

Final NILGA response: DfI consultation on New Model Licence Conditions for Caravan Sites

**Executive Meeting
9th August 2019**

1.0 Introduction

NILGA, the Northern Ireland Local Government Association, is the representative body for district councils in Northern Ireland, representing and promoting the interests of the 11 local authorities and supported by all of the main political parties in Northern Ireland. We trust that our comments will be taken into account by the Department for Infrastructure.

2.0 General Comments

NILGA welcomes, in principle, the effort made by the Department to update the existing Model Licence Conditions for Caravan Sites 1992 and Model Licence Conditions Residential Caravan Sites 1994. We believe that the updated conditions clarify the position in relation to the application of Model Licence Conditions to most caravan sites and we note the Department's commitment to improve the clarity of application to Traveller or Roma sites, further to the NIHRC report "Out of Sight, Out of Mind". NILGA believes that this endeavour in particular has achieved only limited success, and there are a number of concerns that we are keen to see addressed by DfI, working collaboratively with relevant colleagues in Department for Communities and the NI Fire and Rescue Service, so that consistency of policy and legislation can be achieved in relation to Travellers' Sites.

Greater clarity is needed from both DfI and DfC in relation to the timelines for roll-out and implementation of policy revisions (particularly for existing sites), and to the statutory 'weight' that should be given to the model licence conditions and to the forthcoming DfC 'Design Guide' by council licensing and planning officers.

3.0 Key Issues

3.1 Travellers' Sites

The NIHRC report "Out of Sight, Out of Mind" recommended *"review of the legal and policy framework concerning site licence. This should include the development of a model site licence setting out the*

minimum standard of provision and safety requirements for each type of travellers' site in NI along with enforcement powers for any breach."

Given the specific needs and culturally sensitive accommodation required for travellers sites, NILGA would suggest that either a separate section of the model licence conditions, or a separate document is developed by DfI to adequately and appropriately cover the requirements for the three different types of sites as outlined in the draft DfC Design Guide, for example the requirements for communal buildings, individual/private amenities, space for work and animals, postal arrangements etc."

At the very least, DfI should liaise with DfC, NIFRS and NIHRC to ensure that appropriate model licence conditions are developed, providing a consistent and compatible terminology and approach.

Although it is understood that the forthcoming DfC Design Guide is for consideration in the development of new traveller sites and for traveller sites that must be substantially redeveloped, much greater clarity is needed regarding the relationship between the DfC Design Guide, the NIFRS 'Fire Safety Guide for Caravan Site Operators' and the model conditions to enable councils to properly set site licence conditions for travellers sites.

3.2 Amalgamation of model conditions

NILGA accepts that there are advantages to amalgamating the current Model Licence Conditions for holiday caravan sites into one document but would urge caution in this move to a 'broad brush' approach.

3.3 Enforcement

It is anticipated that for some councils, the amended Model Licence conditions may present challenges for enforcement in relation to applying amended conditions for the development of existing residential and holiday sites. Conditions that are likely to be particularly challenging in this regard are those in relation to physical arrangements such as spacing or road widths. This is also linked to the 'timeline' issue highlighted at 2.0 above. For example, page 13 para 13 of the draft Model Conditions refers to allowing a 'reasonable period of time' after any site licence alteration for compliance with the revised conditions, which is open to interpretation. NILGA would be keen to see the Department provide greater clarity in relation to acceptable compliance times.

3.4 Disabled persons

The omission of the condition relating to disabled persons is noted. NILGA would be keen to ensure that the Department clarifies if any equality screening or equality impact assessment has been completed on the Model Conditions and if so, to view the findings of this assessment.

3.5 Requirement for Risk Assessment

Page 13 para 14 refers to councils undertaking a risk assessment to take into account all possible factors in relation to the prosecution. This is a wide-ranging statement and NILGA would request that it be amended to clarify that council enforcement activities (including investigations and prosecutions) are conducted in accordance with each council's enforcement policy and all decisions to prosecute take account of the Public Prosecution Service Code for Prosecutors.

4.0 Specific Comments

The following detailed comments are numbered as per the draft Model Licence Conditions 2019:

1. The Boundaries and Plan of the Site

In relation to *'no caravan or combustible structure...within 3 metres of the boundary of the site'*.

The draft Design Guide (pg 21 para 34) states this is an essential fire prevention measure as does the Welsh Government 'Model Standards for Caravan Sites in Wales', referenced in the Welsh Guidance 'Designing Gypsy and Travellers Sites'. The NIFRS Guide (pg 11, pt1) also states a *'clear space of 3m should be maintained'*.

The explanatory notes of the draft Model Conditions 2019 weaken this by suggesting it is merely for privacy and may not be necessary

NILGA would be keen to see a definition of 'combustible structure' included, e.g. to include wooden decking, wooden summer/play houses, wooden pergolas, wooden/plastic storage units

NILGA is of the view that the requirement for submitted plans to be of *'suitable quality'* is subjective and open to interpretation. Greater clarity and detail is required e.g. scale drawings, numbering of caravans and detailing exactly what is required to be shown on the plan etc

2. Density and Spacing Between Caravans

NILGA welcomes the amalgamation of separation distances and density of caravans into one Model Licence Condition.

NILGA would welcome greater clarity on whether minimum spacing distance between caravans is applicable to modular buildings which are found on some Travellers' sites.

NILGA notes the omission from the 1994 Model Conditions that 'A garage or shed over 30 square meters in area will be subject to Building Control' and is unclear of the justification of doing so.

NILGA notes the omission of the condition from the 1992 Model Conditions stating not to store exposed gas bottles or cylinders within the separation boundary of an adjoining unit. This requirement previously provided clarity and direction similar to that given in the NIFRS Guide (page, 16, para 4.12). If LPG storage is to be taken into account when ensuring the prescribed spacing between caravans, then it is recommended this condition remains.

NILGA seeks clarification of the definition of 'structures' on page 17, para.10, which are of combustible construction that requires sufficient time to be replaced in order to comply with separation distances and what would be deemed a sufficient timeframe for the relocation/replacement of such structures.

NILGA would highlight that an emerging risk on caravan sites is the erection of wooden decking enveloping caravans/mobile homes and wooden fencing erected within the separation distances to enclose pitches.

The NIFRS Guide permits picket type fences no higher than 1m and higher if non-combustible. The draft Design Guide for Travellers' Sites in NI stipulates different requirements (page 23, para 48). NILGA requests clarification regarding the omission in the draft New Model Conditions with regard to the erection of fences around or near to individual caravans.

It is suggested that this review is an opportunity to promote consistency on sites and prevent the spread of fire by removing all combustible materials, particularly wood, in separation spaces or individual sites and specifying that any fencing or other structures provided should be non-combustible.

NILGA is of the opinion that the enforcement of prescriptive spacing is significantly weakened by the consideration of residents' enjoyment and costs to the site owner, as referred to on Page 17 Para.13

3. Roads

NILGA notes the omission regarding distance of a caravan standing to a road. The NIFRS Guide stipulates no more than 50m from a fire service access road and the draft Design Guide for Travellers' Sites states within 45m (Page 25, para 61). It is suggested NIFRS should clarify the position.

NILGA welcomes the concise conditions for roads however requests consistency regarding widths with the other guides such as the draft Design Guide for Travellers' Sites (page 24, para 56).

4. Lighting

NILGA welcomes the specific addition of lighting requirements and suggest there is an opportunity to extend the requirement to include external lighting to be provided on communal/amenity buildings during hours of darkness to ensure safe egress and access.

5. Bases

NILGA would highlight that some Councils currently regulate sites which may have difficulty in complying with 'The base *must extend over the whole area occupied by the unit...*' as caravans are increasing in size. NILGA suggest this should be a recommendation for ease of enforcement.

6. Maintenance of Common Areas, including Grass, Vegetation and Trees

NILGA is of the view there should be consistency of language regarding the terms 'footpath' and 'pavement'.

With reference to the explanatory notes page 20 para 30: NILGA would highlight that each council may not have an officer responsible for trees.

7. Supply & Storage of Gas

NILGA is of the view that the general safety requirements stipulated in the LPGA Guidance must be applied to all sites regardless of permanency of use. This would include both the storage of gas in compounds for retail sale on holiday parks and storage at individual caravans on all types of sites. Specific requirements such as restricting numbers of cylinders at caravans and location on each pitch would be appropriate to include in Model Licence Conditions to promote facilitate consistent enforcement.

8. Electrical Installations

NILGA notes that examination of the electrical installation within a caravan is required. It is not clear if this is for caravans located on all types of sites i.e. this was not a requirement of the previous model licence conditions and the requirement in relation to the electrical installation “within” a caravan would not be considered to be enforceable as inspecting officers could not reasonably be expected to be responsible for enforcing the internal maintenance of individual caravans.

NILGA notes the omission of the frequency of electrical testing, and is of the opinion this may weaken the requirement - some site operators may avoid maintenance and testing. Greater clarity is requested in the explanatory notes which is consistent and compatible with the draft Design Guide for Travellers’ sites (pg 37, para 113) and other relevant guidance and British Standards.

It is NILGA opinion that the permitted height of cable overhangs should be dealt with primarily at the planning stage and we would recommend underground cabling for new sites.

9. Water Supply

NILGA welcomes the inclusion that it is the responsibility of the site owner to ensure the quality of workmanship being carried out on water supplies.

It is NILGA view that the reference to ‘wholesome’ water supply should remain. NILGA would also welcome consistency with the draft Design Guide for Travellers’ sites (pg 36, para 109 &111) in relation to the inclusion that there must be a potable *mains* water supply and outside taps with internal isolation valves and suitable backflow protection for the security of the water supply.

With reference to the explanatory notes page 22 para 47 & page 23 para55: NILGA would welcome consistency in language used regarding “may wish to advise” and “should alert” NI Water regarding issues or areas of concern

10. Drainage and Sanitation

NILGA highlights the correction that approval should be sought from NIEA for the satisfactory provision for foul and wastewater drainage, not the council.

NILGA's view is that the previous condition in the 1992 Model Conditions requiring the provision of *'properly designed disposal points for the contents of chemical closets etc...'* should remain, e.g. for holiday touring and transit Traveller sites.

With reference to paragraph (v) 'the provision of water closets to at least the scale of 1 WC and 1 urinal per 5 caravans or less for men and 2 WCs per 15 caravans or less for women' is required. This provision should be per 15 caravans or less for both men and women.

11. Refuse and Storage and Disposal

NILGA is of the view that removing the requirement to provide the facility to enable the communal bin storage area to be hosed down with clean water lessens the standard. NILGA would advocate that the facility to clean a waste storage area is a necessity to prevent public health issues on sites.

12. Parking

NILGA requests clarification in relation to the parking within the separation distances. Parking refers to parking of private cars, jet skis and boats between adjoining caravans at a minimum distance of 3m from the adjoining caravan.

Condition 2. Density and Spacing Between Caravans indicates that there should be 6m space between adjoining caravans. When considering the requirements of both conditions, where private cars, jet skis and boats are parked between adjoining caravans, the minimum distance between the caravans must be 6m plus the width of the private cars, jet skis or boats. This often presents a compliance issue and is unlikely to be achievable without major re-organisation for a number of existing sites.

Furthermore, the NIFRS Guide has a differing interpretation, as Figure 1, pg12 indicates parking of cars are permitted within the 6m separation so long as there is a minimum distance of 3m from the adjoining caravan. The draft Design Guide for Travellers' sites concurs, albeit without reference to the 3m minimum separation distance.

When considering the spacing requirements for holiday sites, where the minimum spacing distance between any 2 caravans should not be less than 5m, this again presents a compliance issue for existing sites, as it would not be possible to park a car (approximately 2.1m x 4.7m) and maintain a minimum distance of 3m from the adjacent caravan.

13. Communal Recreation Space

NILGA is satisfied with the original wording of the 1992 & 1994 Model Conditions in relation to recreational space. In the interests of the safety of children, NILGA would also welcome the inclusion of other safety measures as detailed in the draft Design Guide for Travellers sites (page 26 para 64).

14. Notices and Information

NILGA welcomes in the explanatory notes, the reference to discussion of suitable arrangements for display of notices and information on Travellers sites in relation to those detailed in (ii) & (iii).

With reference to page 25 Para 66: NILGA recommends reviewing the reference to a site office/community room which is unlikely to be available at Travellers' sites and requests clarification of an alternative acceptable location.

With reference to 14 (i) NILGA agree it is important for all types of caravan parks to be identified for the information of and ease of access for the emergency services.

15. Emergency Telephone

The consideration of the use of mobile phone networks is a welcome addition. However NILGA would disagree with explanatory note on page 25, para 68, stating that the council should decide whether an emergency telephone is required. The onus should be placed on the site operators to provide evidence that adequate mobile phone reception is available on a range of networks.

NILGA requests clarification regarding the provision of an emergency telephone, on Travellers' sites, and its suggested location given that fire points are not required.

16. Flooding

The specific addition of flooding risk awareness is welcome, but NILGA would suggest that consideration be given to strengthening the approach to this issue within the Model Conditions, particularly in light of the approach taken in para 19 of the DfC Design Guide (P17).

17. Fire Safety Measures

The NILGA view is that there should be clear direction in relation to the frequency of testing/maintaining firefighting equipment such as fire extinguishers. Some Councils may find site operators discontinue the practice of yearly testing regimes for firefighting equipment and smoke alarms. The explanatory notes page 27, para 84 weaken this requirement by merely '*suggesting*' an annual check'

NILGA wishes to highlight that it may be problematic to get a suitable location for display for fire notices on Traveller sites, as fire points are not required.

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