You are requested to attend a meeting of the Lake Administration Committee on Friday, 26 August 2011, at 10.00 a.m. in the Council Chamber at Langstone House, Broad Street, Windermere

Committee Membership

South Lakeland District Council

James Airey
Rob Boden
Philip Dixon
Chris Holland
Andy Shine
David Williams

Ben Berry
Sandra Britton (Vice-Chairman)
Brenda Gray
John Holmes
Hilary Stephenson (Chairman)

Roger Bingham
Colin Davies
Heidi Halliday
Vivienne Rees
Ted Walsh

Lakes Parish Council

Elwyn Bradshaw

Leslie Johnson
Phillip Thompson

Windermere Town Council

Kathleen Atkinson
William Smith

Jennifer Borer
Jo Stephenson

Adrian Legge

18 August 2011
Debbie Storr, Corporate Director (Monitoring Officer)

For all enquiries, please contact:
Committee Administrator: Janine Jenkinson
Telephone: 01539 733333 Ext.7493
e-mail: committeeservices@southlakeland.gov.uk
# AGENDA

## PART I

1. **APOLOGIES**
   To receive apologies for absence, if any.

2. **MINUTES**
   To authorise the Chairman to sign, as a correct record, the minutes of the meeting of the Committee held on 10 June 2011 (copy attached).

3. **DECLARATIONS OF INTEREST**
   To receive declarations by Members of personal and prejudicial interests in respect of items on this Agenda.

   *If a Member requires advice on any item involving a possible declaration of interest which could affect his/her ability to speak and/or vote, he/she is advised to contact the Monitoring Officer at least 24 hours in advance of the meeting.*

4. **LOCAL GOVERNMENT ACT 1972 – EXCLUDED ITEMS**
   To consider whether the items, if any, in Part II of the Agenda should be considered in the presence of the press and public.

5. **PUBLIC PARTICIPATION**
   Any member of the public who wishes to ask a question, make representations or present a deputation or petition at this meeting should apply to do so before the commencement of the meeting. Information on how to make the application can be obtained by viewing the Council’s Website [www.southlakeland.gov.uk](http://www.southlakeland.gov.uk) or by contacting the Democratic Services Manager on 01539 717440.

   (1) **Questions and Representations**
   To receive any questions or representations which have been received from members of the public.

   (2) **Deputations and Petitions**
   To receive any deputations or petitions which have been received from members of the public.

6. **APPLICATION FOR A NEW JETTY AT GHYLL HEAD**
   To advise members of an urgent application that has been received to build a new jetty at Ghyll Head.

## PART II

*Private Section* (exempt reasons under Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, specified by way of paragraph number)

There are no items in this Part of the Agenda.
LAKE ADMINISTRATION COMMITTEE

Minutes of the proceedings at a meeting of the Committee held in the Council Chamber at Broad Street, Windermere, on Friday, 10 June 2011 at 10.00 a.m.

Present

Councillors

Ben Berry  Sandra Britton  Colin Davies
Philip Dixon  Heidi Halliday  Chris Holland
John Holmes  Vivienne Rees  Andy Shine
Hilary Stephenson  Ted Walsh  David Williams

Representing Lakes Parish Council

Elwyn Bradshaw  Leslie Johnson  Phillip Thompson

Representing Windermere Town Council

Kathleen Atkinson  Jennifer Borer  Adrian Legge
William Smith  Jo Stephenson

Apologies for absence were received from Councillors James Airey and Brenda Gray.

Officers

Janine Jenkinson  Assistant Democratic Services Officer
Michael Keane  Assistant Director Social Enterprise
Matthew Neal  Solicitor to the Council

Also in attendance at the meeting were Roger Woodcock, Senior Project Manager and Ronnie Smith, Project Co-ordinator from United Utilities and Councillor Graham Vincent, Economy and Enterprise Portfolio Holder.

LAC/001 CHAIRMAN

RESOLVED – That Councillor Hilary Stephenson be elected Chairman of the Committee for the ensuing year.

LAC/002 VICE-CHAIRMAN

RESOLVED - That Councillor Sandra Britton be elected Vice-Chairman of the Committee for the ensuing year.

LAC/003 MINUTES

RESOLVED – That the Chairman be authorised to sign, as a correct record, the minutes of the meeting of the Committee held on 1 April 2011.

LAC/004 DECLARATIONS OF INTEREST

RESOLVED - That it be noted that no declarations of interest were made.
RESOLVED – That it be noted that there were no items in Part II of the Agenda.

TERMS OF REFERENCE

Some discussion took place regarding the constitution of the Committee and if it would be possible to revise the constitution and co-opt additional members. In response, the Solicitor to the Council advised that constitutional amendments could only be made by amending the 1975 Agreement which created the Committee and seeking changes to statute, which would be a lengthy process.

It was noted that it had been agreed at the last Committee meeting that a representative of Windermere Lake Users Forum be invited to attend future meetings. The Assistant Director (Social Enterprise) agreed to follow this up.

It was requested that a copy of the South Lakeland Council and Windermere Parish Council and Lakes Parish Council Agreement for the constitution of a Sub-Committee for the administration of Windermere Lake, dated 21 April 1975 be circulated to the Committee.

RESOLVED – That

(1) the Terms of Reference for the Lake Administration Committee be noted; and

(2) the Lake Administration Agreement, dated 21 April 1975 be circulated to members of the Committee.

PUBLIC PARTICIPATION

RESOLVED – That it be noted that no questions, representations, deputations or petitions had been received in respect of this meeting.

PROGRESS REPORT

LAC/022 Lake Windermere Encroachments – The Solicitor to the Council advised the Committee that work was on-going and he would present an up-date report at the next Committee meeting.

LAC/011 – Public Jetty provision – The Assistant Director Social Enterprise agreed to circulate to the Committee information relating to the scheme being developed to replace a jetty at Rayrigg Meadow.

RESOLVED – That

(1) the Progress Report be noted;

(2) the Solicitor to the Council to provide an up-date report to the next Committee meeting; and

(3) the Assistant Director Social Enterprise to circulate information regarding LAC/011 to the Committee.
Concern was raised in relation to Action point B3.19 as detailed on page 3 of the minutes - ‘Mrs S Hankin to circulate amended wording related to insurance to the WLUF members for information’ – members raised concern regarding the insurance requirements for boats launched from Council owned premises. Some discussion took place and the Committee requested that further information be sought from the Windermere Lake User Forum.

In addition, Councillor Andy Shine suggested that policy development be included as an item on future Lake Administration Committee agendas.

RESOLVED – That

(1) the minutes of the Windermere Lake Strategy Working Group, held on 28 March 2010 be noted; and

(2) further information in relation to the insurance requirements for boats launched onto the Lake be sought from Windermere Lake User Forum; and

(3) Policy Development in relation to the management of the Lake be included as a standing item on future agendas of the Lake Administration Committee.

The Committee thanked Kathleen Atkinson for her submission and noted the report.

RESOLVED – That

(1) the report from Kathleen Atkinson be noted; and

(2) the following representatives be appointed to serve on outside bodies for the forthcoming year:-

| Lake Windermere Joint Members’ Working Party | Hilary Stephenson (Chairman) |
| Windermere Ferry Advisory Sub-Committee | Sandra Britton (Vice-Chairman) |
| Windermere Management Strategy Joint Working Group | Ted Walsh |
| Windermere Management Strategy Joint Working Group | Hilary Stephenson |
| Windermere Management Strategy Joint Working Group | Jennifer Borer (Windermere TC) |
| Windermere Management Strategy Joint Working Group | Elwyn Bradshaw (Lakes PC) |
| Windermere Management Strategy Joint Working Group | David Williams |
| Windermere Management Strategy Joint Working Group | Hilary Stephenson |
| Windermere Management Strategy Joint Working Group | Sandra Britton |
| Windermere Management Strategy Joint Working Group | Ben Berry |
| Windermere Management Strategy Joint Working Group | Ted Walsh |
UNITED UTILITIES PROPOSED WORKS ON THE GLEBE

Roger Woodcock, Senior Project Manager from United Utilities, updated the Committee on the current status of proposed works to address sewer leaks on Glebe Road outside the Tourist Information Centre.

Currently the sewerage infrastructure was not sufficient to deal with the present loads and significant improvements needed to be implemented. Members were reassured that United Utilities would be undertaking consultation which would involve discussion with local groups and organisations to minimise impact and ensure that the works did not disrupt the planned Olympic Torch events. A public exhibition would be conducted, dates of which were yet to be confirmed.

It was estimated that the works would be complete within 18 months, March 2013 being the set completion date.

A discussion took place and members requested that the following matters be considered in the further development of the works:-

- impact on local residents;
- consideration for tree replacement or retention;
- measures to maximise the public space benefit;
- the importance of the public consultation exercise;
- long-term solution to the sewerage issue; and
- ensure important events, including the Olympic Torch Relay would not be disrupted.

RESOLVED – That

(1) the proposed works as described in the report be noted; and

(2) the matters identified by the Committee, as detailed above be considered by Cabinet.

The meeting ended at 11.15 a.m.
APPLICATION FOR A NEW JETTY AT GHYLL HEAD

1.0 PURPOSE OF REPORT

1.1 This report is presented to advise members of an urgent application that has been received to build a new jetty at Ghyll Head.

2.0 RECOMMENDATIONS

(1) It is recommended that approval be granted for permission to build the jetty and that it should sited at least 2.8 metres south of the boundary with the adjoining land to the north.

(2) That Members consider revising the scheme of delegation to Officers from this Committee as detailed in Paragraph 5.2 of the report.

3.0 BACKGROUND

3.1 An urgent application has been received seeking permission to construct a new wooden jetty at Ghyll Head. Manchester City Council will use the jetty in conjunction with the Ghyll Head Outdoor Centre. The jetty is designed to be able to facilitate access to boats by users with mobility problems and will have a lift device attached to it to allow for access to users in wheelchairs.

3.3.1 The jetty will be of traditional timber construction extending 20 metres and be 2 metres wide. The current application requests that the jetty be constructed at a distance of 2 metres from the jetty adjacent to the north. This gap is too narrow for either of the landowners to use their jetties for landing boats. This has been pointed out to the applicant and they have indicated that they will construct the jetty 2.8 metres from the adjacent boundary if approval is granted.
3.3.2 This 2.8 metre gap would be acceptable as a minimum from the adjoining boundary and this is reflected in the recommendation.

3.3.3 Planning permission and Environment Agency approvals has been received and copies are appended to this report.

4.0 RESEARCH AND CONSULTATION

4.1 The jetty will be no longer than the current jetty to the south and only marginally longer than that to the north. The applicant has informed the Council that he has had extended dialogue with the neighbour effected and any issues are resolved, this will be verbally confirmed at the Committee meeting when the Enterprise Manager has spoken to the neighbour.

4.2 The applicant has supplied copies of both their planning permission and Environment Agency approvals.

5.0 PROPOSAL

5.1 Members are asked that approval be granted for permission to build the jetty and that it should be sited at least 2.8 metres south of the boundary with the adjoining land to the north.

5.2 Whilst under the current scheme of delegation from this Committee Officers are authorised in consultation with the Chairman and Vice-Chairman of the Committee to approve an extension of a jetty, by not more than 3.0 metres, or an otherwise straightforward “like for like” replacement, and report such approvals to the following meeting of the Committee, such delegation does not currently extend to new straightforward applications. In the circumstances, Members may wish to consider extending the delegation to include “In consultation with the Chairman and Vice-Chairman of the Committee, to approve straight forward applications for a new jetty and report such approvals to the following meeting of the Committee”.

6.0 ALTERNATIVE OPTIONS

6.1 An alternative option would be for the members not to grant approval however as the jetty is to be used in conjunction with a disabled sailing facility and planning permission and environment agency approval has been received this action is not recommended.

7.0 NEXT STEPS

7.1 The applicant will be notified of the decision reached by the members

7.2 Should the application be granted, once the construction has been completed arrangements will be made for NPS to prepare a plan and a new agreement will be completed.

7.3 If Members are happy to agree the extended delegation, then the appropriate amendments will be made to the Council’s Constitution.
8.0 IMPLICATIONS

8.1 Financial and Resources
8.1.1 The relevant annual encroachment fee will be charged should the application be approved.

8.2 Human Resources
8.2.1 There are no additional human resource issues.

8.3 Legal
8.3.1 A new encroachment agreement as approved by legal will be issued.

8.4 Social, Economic and Environmental Impact
8.4.1 Has a sustainability impact assessment been carried out? No.
8.4.2 This proposal is considered to have a neutral impact on sustainability.

9.0 RISK ASSESSMENT

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10.0 EQUALITY AND DIVERSITY
10.1 An equality impact assessment has not been carried out as the report deals with an external application.

11.0 LINKS TO THE CORPORATE PLAN AND PERFORMANCE INDICATORS
11.1 Although this report has no direct links to the Corporate Plan, should approval be granted, the revenue raised as a result of the encroachment will assist the Council in delivering services.

12.0 CONCLUSION AND EXPECTED OUTCOMES
12.1 Members are asked to consider the application to build a new jetty and grant approval for permission to build the jetty and that it should be sited at least 2.8 metres south of the boundary with the adjoining land to the north if members feel this is appropriate.

APPENDICES ATTACHED TO THIS REPORT

<table>
<thead>
<tr>
<th>Appendix No.</th>
<th>Description</th>
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<tbody>
<tr>
<td>1</td>
<td>Copy of plan.</td>
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<tr>
<td>2</td>
<td>Copy of planning permission and Environment agency approval</td>
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CONTACT OFFICERS
Jim Maguire, Enterprise Manager

BACKGROUND DOCUMENTS AVAILABLE
See Appendices 1 and 2.
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<tr>
<th>Role</th>
<th>Date</th>
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<th>Solicitor</th>
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<td>Human Resource Services Manager</td>
<td>17/8/11</td>
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</table>
Dear Sir

NEW JETTY TO PROPOSED CHANGING AND EDUCATION FACILITY;
GHYLL HEAD OUTDOOR EDUCATION CENTRE, BOWNESS-ON-
WINDERMERE

Thank you for referring the above application which was received on 20 April 2011.

The Environment Agency has no objection to the development as proposed, which is part of
the wider project to redevelop and improve facilities at the Ghyll Head Outdoor Education
Centre on which the Agency have been previously consulted.

The Agency have received and validated a Flood Defence Byelaws application for the
proposed jetty. Consent application H179 is due for determination on or before 14 June 2011.

Native naturally rot resistant or reclaimed timber should be used wherever possible in the
construction. If timber treatment is required, pressure treated wood should be washed
thoroughly and left to weather for a minimum of one month, then washed again. Such
washing must be undertaken with care, contaminated water should be contained and safely
disposed of so as to avoid any pollution of watercourses and/or ground waters. No surface
treatment or paint-on type of wood preservative should be used.

Any waste material generated as a result of the works must be dealt with by appropriately
registered carriers and disposed off/ re-used at an appropriately licensed site. If there is an
intention to re-use any waste material generated through the works an exemption should be
registered with the Agency.

Windermere is a County Wildlife Site supporting a diverse macrophyte flora. Windermere
also supports a population of the rare arctic char.

Please forward a copy of the decision notice to penrith.planning@environment-
Yours faithfully

Mr Jeremy Pickup
Planning Liaison Officer

Direct dial 01768 215798
Direct fax 01768 865606
Direct e-mail penrith.planning@environment-agency.gov.uk

cc Michael Cunningham Architects
Reference No: 7/2011/5164

TOWN AND COUNTRY PLANNING ACT 1990

NOTICE OF GRANT OF PLANNING PERMISSION

To: Mr P Gardiner
   Michael Cunningham Architects
   Fraser House
   Rumford Court
   Rumford Place
   Liverpool
   Merseyside
   L3 9DD

PART 1 - PARTICULARS OF APPLICATION

1 Name and address of applicant    Mr G Jones, Ghyll Head Outdoor
                                   Education Centre, Ghyll Head, Bowness-
                                   on-Windermere, LA23 3LN

2 Date of application              19 April 2011

3 Land to be developed             Ghyll Head Outdoor Education Centre,
                                   Ghyll Head, Bowness-on-Windermere,
                                   LA23 3LN

4 Development forming the
   subject of the application      New jetty to proposed changing and
                                   educational facilities

PART 2 - PARTICULARS OF DECISION

IN PURSUANCE of their powers under the Town and Country Planning Act, 1990,
the Lake District National Park Authority as local planning authority HEREBY GIVE
NOTICE THAT PLANNING PERMISSION for the development referred to in Part
1 hereof HAS BEEN GRANTED.

SAVE as hereunder specified the development shall be carried out and completed
in entire accordance with the particulars specified in the application and plans
submitted. The development shall be subject to the following conditions:

1 The development hereby permitted shall be commenced before the
   expiration of THREE years from the date hereof.

   REASON: Imposed in accordance with the provisions of Section 91 of

2 Unless otherwise agreed in writing by the Local Planning Authority the
   development hereby permitted shall not be carried out otherwise than in
   complete conformity with the details submitted in the method statement
   received by the Local Planning Authority on the 14 April 2011.
REASON: For the avoidance of doubt and to safeguard the interest features of the Lake Windermere County Wildlife Site in accordance with Policies CS26 and CS28 of the Lake District National Park Local Development Framework Core Strategy.

Date: 28 July 2011
MURLEY MOSS, KENDAL Director of Planning & Partnerships

Summary of Reasons for Approval and Relevant Development Plan Policies
Having regard to the relevant development plan policies, in particular Policies CS17, CS25, CS26 and CS28 of the Lake District National Park Local Development Framework Core Strategy and all other material planning considerations, the proposal is considered to be acceptable in terms of principle, scale, design, appearance, nature conservation and flood risk, subject to the conditions imposed.

INFORMATIVE:
To avoid silt pollution work should be carried out in accordance with Pollution Prevention Guidance - Works and maintenance in or near water: PPG5, published by the Environment Agency October 2007.
NOTICE

IMPORTANT – This permission refers only to that required under the Town & Country Planning Act 1990 and does not include any consent or approval under any other enactment or under the building regulations.

Appeals to the Secretary of State

If you are aggrieved by the decision of the Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for Transport, Local Government and the Regions under Section 78 (1) of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within six months of the date of this notice, using a Planning Appeal form which you can get from the Customer Service Team at the Planning Inspectorate at:

Room 4/15 Kite Wing,
Temple Quay House,
2 The Square,
Temple Quay,
BRISTOL
BS1 6PN.

Telephone: 0117-3726372

Or, alternatively, e-mail enquiries@pins.gsi.gov.uk.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Authority based its decision on a direction given by him.

Please note, only the applicant possesses the right of appeal.

Purchase Notices

If either the Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the National Park Authority. This notice will require the Authority to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
START NOTICE

IMPORTANT INFORMATION - KEEP THIS WITH YOUR DECISION NOTICE

The decision notice is important. But you must read it together with the application and any approved drawings or documents.

It is your responsibility to comply. Failure to comply with the terms of an approval could mean that the work that you carry out is unauthorised and at risk of enforcement action, which could have serious consequences. We carry out a programme of monitoring development to help with compliance.

Please read carefully the decision notice and ensure that you understand and comply with the requirements of any conditions. Also, you must comply precisely with any approved drawings or documents.

If you do not understand any of these requirements please contact us quoting the reference number on the decision notice.

We can assist you by providing advice and dealing with details you send us to meet conditions. Please ensure that you give yourself time to meet the requirements of any conditions.

Please complete this Start Notice and return it to us when you know when work will start.

Our reference number from the decision notice:

Location:

Date when work is intended to start:

Date when work is planned to be complete:

Your contact details (or attach letterhead/business card):

Name:

Address:

Telephone: Mobile:

Email:

Return to:-
The Compliance Team
Lake District National Park Authority
Murley Moss
Oxenholme Road
Kendal
Cumbria
LA9 7RL

Telephone: 01539 724555
Fax: 01539 740822
Minicom: 01539 792690
planning@lake-district.gov.uk
www.lake-district.gov.uk