metres from any other unit at all times. There are no exceptions to this.

Vehicles and other ancillary equipment (sun canopies/ awnings BBQ's etc) should be permitted within the 6 metre space between units but, in order to restrict the spread of fire, there should always be at least 3 metres clear space within the 6 metres separation distance from adjoining units.

Emergency vehicles should be able to secure access at all times to any unit on site and as an absolute minimum within 90 metres of any unit on the site.

VI. Fire precautions

15. Open fires and barbecues should not be held except with the permission of the rally marshal. Where permission is given for open fires or barbecues, they should be sited in open ground, away from vans, vehicles, awnings and any other structures.

16. Caravans should carry a fire extinguisher approved to British Standards Institute and/or Fire Officers Certificate standards.

VII. Chemical toilets, waste water disposal

17. Organisations should 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.

18. On-site disposal of the contents of chemical toilets and waste-water should be in accordance with arrangements agreed with the site owner/manager. Neither should be allowed to foul the ground except at designated disposal points. If in any doubt about the disposal of waste, contact the relevant Local Authority for clarification.

VIII. Refuse disposal

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

arrangements are in place.

20. The rally marshal should ensure that the site is clear of litter after the meeting.

IX. Other information

21. The rally marshal should also be aware of the terms of the Caravan Code, the Country Code and the Coastal Code.

Useful addresses

Annex 3

Welsh Government Planning Directorate (Decisions Branch) Cathays Park Cardiff CF10 3NQ	Natural England Camping and Caravanning Ground Floor, Zone A Eastbrook Shaftsbury Road Cambridge CB2 8DR	The Scottish Government Private Sector & Affordable Housing Policy Division Area1 -H Victoria Quay Edinburgh EH6 6QQ
National Park Rally Co-ordination Centres The Caravan Club East Grinstead House East Grinstead West Sussex RH19 1UA	Brecon Beacons National Park Authority Plas y Ffynon Cambrian Way Brecon Powys LD3 7HP	Pembrokeshire Coast National Park Authority Llanion Park Pembroke Dock Pembrokeshire SA72 6DY
Snowdonia National Park Authority Penrhyndeudraeth Gwynedd LL48 6LF		

Annex 4

The Caravan Sites and Control of Development Act 1960

Extracts from the First Schedule

Sites occupied and supervised by exempted organisations

4. Subject to the provisions of paragraph 13 of this Schedule, a site licence shall not be required for the use as a caravan site of land which is occupied by an organisation which holds for the time being a certificate of exemption granted under paragraph 12 of this Schedule (hereinafter referred to as an exempted organisation) if the use is for the purposes of recreation and is under the supervision of the organisation.

Sites approved by exempted organisations

5. (1) Subject to the provisions of paragraph 13 of this Schedule, a site licence shall not be required for the use as a caravan site of land as respects which there is in force a certificate issued under this paragraph by an exempted organisation if not more than five caravans are at the time stationed for the purposes of human habitation on the land to which the certificate relates.

(2) For the purposes of this 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 by its members for the purposes of recreation.

(3) The certificate shall be issued to the occupier of the land to which it relates, and the organisation shall send particulars to the Minister of all certificates issued by the organisation under this paragraph.

(4) A certificate issued by an exempted organisation under this paragraph shall specify the date on which it is to come into force and the period for which it is to continue in force, being a period not exceeding one year.

Meetings organised by exempted organisations

6. Subject to the provisions of paragraph 13 of this Schedule, a site licence shall not be required for the use of land as a caravan site if the use is under the supervision of an exempted organisation and is in pursuance of arrangements made by that organisation for a meeting for its members lasting not more than five days.

Certification of exempted organisations

12. (1) For the purposes of paragraphs 4, 5 and 6 of this Schedule, the Minister may grant a certificate of exemption to any organisation as to which he is satisfied that its objects include the encouragement or promotion of recreational activities.

(2) A certificate granted under this paragraph may be withdrawn by the Minister at any time.

Power to withdraw certain exemptions

13. (1) The Minister may on the application of a local authority by order provide that, in relation to such land situated in their area as may be specified in the order, this Schedule shall have effect as if paragraphs 2 to 10, or such one or more of those paragraphs as may be so specified, were

omitted from this Schedule.

(2) An order under this paragraph -

(a) shall come into force on such date as may be specified therein, and

(b) may, on the application of the local authority on whose application it was made, be varied or revoked by a subsequent order made thereunder,

and, except in the case of an order the sole effect of which is to revoke in whole or part a previous order, the local authority shall, not less than three months before the order comes into force, cause a notice setting out the effect of the order and the date on which it comes into force to be published in the London Gazette or, if the land is in Scotland, in the Edinburgh Gazette and in a local newspaper circulating in the locality in which the land to which the order relates is situated.