

STATES OF JERSEY



LE PORT CAR PARK, ST. PETER: RESCINDMENT OF PARKING RESTRICTIONS

Lodged au Greffe on 15th March 2019
by Senator S.W. Pallett

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion –

- (a) to request the Minister for Infrastructure to rescind his decision (MD-T-2019-0009) to amend the Road Traffic (Public Parking Places) (Jersey) Order 2006 to incorporate Le Port car park, St. Peter and introduce a maximum parking limit of 12 hours in any 24 hour period;
- (b) to request the Minister for Infrastructure to consult with the Comité des Connétables and other key stakeholder groups to identify and agree a list of designated areas for motorhome use around the Island and to bring forward policy guidelines, including a potential fee structure for the use of those aforementioned designated areas, for consideration by the Assembly;
- (c) to request the Minister for the Environment to review the permits relating to motorhome/campervan use to ensure that any habitable use in the Island is limited to 24 hours within any 7 day period within a designated area and in accordance with any revised policy guidelines and fees arising from paragraph (b).

SENATOR S.W. PALLETT

REPORT

I have been contacted by many worried Islanders and read many negative comments on various media since the decision taken by the Minister for Infrastructure, Deputy K.C. Lewis of St. Saviour, to introduce a 12 hours in 24 hours parking restriction in the coastal car park at Le Port in St. Peter, near the Watersplash.

My first reaction was total disbelief that such a measure was to be introduced to deal with an issue that I believe has a better solution. This decision is likely to escalate the problem that it is looking to solve and, although deemed necessary, will not solve the problems that seem to have driven this ill thought-out decision. It will potentially, in my mind, lead to the campervan fraternity spreading unregulated, even further afield, into other car parks around the coast where such parking restrictions do not exist; and will also leave St. Peter Honorary Police in the unenviable position of having to deal with very disgruntled and annoyed campervan owners, the vast majority of whom do not wish to upset anyone or damage the environment in which they live. This decision is literally a sledgehammer to crack a nut, and shies away from the real issues that need to be addressed for modern-day use of motorhomes in the Island. This decision should have been taken as the last resort and not the first resort to solve this issue. But why have we got to where we are?

At a meeting held at St. Peter's Parish Hall several years ago by the then Connétable of St. Peter, John Refault, it was clear that the campervan community in Jersey were very passionate about their way of life, and were keen to be able to enjoy their motorhomes on-Island as well as travelling further afield. Many owners invest vast sums of money into motorhomes that are state-of-the-art in terms of on-board facilities; and at the meeting owners were keen to express their wish to be able to use their motorhomes both responsibly and legally within Jersey.

All who attended, including myself, were aware of the current legislation limiting motorhome use in Jersey; but it was clear at that meeting that the culture around use has changed over the period since the legislation was introduced, and the majority of owners who were at that meeting were of the view that a degree of relaxation of the law was desirable to permit owners to sleep in their motorhomes overnight. If we are to consider a regulated scheme for motorhome use, as I am suggesting, then providing designated sites around the Island that could be monitored, implementing a charging system if necessary, and introducing an improved and simplified enforcement regime, should be the preferred route forward. Many had hoped that the Comité des Connétables, in collaboration with the previous Minister for Infrastructure, could have brought forward proposals for consultation that would have taken a commonsense approach to any issues and concerns and provided a basis for future regulated campervan use in a limited number of coastal sites, whilst ensuring that any necessary protection for the natural environment we all love and care for was provided.

Unfortunately this has not happened, but subsequent to this public meeting I did ask my own Honorary Officers in St. Brelade to consider taking a 'softly-softly' approach to campervan use in various coastal sites around the Parish including, for example, Ouaisné. This was as long as the vehicles had toilet facilities, stayed for only one night, then moved on. To my knowledge this worked reasonably well, although I am sure that at times a less lenient approach may have been taken; but it seems to me that St. Peter has had a similar approach at Le Port in recent years. On the other hand, St. Ouen had a much stricter approach to campervan use in their Parish, and such inconsistencies have not helped the Public to understand what is acceptable and what is not.

Nevertheless, over the past 3 years there has been a degree of compromise on both sides which has been appreciated by the motorhome community. I though, like many, do understand that St. Peter has taken the brunt of the motorhome/campervan issue due to the popularity of Le Port, and often have had to deal with some of the negative aspects of such use, as has been highlighted recently by Connétable R. Vibert of St. Peter. However, the introduction of parking restrictions will not solve the problem that the Connétable believes exists; it is likely to either exacerbate it or move it to other locations.

We are all acutely aware that using a motorhome is currently prohibited under Article 99(1)(b) of the [Planning and Building \(Jersey\) Law 2002](#), in that –

- “(1) A person shall not –
- (a) import a caravan into the Island; or
 - (b) use a caravan on the Island,
- except with and in accordance with permission to do so granted by the Chief Officer.”.

A motorhome owner must apply for a permit under ‘Apply to own or use a caravan or motorhome (P6)’ to the Chief Officer, and a permit will be issued under various conditions, including: “1. That the vehicle is not used for any habitable purposes whilst in the Island or, in the case of a motor caravan, that the vehicle is not used for any habitable purposes whilst in the Island and displays Jersey registration plates.”.

As the former Connétable of St. Peter, John Refault, stated in the media in September 2015, “the camping law is draconian”, and that “to take action would require a Royal Court appearance for simply sleeping in your van overnight”.

As this indicates, the sentence clearly does not fit the crime and clearly shows why, to my knowledge, there has never been a prosecution brought relating to sleeping in a caravan or motorhome. It is also worrying to me that other parishes might be relying on this legislation to prevent owners sleeping in their motorhomes if the problem was to escalate out from Le Port further afield, due to the recently taken decision when, to date, there has never been a successful prosecution. One would have to doubt whether it was, in fact, in the public interest to bring such a prosecution, knowing that it would require a potentially costly Royal Court appearance.

I was certainly comforted, as I am sure were the many owners of motorhomes locally, when the current Connétable of St. Peter was quoted in the JEP on 25th August 2018 as saying that “the Island has to accept that campervan usage is an increasingly popular activity, and better regulation and more designated sites is the best solution to the issue”. He also stated that “better regulation and more designated areas would take the pressure off his parish and allow problems to be dealt with more effectively”; and also that “there are too many people using Le Port at the moment and it would be better if we had a number of regulated, designated areas across the Island.”.

I am sure that I, along with a great number of Islanders, would have read this and totally agreed with this view, and believed that the newly elected Connétable would work with his colleagues on the Comité des Connétables and the new Minister for Infrastructure, in finding a workable solution to the problems faced by his parish, whilst safeguarding

the opportunities for law-abiding and responsible motorhome users to carry on using sites on the coast such as Le Port to enjoy their lifestyle.

Unfortunately though, it seems that rather than put the time and effort into exploring better regulation and more designated areas, the Connétable of St. Peter, with the support of fellow Connétables from both St. Brelade and St. Ouen, have prompted this unnecessary measure and requested the Minister for Infrastructure to place a 12 hours in 24 hours parking limit at Le Port. This will, as you would expect, impact the ability of any motorhome user to enjoy a way of life that they have come to enjoy over recent years, without any discussion or consultation. I have the utmost respect for each of the western parish Connétables and the Minister, but this is simply not the way that I, along with many others, believe decisions of this nature should be taken; and we are requesting that this decision is rescinded to limit the distress being caused and the bad feeling currently being generated unnecessarily.

I would like to think that not only motorhome users find this decision unacceptable, but that the Public at large, along with States Members, also find the action taken, without consulting any key stakeholder groups, unreasonable and unnecessary.

There is a reasonable way forward, but it needs to be implemented in a collaborative way through discussion, negotiation and consultation; so that hopefully a system can be put in place that can protect the rights of responsible motorhome owners, safeguard the sensitive coastal environment that any designated area may be situated within, and ensure that any future designated area is used by *bona fide* campervans or motorhomes; and that habitable use of a motorhome or campervan can be permitted, but limited to 24 hours within any 7 day period.

It is important that any anti-social problems caused by a fringe element at Le Port and elsewhere through indiscriminate camping and use of ill-equipped vehicles to sleep overnight is prevented, so that responsible owners are able to carry on enjoying what is a healthy and positive way of life. To be clear, I do not want to see every coastal car park filled with motorhome users, although there is adequate space within our coastal car parks to allow for designated areas; but it is also important that multiple parishes play their part, both in suggesting potential sites, and in helping to regulate sites, and I do not believe that this needs to be burdensome. Not to work collaboratively to find a solution should be seen as unacceptable by all.

I believe that a fit-for-purpose regulated system to allow motorhomes to be used for limited periods on designated areas within Jersey is achievable, and should have been explored before parking restrictions were considered.

I have deliberately steered away from economic and tourism benefits that a properly regulated scheme may offer, but such benefits would undoubtedly exist if managed in a responsible way for the benefit of all. I have not suggested how a scheme should run or be regulated, as I do not want to rule out any opportunities that good consultation with key stakeholders may yield. Information on both public and private motorhome and caravan sites around the UK is easy to access, including those that are situated near the coast or beach, in a similar situation to sites that could be designated around the coast of Jersey. Each are run or regulated differently, but all charge a fee of anything from a few pounds upwards. We are a popular tourist destination for all sectors of the market, and motorhome use is a growing market both locally and nationally, so designing a scheme that suits our coast and environment should be possible if there is a will to work with all interested parties.

There may be an opportunity to decide in the future what, if anything, we may wish to further offer those who visit Jersey with their motorhomes, but this proposition aims to support local motorhome and campervan owners at the present time, who are being subjected to a change in parking regulations that will prevent them from enjoying the healthy and positive way of life that they have over the years become used to, and wish to continue to enjoy.

Financial and manpower implications

There are no financial implications for the States of Jersey arising from parts (a) and (c) of this proposition. Part (b) requires both the Comité des Connétables and the Minister for Infrastructure to formulate policy and carry out consultation, but any work should be able to be funded from within existing resources. Should a regulated scheme be implemented under part (b) of this proposition, then it would be expected that such a scheme would be, at a minimum, cost-neutral to both the States and the parishes.