

LAKE ADMINISTRATION COMMITTEE

Minutes of the proceedings at a meeting of the Lake Administration Committee held in the District Council Chamber, Kendal Town Hall, Kendal, on Friday, 1 July 2022, at 11.00 a.m.

Present

Councillors

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

Robin Ashcroft
Pat Bell
Jonathan Brook
Jonathan Cornthwaite

Tracy Coward
Gill Gardner
Eamonn Hennessy
Vicky Hughes

Dyan Jones
Malcolm Lamb
Brian Rendell
Mark Wilson

Representing Lakes Parish Council

Juliet Cunningham

Philip Thompson

Paul Wileman

Representing Windermere Town Council

Jennifer Borer
Peter Cook

Leith Hallatsch
John Saunders

Kate Tripp

Apologies for absence were received from District Councillors Roger Bingham and Heather Troughton.

Officers

Nicola Cassidy
Frankie Flannigan
Rachel Ireland
Adam Moffatt
Danielle Walls
Josie Smith

Legal, Governance and Democracy Specialist (Solicitor)
Service Delivery Manager
Trainee Solicitor
Legal, Governance and Democracy Specialist
Legal, Governance and Democracy Specialist (Solicitor)
Legal, Governance and Democracy Specialist (Solicitor)

LA/1 CHAIRMAN

RESOLVED – That Councillor Kevin Holmes be elected as Chairman of the Lake Administration Committee for the ensuing year.

LA/2 VICE-CHAIRMAN

RESOLVED – That Councillor John Holmes be elected as Vice-Chairman of the Lake Administration Committee for the ensuing year.

LA/3 MINUTES

Following a proposal to accept the minutes of the last meeting, an objection to wording under Minute No. LA/41 was raised. Due to the fact that this item had been considered in Part II, it was proposed and seconded that the meeting move into Part II.

LA/4 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/5 MINUTES

Members discussed the wording of the minutes under Minute No. LA/41 and felt that the wording was appropriate as written.

Following discussion it was proposed and seconded that the meeting move back into Part I.

LA/6 RE-ADMISSION OF PRESS AND PUBLIC

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

LA/7 MINUTES

The minutes of the last meeting 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 April 2022.

LA/8 DECLARATIONS OF INTEREST

RESOLVED – That no declarations of interest were raised.

LA/9 LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS

RESOLVED – That the item in Part II of the Agenda, Minute No. LA/59, be dealt with following the exclusion of the press and public.

LA/10 TERMS OF REFERENCE

RESOLVED – That the Terms of Reference and the Agreement for the Constitution of the Lake Administration Committee be noted.

LA/11 PUBLIC PARTICIPATION

RESOLVED – That it be noted that an application to speak under the Council's Public Participation Scheme had been received in respect of Minute No. LA/55 (Encroachment Application to Extend the Existing Jetty with a Traditional Wooden Jetty at Land Adjacent to Tarnedge, Lakeside, Windermere).

LA/12 PROGRESS REPORT

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

LA/13 WINDERMERE LAKE WARDENS AND RANGERS ANNUAL REPORT 2020/2021

The Service Delivery Manager presented a report, which provided Members with the achievements and outcomes of the joint operational activities from 1 October 2020 to 30 September 2021. He noted that although this period covered part of the pandemic, it had still been a busy period for the Lake District due to the relaxation of restrictions.

During discussion on the item, Members raised a query regarding the use of Seabins on the Lake to reduce the amount of litter, the Service Delivery Manager undertook to discuss this with the Environment Agency (EA) as this was not something the Council could resource.

Members queried the water quality rating by the EA as excellent due to conflicting reports. The Service Delivery Manager responded, informing members that the EA took a number of samples throughout the year, the sole purpose of which was to monitor the quality for bathing. He added that although the current rating had been excellent, the 2022/23 results may change this rating.

Following a question regarding the Council's public liability for the water quality in the Lake, the Legal, Governance and Democracy Specialist undertook to provide a written response.

Members noted the lower number of incidents on the Lake and thanked officers for their hard work to reduce the amount of safety issues in what had been a busy period for the area.

Members raised a number of queries regarding water quality, mainly relating to sewage in the Lake, the use of sea toilets and the holding tanks on boats. The Service Delivery Manager referred to the training session, which had taken place prior to the meeting, noting that these matters would have to be discussed with Stakeholders, the EA and landowners. He added that there were some exceptions for boats using holding tanks.

Members felt it would be a good idea to invite United Utilities (UU) to a future meeting in order to discuss the water quality, it was suggested that the Overview and Scrutiny Committee could add consider adding this to the Work Programme.

RESOLVED – That the report and appendix be noted.

LA/14 ENCROACHMENT APPLICATION TO EXTEND THE EXISTING JETTY WITH A TRADITIONAL WOODEN JETTY AT LAND ADJACENT TO TARNEDGE LAKESIDE WINDERMERE

The Service Delivery Manager presented an encroachment application regarding an extension to the existing jetty with a traditional wooden jetty at land adjacent to Tarnedge, Lakeside, Windermere. The report set out proposals to extend the existing concrete jetty with a traditional wooden jetty, using wooden piles giving an overall length of encroachment of 16.6 metres and width of 1 metre. Furthermore, the jetty was situated within a confined area and between two existing jetties.

The report noted concerns raised by the applicants, that boats had been berthing on the existing jetties North and South, therefore reducing access and egress which had resulted on occasion in an obstruction to their jetty, the installation of the proposed extension would give unfettered access and egress for the applicants.

The Service Delivery Manager informed members of a number of objections which had been received as part of the planning process with regards to the limited space and close

proximity to other jetties. He added that the application had no impact on Arctic Char Spawning in the lake with spawning occurring on the lake bed in water 15 to 30 metres deep and that both Lake District National Park Authority (LDNPA) and Environment agency approvals attached as appendices to the report.

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.

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

LA/15 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 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/16 ENCROACHMENT APPLICATION TO EXTEND THE EXISTING JETTY WITH A TRADITIONAL WOODEN JETTY AT LAND ADJACENT TO TARNEDGE LAKESIDE WINDERMERE

Members discussed the application in detail and received advice from the Legal, Governance and Democracy Specialist (Solicitor) 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/17 RE-ADMISSION OF PRESS AND PUBLIC

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

LA/18 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 (Solicitor) reminded members that a proposal to accept the recommendations set out in the report had been seconded and it was

RESOLVED – That the Director of Customer and Commercial Services be delegated authority to defer the following decision until officers were able to consider the legal implications:-

- (1) Extension of the existing concrete jetty with a traditional wooden jetty.

LA/19 ENCROACHMENT APPLICATION TO CONSTRUCT A NEW BOAT HOUSE WITH JETTY AT HERONS CROFT BELLMAN LANDING WINDERMERE

The Service Delivery Manager presented an encroachment application at Herons Croft Bellman Landing, Windermere. The report set out the proposals to construct a new

boathouse with glass balustrade balcony and wet dock which would cover an area of 54 metres². In addition, the application sought permission to replace the existing jetty to cover an area of 33.3 metres², which would be subject to a survey upon completion.

The report highlighted the dredging, which would be carried out covering an area of 90 metres² to a depth of 1 metre. A silt curtain would be used around the perimeter to ensure that all material would be able to settle back within the location with dredged material being drained on site before removal, creating no negative impact on the Arctic Char spawning ground.

The Service Delivery Manager confirmed that the Lake District National Park Authority had approved the application as the planning authority and the Environment Agency had provided their approval, both of which were set out in the appendices to the report.

During discussion on the item, Members questioned why the Lake Administration Committee had not had input on the whole application. The Service Delivery Manager confirmed that the Council had been part of the consultation process of the planning authority and that the application concerned with the encroachment on the lake bed and that the proposed balcony fell within the Council's ownership.

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

- (1) construction of a new boathouse;
- (2) replacement of the existing Jetty; and
- (3) associated dredging.

LA/20

ENCROACHMENT APPLICATION TO REPLACE AND EXTEND THE TIMBER JETTY AT BRUNTON STORRS PARK WINDERMERE

The Service Delivery Manager presented an Encroachment Application to remove the existing jetty at Brunton, Storrs Park. Proposals for the replacement jetty included an extension of 3.4 metres to match an existing jetty, with the overall encroachment being 15.8 metres². The replacement jetty would be of wooden construction and piles would be treated with a water based wood preservative

The application provided details of the associated dredging to cover an area of 112 metres² with any dredged material being left close to the lake shore for 24 hours to allow any organisms to return to the lake. The report noted the spawning period of Arctic Char, which occurred both in Autumn and Spring with peak spawning numbers in November and mid-February on the lake bed at depths of 15 – 30 metres.

The Service Delivery Manager added that the application had provided confirmation of the approved planning consent by the Lake District National Park (LDNPA) and the Environment Agency (EA) approval.

Members discussed the application and noted the impact of extending jetties on the lake, and suggested a policy to control the impact of extensions to jetties. The Service Delivery Manager informed Members that the dredging associated with extending jetties did have an impact on the lake which would be highlighted in future reports.

Further discussion raised a query regarding the size of boats on the lake. The Service Delivery Manager informed Members that boats up to 14 metres² were able to go on the lake and that any applications for boats above this size, would be brought to the Lake Administration Committee for consideration.

Members emphasised their wish to monitor the impact of extending jetties and the associated dredging on the lake in order to take care of the lake for future generations.

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

- (1) Removal of the existing timer jetty;
- (2) Replacement of jetty to match existing with extension of 3.4 metres; and
- (3) Carry out associated dredging.

LA/21 URGENT ITEMS

The Legal, Governance and Democracy Specialist introduced the late item regarding Appointments to Outside Bodies. The report had been published on the website alongside the agenda and circulated to members in advance of the meeting.

The Committee gave consideration to a report on the work of the Windermere Lake Action Plan Steering Group during 2021/22 and seeking nominations for representatives to serve on both that Steering Group and the Windermere Ferry Advisory Committee for the forthcoming year.

RESOLVED – That the following appointments of representatives to serve on outside bodies for 2022/23 be made:-

Organisation	Representative
Windermere Lake Action Plan Steering Group	Councillor Gill Gardner (South Lakeland District Council) Councillor Dyan Jones (South Lakeland District Council) Councillor Paul Wileman (Lakes Parish Council) Councillor Kate Tripp (Windermere and Bowness Town Council)
Windermere Ferry Advisory Committee	Councillor Vicky Hughes (South Lakeland District Council)

LA/22 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/23 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 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 12.48 p.m.