

COUNCIL

Petition – Gibraltar Farm Caravan and Camp Site Silverdale

14th September 2011

Report of Head of Governance and Head of Regeneration and Policy

PURPOSE OF REPORT

To enable Council to debate the petition in accordance with the Council's Petition Scheme.

This report is public

RECOMMENDATIONS

- 1) That Council instructs the Heads of Regeneration and Policy and Health and Housing to conduct a detailed investigation into the allegations of unlawful activity at Gibraltar Farm contained in the petition documentation, and, in consultation with the Head of Governance, to consider the expediency case for enforcement or other regulatory action under the Planning Acts and other associated legislation, having regard to the impacts on the landscape and amenities of the Arnside/Silverdale AONB, the amenities of local residents, and any other material considerations.
- 2) That reports be prepared for Cabinet or the relevant Regulatory Committee, as appropriate, outlining the conclusions of those investigations to enable Members to consider recommendations on how to proceed.

1.0 Introduction

- 1.1 A petition containing more than 440 signatures has been received in respect of Gibraltar Farm Caravan and Camp Site. A copy of the documentation submitted with the petition is appended to this report. The full document, with the signatures, will be available for inspection at the meeting.
- 1.2 The Council's Petition Scheme is set out in Part 10 of the Constitution, and provides that if a petition relating to a local matter which affects no more than two wards, contains more than 200 signatures, it will be debated by the full Council. The petition organiser will be given five minutes to present the petition at the meeting, and the petition will then be discussed by councillors. Generally a maximum of 30 minutes will be allowed at any council meeting for debating petitions, but this can be extended by the Mayor and the meeting if appropriate. Ms Dowbiggin, the organiser of the petition has been invited to attend the meeting to present the petition.

- 1.3 The Petition Scheme further provides that “The Council will decide how to respond to the petition at the meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. Where the issue is one on which the Council’s Cabinet is required to make the final decision, the Council will decide whether to make recommendations to inform that decision.”

2.0 Proposal Details

- 2.1 The background information relating to the Gibraltar Farm site is as follows:
- 2.2 In June 2010 the Regeneration and Policy Service responded to an application by the owners of Gibraltar Farm by issuing a Certificate of Lawfulness for an Existing Use or Development for a defined part of the site for use as a touring caravan site. Following an error in drafting, an attempt to correct and a subsequent legal challenge, officers had to concede that whilst they had contained the area of the farm certified as lawful to a specified area, they had not imposed further restraints on the intensity of caravanning in those areas as they had originally intended.
- 2.3 The position which this creates remains complicated. The areas certified as lawful do not relate to the whole of the Gibraltar Farm land. The failure to secure restrictions over the numbers of caravans in those areas is unfortunate, and is naturally a cause of disquiet amongst the local community. The matter is the subject of a formal complaint which is currently being dealt with under the Council’s complaints procedure. The disquiet felt by the community is exacerbated by concerns about the confidence recent events will have given the site owners to expand the activities even further across the rest of the land, and the widespread impact on amenity and the landscape of the AONB.
- 2.4 The Regeneration and Policy Service is aware of continuing complaints about the impact of caravan and camping activities on the farm outside the area which was subject to the Lawful Use Certificate. Rallies over the summer period have been a particular problem. Notwithstanding the issues which arose surrounding the Certificate, the landowners’ planning consultants were advised in writing by the Head of Regeneration and Policy in April 2011 that continuing caravan and camping activities outside the area certified as lawful were still cause for concern and that, if this continued, any complaints about those activities would be investigated by the Council.
- 2.5 The Council’s officers are resolved to investigate the extended activities which are the subject of complaints in order to determine whether they are unlawful, or whether they come under temporary use rights which can apply to some forms of caravan related activity. In planning terms, it is important to ensure that the right balance is struck between the need to support tourism in the rural areas of the district and the need to uphold the Council’s duties to protect the landscape of protected areas such as the Arnside/Silverdale AONB for its own sake.
- 2.6 The Regeneration and Policy Service has been delayed in commencing the investigations, not because of any weakening of resolve, but by a heavy

workload that includes the need to prepare for a number of major planning appeals, and cases making their way to Planning Committee. It is expected that investigations will commence shortly.

3.0 Details of Consultation

- 3.1 There has been no consultation. This report arises from the submission of a petition by interested parties.

4.0 Options and Options Analysis (including risk assessment)

- 4.1 In accordance with the Petition Scheme, Council is required to debate the petition, and decide how to respond to it. The officers' recommendation is that Council should request that the investigations referred to above should proceed, and that a report is then submitted to the appropriate member body, whether Cabinet or a regulatory Committee, to consider any action in the light of the outcome of those investigations.

5.0 Conclusion

- 5.1 Council is asked to debate the petition.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None arising directly from this report.

LEGAL IMPLICATIONS

None arising directly from this report. Following the investigations, Legal Services would advise on any proposed legal action in respect of the site.

FINANCIAL IMPLICATIONS

There are no direct financial implications at this stage. The possible costs and financial risks of any proposed enforcement, regulatory or other action would be considered following the investigations.

OTHER RESOURCE IMPLICATIONS

Human Resources:

None

Information Services:

None

Property:

None

Open Spaces:

None

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer in her role as Head of Governance has been responsible for preparing this report, and has no further comments.

BACKGROUND PAPERS

Petition

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Ref: