

LAKE ADMINISTRATION COMMITTEE

Minutes of the proceedings at a meeting of the Lake Administration Committee held in the Assembly Room, Kendal Town Hall, on Friday, 22 April 2022, at 10.30 a.m.

Present

Councillors

Kevin Holmes (Chairman)

Giles Archibald
Pat Bell
Roger Bingham
Philip Dixon

Andrew Jarvis
Dyan Jones
Doug Rathbone
Brian Rendell

Ian Wharton
Mark Wilson

Representing Lakes Parish Council

Brian Hewitt

Paul Wileman

Representing Windermere Town Council

Jennifer Borer

Leith Hallatsch

Kate Tripp

Apologies for absence were received from District Councillors John Holmes (Vice-Chairman), Vicky Hughes and Malcolm Lamb, Lakes Parish Councillor Leslie Johnson and Windermere Town Councillors Christine Hallatsch and Peter Hamilton.

Officers

Linda Fisher	Legal, Governance and Democracy Lead Specialist (Monitoring Officer)
Frankie Flannigan	Service Delivery Manager
Rachel Ireland	Trainee Solicitor
Adam Moffatt	Legal, Governance and Democracy Specialist
Simon Rowley	Director of Customer and Commercial Services
Helen Smith	Finance Lead Specialist (Section 151 Officer)
Danielle Walls	Legal, Governance and Democracy Specialist (Solicitor)
Fraser Robertson	Communications Specialist

LA/28**MINUTES**

Members raised a query regarding the wording in areas of the minutes which referenced the consequential order, the Legal, Governance and Democracy Lead Specialist (Monitoring Officer) explained that this was just a difference in terms for the additional order which the Monitoring Officer referenced at the previous meeting.

An additional query was raised concerning the involvement of both Lakes Parish Council and Windermere and Bowness Town Council in consultation on the consequential order. The Legal, Governance and Democracy Lead Specialist (Monitoring Officer) informed Members that this was part of the Department for Levelling Up, Housing and Communities (DLUHC) plans and that if Members wished this could be added to the minutes.

Members felt that there was an understanding of the actions to be taken forward from the previous meeting and were content with the plans of DLUHC on the consultation for the consequential order. The minutes were proposed and seconded as written and it was

RESOLVED – That the Chairman be authorised to sign, as a correct record, the minutes of the meeting of the Committee held on 22 January 2022.

LA/29 DECLARATIONS OF INTEREST

RESOLVED – That no declarations of interest were raised.

LA/30 LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS

RESOLVED – That the item in Part II of the Agenda, Minute No. LA/40, be dealt with following the exclusion of the press and public.

LA/31 PUBLIC PARTICIPATION

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

LA/32 PROGRESS REPORT

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

LA/33 ENCROACHMENT APPLICATION TO REPLACE THE BOATHOUSE AND JETTY AT 1 BELLMANS LANDING WINDERMERE

The Service Delivery Manager presented an Encroachment Application to replace the boathouse and jetty at 1 Bellmans Landing Windermere, which had been lost due to Storm Desmond in 2015. The report set out the proposed details of construction, which included a boathouse with a pitched roof covered in natural slate, which was to be 3.7 metres wide 8 metres long and 3.8 metres high with walls constructed of timber boarding, supported by tubular piles in the lake. The proposal for a replacement jetty set out a traditional jetty which was 11 metres long with a width of 1 metre, constructed of treated spruce. If approved, a full survey of the site would be carried out by the asset team on completion to confirm the approximate dimensions of both the boathouse and jetty.

The Service Delivery Manager informed Members that the proposed works also included repair of the foreshore, concrete paving and dredging works covering the footprint, with dredging being carried out to cover an area of 61 metres² to a depth of 1 metre to enable appropriate depth for berthing. He added that the applicant had provided confirmation of the approved planning consent by the Lake District National Park Authority (LDNPA) which had been included at Appendix 1 to the report along with the Environment Agency (EA) approval at Appendix 2 to the report.

Members raised a query regarding the length of time it took for the application to come to the Lake Administration Committee and the frequency of meetings. The Service Delivery Manager informed Members that at the start of the year there had been no applications for Committee to consider. The Legal Governance and Democracy Lead Specialist (Monitoring Officer) added that the annual meeting of the Council set the calendar of meetings which represented an opportunity for Members to put proposals for additional meetings throughout the year, she noted that any meetings could be agreed with the Chairman at any point throughout the year.

A question was raised by Members on the inclusion of more detail on the biodiversity survey in the report. The Service Delivery Manager informed Members that the applications had been heavily scrutinised by LDNPA and EA approval process but agreed to include

more information in future encroachment applications coming to the Lake Administration Committee.

RESOLVED – That authority be delegated to the Director of Customer and Commercial Services to grant permission, subject to the completion of a new private encroachment agreement for the following:-

- (1) construction of a new boathouse;
- (2) construction of a new wooden jetty; and
- (3) associated dredging, as set out in the report.

LA/34

ENCROACHMENT APPLICATION TO ERECT A SINGLE REPLACEMENT BOATHOUSE WITH BALCONY WET DOCKS AND JETTIES AT 1 & 2 LAKESHORE BOATHOUSES BELLMAN LANDING WINDERMERE

The Service Delivery Manager presented an encroachment application to replace the two existing boathouses and three jetties at Bellman landing, Windermere. The report set out the proposed details of the construction of 1& 2 Lakeshore Boathouses which were to be built out of natural stone with a slate roof. The proposals had an approximate encroachment area of 109 metres² with only a small element of this sitting within the Council's title.

The report set out the proposals for the three replacement jetties, which would be traditional with wooden piles covering an approximate area of 82.4 metres² alongside proposals for two glass balustrade balconies/ terraces with slate floor and the approximate dimensions of 87.7 metres². The applicant had provided confirmation of the approved planning consent by the LDNPA and EA, which were attached at Appendix 1 & Appendix 2 respectively.

Members expressed reservations with applications including living accommodation with the frontage on the lakeshore and asked such applications to be considered. These concerns had previously been noted on LDNPA applications.

RESOLVED – That authority be delegated to the Director of Customer and Commercial Services to grant permission, subject to the completion of revised private encroachment agreements, for the installation of a replacement boathouse with living accommodation, to include three wooden jetties and wet docks at 1 & 2 Bellman Landing.

LA/35

ENCROACHMENT APPLICATION TO EXTEND THE SOUTHERN JETTY AT HILL OF OAKS AND BLAKEHOLME CARAVAN PARK WINDERMERE

The Service Delivery Manager presented an encroachment application to extend the southern jetty at Hill of Oaks and Blakeholme Caravan Park Windermere, which catered for tourists and holiday home owners, with apartments and glamping pods also at the location. The application set out the details of the proposed extension of the Southern Jetty, which was to be of a wooden construction with timber piles, adding an additional 10 metres to the current dimensions of 37.8 metres which will increase the demise to 47.8 metres². The exact dimensions would be confirmed with a full survey by the asset team upon completion. Approval from LDNPA and EA were attached at Appendix 1 and Appendix 2 to the report.

Members raised a query over the protection of arctic char spawning period by avoiding this time for construction and how the committee could ensure this was adhered to. The Service Delivery Manager informed Members that the conditions were set by LDNPA and EA and that this issue would be raised as a crucial part of the decision made by the Lake Administration Committee and reported back to the Committee.

A further question was raised relating to wording in Appendix 1 to the report which stated that any development would be permitted subject to the development being commenced before 14 June 2021. The Service Delivery Manager explained that the permission had initially been for two jetties with the applicant splitting the development with one encroachment application being approved by the Lake Administration Committee at the 5 July 2019 meeting (Minute No. LA/11).

It was proposed that an amendment be made to the recommendations to include the wording “subject to works taking place in accordance with the EA’s recommendations to avoid the spawning season of Arctic Char, an appropriate and lawful planning permission” so the recommendation would read as follows:-

“That authority be delegated to the Director of Customer and Commercial Services to grant permission, subject to works taking place in accordance with the EA’s recommendations to avoid the spawning season of Arctic Char, an appropriate and lawful planning permission being in place and completion of a new Commercial encroachment agreement for the following:-

- (1) *Removal of rotten and all timber decking and piles from the Southern timber jetty; and*
- (2) *Replacement of jetty to match existing together with 10 metre extension.”*

The proposal was seconded and a vote took place and it was subsequently

RESOLVED – That authority be delegated to the Director of Customer and Commercial Services to grant permission, subject to works taking place in accordance with the EA’s recommendations to avoid the spawning season of Arctic Char, an appropriate lawful planning permission being in place and the completion of a new Commercial encroachment agreement for the following:-

- (1) Removal of rotten and all timber decking and piles from the Southern timber jetty; and
- (2) Replacement of jetty to match existing together with 10 metre extension.

LA/36

ENCROACHMENT APPLICATION TO INSTALL THREE REPLACEMENT FLOATING JETTIES AT OSPREY AND WALKERS BOATHOUSES WINDERMERE

The Service Delivery Manager introduced an encroachment application to replace at the three jetties with a new floating jetty at Osprey and Walkers Boathouses, Windermere. The proposal would provide a single floating jetty with nine fingers at right angles with eighteen moorings, an increase from the existing twelve.

The proposed floating jetty would be of a similar design to the jetties at Ferry Nab and would extend 36.5 metres, which represented an increase of 12.5 metres to the current encroachment. This would comprise nine finger jetties and galvanised steel piles with a steel bridge connecting the jetty to the concrete bank. The exact dimensions would be confirmed via a full survey carried out by the asset team upon completion.

Members raised a query regarding the position of the Council on traditional and floating jetties, the Service Delivery Manager responded, highlighting that Members and both LDNPA and EA were able to influence the type of jetty used in applications.

RESOLVED – That authority to be delegated to the Director of Customer and Commercial Services to grant permission, subject to the completion of a new commercial encroachment agreement for the following:-

- (1) removal of the jetties; and
- (2) installation of a new extended floating jetty with nine jetty fingers.

LA/37**ENCROACHMENT APPLICATION TO REMOVE ONE FLOATING JETTY AND EXTEND THE TWO REMAINING FLOATING JETTIES AT MERESIDE MARINA WINDERMERE**

The Service Delivery Manager presented an encroachment application for the removal of one floating jetty, extending and altering the two remaining jetties with the addition of finger jetties to increase the berthing capacity from 24 to 36 berths. The two jetties would measure 44 metres and 32.5 metres respectively with a 1.8 metre walkway and include thirteen finger jetties with lengths between 6 and 12 metres. The overall encroachment would be increased from 185 metres² to 307.9 metres² which would be confirmed by the assets team upon completion. The jetties would be manufactured off site from galvanised steel and treated hardwood non-slip decking.

A detailed survey had been carried out to identify any impacts on the navigation channel and adjacent mooring field including three swinging moorings being moved to the western edge of the mooring field with customers being fully consulted.

RESOLVED – That authority be delegated to the Director of Customer and Commercial Services to grant permission, subject to the completion of a new commercial encroachment agreement for the following:-

- (1) to remove one floating jetty; and
- (2) to extend and alter the two remaining floating jetties.

LA/38**LOCAL GOVERNMENT REORGANISATION (LGR) UPDATE – LAKE WINDERMERE**

The Director of Customer and Commercial Services presented an update on Local Government Reorganisation (LGR). He informed Members that the LGR process is proceeding with SLDC being abolished on 31 March 2023. At the last meeting of the Lake Administration Committee, Members requested that officers urgently seek a meeting with DLUHC to discuss the matter of the lake bed and its administration in the context of LGR. The legal regulations had been set out in the report to highlight the government's position for the transfer of assets in the consequential order, a draft of which was expected in Autumn of 2022 when further consultation would be undertaken.

Members highlighted that a paper had been put together with a few points of concern from Windermere and Bowness Town Council, which had been sent to the Government with District and County Councillors being copied in. The paper sought reassurance that Town and Parish Councils could be involved in the discussions on the management of lake bed and water to ensure it was in line with the original gift by the Windermere Urban District Council.

The Legal, Governance and Democracy Lead Specialist (Monitoring Officer) requested that the paper be sent to the Director of Customer and Commercial Services and noted that any organisation could contact the government to request consultation. She added that once the draft consequential order had been drafted it would be shared with the Lake

Administration Committee and that the current position was to seek to work with the government before the consequential order had been drafted.

Members expressed their support for wider consultation, emphasising the need for Town and Parish Councils to be involved and for urgency with consultation. The Director of Customer and Commercial services confirmed that the commitment for this remained and that consultation would be an ongoing process.

Members felt that as well as Windermere and Bowness Town Council and the Lakes Parish Council, the opportunity should be opened up to the other parish councils with an interest in the future of the lake as currently those parish councils were only represented by their District Councillors.

The Committee was pleased by the positive comments in relation to the government consultation on the consequential order including those parishes surrounding the lake.

RESOLVED – That the current position within the LGR process, as set out in the report be noted.

LA/39 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 paragraphs indicated.

LA/40 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 presented a report which provided Members with an update regarding commercial leases and annual encroachments around the Lake.

Members raised a number of queries and welcomed this positive report.

RESOLVED – That the report be noted.

LA/41 RE-ADMISSION OF PRESS AND PUBLIC

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

The meeting ended at 11.42 a.m.