

LAKE ADMINISTRATION COMMITTEE

Minutes of the proceedings at a meeting of the Lake Administration Committee held in the District Council Chamber, South Lakeland House, Kendal, on Friday, 28 October 2022, at 10.00 a.m.

Present

Councillors

Kevin Holmes (Chairman)
John Holmes (Vice-Chairman)

Pat Bell
Roger Bingham

Jonathan Brook
Gill Gardner

Malcolm Lamb
Mark Wilson

Representing Lakes Parish Council

Juliet Cunningham

Philip Thompson

Paul Wileman

Representing Windermere Town Council

Jennifer Borer

Peter Cook

Apologies for absence were received from District Councillors Eamonn Hennessy, Vicky Hughes, Dyan Jones and Brian Rendell, Lakes Parish Councillors and Windermere Town Councillors Leith Hallatsch, John Saunders and Kate Tripp.

Officers

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| Frankie Flannigan | Service Delivery Manager |
| Phil Hunter | Estates Surveyor - Delivery and Commercial Services |
| Rachel Ireland | Trainee Solicitor |
| Simon Rowley | Director of Customer and Commercial Services |
| Helen Smith | Finance Lead Specialist (Section 151 Officer) |
| Josie Smith | Legal, Governance and Democracy Specialist (Deputy Monitoring Officer) |
| Danielle Walls | Legal, Governance and Democracy Specialist (Deputy Monitoring Officer) |

LA/24**MINUTES**

Members raised Minute No. LA/13 (Windermere Lake Wardens and Rangers Annual Report). Members sought confirmation if a representative of United Utilities (UU) had been invited to a future meeting of the Overview and Scrutiny Committee to discuss the water quality of the Lake.

The Director of Customer and Commercial Services clarified to Members that Jim Ratcliffe, Chairman of the Love Windermere Partnership Board (the Partnership) and Environment, Planning and Engagement Officer of the Environment Agency (EA) was invited to the Overview and Scrutiny Committee meeting on 04 November 2022 to provide a presentation on the work of the Partnership which included seeking improvements in water quality as the

principle objective. Members raised concerns that a direct representative of United Utilities would not be in attendance at the meeting.

Members explained the role of the Overview and Scrutiny Committee whereby invitees were compared to the role of a witness. The meeting would be in public and Members would be in a position to question the Chairman of the Partnership. If the Overview and Scrutiny Committee found any response to be unsatisfactory further relevant representatives could be invited to future meetings to address concerns.

RESOLVED – That the Chairman be authorised to sign, as a correct record, the minutes of the meeting of the Committee held on 01 July 2022.

LA/25 DECLARATIONS OF INTEREST

RESOLVED – That no declarations of interest were raised.

LA/26 LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS

RESOLVED – That the items in Part II of the Agenda, Minute No. LA/28 and LA/37, be dealt with following the exclusion of the press and public.

LA/27 PUBLIC PARTICIPATION

RESOLVED – That it be noted that two applications to speak under the Council's Public Participation Scheme had been received in respect of Minute No. LA/28 (Encroachment Application to Extend the Existing Jetty with a Traditional Wooden Jetty at Land Adjacent to Tarnedge, Lakeside, Windermere).

The Chairman suggested to Members that it would be practicable to consider this item first.

LA/28 ENCROACHMENT TO EXTEND THE EXISTING JETTY WITH A TRADITIONAL WOODEN JETTY AT LAND ADJACENT TO TARNEDGE LAKESIDE WINDERMERE

Members considered the application at the last meeting of the Lake Administration Committee on 01 July 2022, Minute No. LA/18. The Director of Commercial and Customer Services had been delegated authority to defer a decision on the application until officers were able to consider the legal implications.

Advice had been sought and obtained and was now detailed within a report presented by the Service Delivery Manager. Members were again being asked to consider the encroachment to extend the existing jetty with a traditional wooden jetty at land adjacent to Tarnedge, Lakeside, Windermere.

The application was to extend the existing concrete jetty with a traditional wooden jetty with wooden piles. The jetty would be situated within a confined area and between two existing jetties. Approximate dimensions were provided and a full survey would be carried out by the Asset team on completion if the application was approved.

The application had raised the issue that boats were berthing on the existing jetties north and south, thereby reducing access and egress and, on some occasions, obstructing access to their jetty. With the installation of the proposed jetty extension, this would give the applicants unfettered access and egress. Members were reminded that a number of objections had been received via the planning process as regards the limited space and close proximity to other jetties. The application would have no impact on Arctic Char

spawning grounds. The applicant had provided confirmation of the approved planning consent by the Lake District National Park Authority and Environment Agency approval had been obtained. Information consultation had also taken place with the Lake Wardens.

The Chairman invited Mrs Slater, the applicant, to address the Lake Administration Committee. The applicant spoke in support of the application and provided background and reasons for the application.

The Chairman then invited Mr Grime, a representative from the Lakeside Hotel, to address the Committee. Mr Grime spoke in objection of the application and provided background and reasons for doing so.

Following discussion on the item, members proposed and seconded that the meeting move into Part II to discuss the application in more detail.

LA/29 PRESS AND PUBLIC

RESOLVED – That, under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12 A of the Act as amended by the Local Government (Access to Information) (Variation) Order 2006 by virtue of the paragraphs indicated.

LA/30 ENCROACHMENT APPLICATION TO EXTEND THE EXISTING JETTY WITH A TRADITIONAL WOODEN JETTY AT LAND ADJACENT TO TARNEDGE LAKESIDE WINDERMERE

- Paragraph 5 - Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

Members discussed the application in detail and received advice from the Legal, Governance and Democracy Specialist (Deputy Monitoring Officer) and Service Delivery Manager.

Following discussion on the item it was proposed and seconded to move back into Part I to continue the debate.

LA/31 RE-ADMISSION OF PRESS AND PUBLIC

RESOLVED – That the press and public be re-admitted to the meeting.

LA/32 ENCROACHMENT APPLICATION TO EXTEND THE EXISTING JETTY WITH A TRADITIONAL WOODEN JETTY AT LAND ADJACENT TO TARNEDGE LAKESIDE WINDERMERE

The Legal, Governance and Democracy Specialist (Deputy Monitoring Officer) read out the resolution of the Committee and it was

RESOLVED – That

- (1) The Director of Customer and Commercial Services be delegated authority to defer the application for the extension of the existing concrete jetty with a traditional wooden Jetty at land adjacent to Tarnedge, Lakeside, Windermere;

- (2) Ask officers to engage with the parties to see if a compromise can be reached; and
- (3) Such application to be deferred to the next Lake Administration Committee in January 2023 for definitive consideration and response.

LA/33 PROGRESS REPORT

The Service Delivery Manager informed Members that there was no update on the progress made following the previous meeting.

LA/34 ENCROACHMENT APPLICATION TO CONSTRUCT A NEW BOAT HOUSE AND JETTY WITH ASSOCIATED DREDGING AT INNESFREE WINDERMERE

The Service Delivery Manager presented an encroachment application for the Construction of a new boat house and jetty with associated dredging at Innisfree, Windermere.

The boathouse would consist of a wet dock and first floor day room with glass balustrade terrace. This would include a traditional wooden jetty. Measurements would be subject to a survey following completion if the application was approved. The appearance of the boathouse would be typical of other boathouses along the Lakeshore, with slate stone walling and Westmorland grey slate to be used for the roof. Dredging would also be carried out, with a silt curtain to be used around the perimeter of the working area to allow settle-back within the location. Dredged material would be drained on site before removal. The applicant would use appropriate measures to minimise sediment mobilisation and impact on biodiversity to prevent and minimise environmental harm. There would be no impact on the Arctic Char spawning grounds. The applicant has provided confirmation of the approved planning consent by the Lake District National Park Authority and Environment Agency approval had been obtained. Informal consultation had also taken place with the Lake Wardens.

No questions were raised by Members.

RESOLVED – That the Director of Customer and Commercial Services be delegated authority to grant permission for the encroachment application to construct a new boathouse and jetty with associated dredging at Innisfree, Windermere, subject to the completion of a new private encroachment agreement for the following:-

- (1) construction of a new boathouse;
- (2) construction of a new jetty; and
- (3) carrying out associated dredging.

LA/35 ENCROACHMENT APPLICATION TO REMOVE THE EXISTING WOODEN JETTY AND REPLACING WITH A NEW FLOATING JETTY AT BRATHAY MANOR WINDERMERE

The Service Delivery Manager presented an encroachment application to remove the existing wooden jetty and replace with a new floating jetty at Brathay Manor, Windermere.

Details of the removal and construction of the jetties were contained within the application which included a bridge link. Measurements would be subject to a survey following completion if the application was approved. The applicant would use appropriate measures to minimise sediment mobilisation and impact on biodiversity to prevent and minimise environmental harm. There was no impact on the Arctic Char spawning grounds. The

Northern Jetty was already a floating jetty, this was to help manage water levels as a floating jetty would rise with the water. The applicant had provided confirmation of the approved planning consent by the Lake District National Park Authority and Environment Agency approval had been obtained. Informal consultation had also taken place with the Lake Wardens.

RESOLVED – That the Director of Customer and Commercial Services be delegated authority to grant permission for the encroachment application to remove the existing wooden jetty and replacement with a new floating jetty at Brathay Manor, Windermere, subject to the completion of a new private encroachment agreement for the removal of the existing jetty and replacement with a floating jetty.

Members at this stage in the proceedings expressed how the Committee was working well together while being guided by officers. Members new to the Committee reiterated these comments.

LA/36 PRESS AND PUBLIC

RESOLVED - That, under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12 A of the Act as amended by the Local Government (Access to Information) (Variation) Order 2006 by virtue of the paragraph indicated.

LA/37 UPDATE ON COMMERCIAL LEASES AND ANNUAL ENCROACHMENTS

- *Paragraph 1 - Information relating to any individual.*
- *Paragraph 2 - Information which is likely to reveal the identity of an individual.*
- *Paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information)*
- *Paragraph 5 - Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.*

The Legal, Governance and Democracy Specialist (Deputy Monitoring Officer) presented a report, which provided Members with an update regarding commercial leases and annual encroachments around the Lake.

Members discussed the contents of the report, raised a number of queries and thanked officers for their hard work.

RESOLVED – That the report be noted.

The meeting ended at 11.20 a.m.