

WESTMORLAND AND FURNESS COUNCIL LAKE ADMINISTRATION  
COMMITTEE

Minutes of a Meeting of the **Lake Administration Committee** held on Friday, 8 September 2023 at 10.30 am at District Council Chamber - Kendal Town Hall - Kendal Town Hall, Lowther Street, Kendal, LA9 4DQ

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**PRESENT:**

Cllr G Archibald  
Cllr T Assouad  
Cllr J Battye  
Cllr S Bavin  
Cllr W Clark (Chair)  
Cllr J Drake  
Cllr M Hanley  
Cllr V Hughes  
Cllr H Irving  
Cllr A Jarvis  
Cllr D Jones  
Cllr M Robinson

**Co-optees**

Cllr J Borer  
Cllr J Cunningham  
Cllr L Hallatsch  
Cllr P Hamilton  
Cllr A Legge  
Cllr SI Lilley  
Cllr J Saunders  
Cllr P Thompson  
Cllr P Wileman

**Officers in attendance:**

Mrs J Currie	Democratic Services
Ms F Flannigan	Service Delivery Manager
Ms H Smith	Interim Section 151 Officer
Mrs D Walls	Legal, Governance and Democracy Specialist (Solicitor)

**PART I ITEMS CONSIDERED IN THE PRESENCE OF THE  
PUBLIC AND PRESS**

**21. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllrs Boak, Brereton (Cllr Irving substitute), Cornthwaite, Endsor (Cllr V Hughes substitute), Filmore, Rathbone (Cllr Battye substitute) and Saunders (Cllr Lilley substitute).

## **22. DECLARATIONS OF INTEREST/DISPENSATIONS**

Cllr Clark declared a non-pecuniary interest in Agenda Item No 10 – Update on Commercial Leases and Annual Encroachments, as he knew one of the encroachment holders. He would leave the meeting during this item and pass the Chair duties over to the Vice Chair.

## **23. EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED,** that the press and public be excluded during consideration of Agenda Item No 10 – Update on Commercial Leases and Annual Encroachments by virtue of Paragraph 1 of Part I of Schedule 12A of the Local Government Act 1972, as these reports contains exempt information relating to an individual; Paragraph 2 – information which is likely to reveal the identity of an individual and Paragraph 3 – information relating to the financial or business affairs of any particular person, (including the authority holding that information), and Paragraph 5 – information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

## **24. MINUTES OF THE PREVIOUS MEETING**

**RESOLVED,** that the minutes of the previous meeting held on 22 June 2023 be agreed with the following amendment:

Attendance Add Cllr V Hughes to the list of those present at the meeting. Cllr Hughes substituted for Cllr Rathbone.

## **25. ENCROACHMENT APPLICATION TO REPLACE JETTIES AND RENEW CONCRETE LAUNCH AND SLIPWAYS AT FELLFOOT PARK, BOWNESS-ON-WINDERMERE, LA12 8NN**

Members considered a report which outlined an encroachment application for the replacement of Jetty 1 with the existing Jetty 2 and replacing Jetty 3 with a new floating jetty on a site located within Fell Foot Park on the Eastern shore of Windermere and was seeking consent to proceed with the changes.

The Operational Lead Service Delivery informed members that repair and replacement of the slipways/launches would be done using reinforced concrete and a coffer dam would be in place.

The applicant would use appropriate measures to minimise sediment mobilisation and impact on biodiversity to prevent and minimise environmental harm.

Members noted there would be no impact on the Arctic Char spawning grounds, and that a Macrophyte survey had also been carried out with no concerns raised.

The applicant had provided confirmation of the approved planning consent by the Lake District National Park Authority.

Cllr Archibald commented that the application stated that there would be appropriate measures implemented on biodiversity. He asked what steps officers would take to ensure there was no impact on biodiversity.

The Operational Lead Service Delivery said that the Wardens would monitor this and any breaches would be reported to the Environment Agency.

Cllr Archibald wanted to understand what measures would be in place and the officer said a detailed document had been produced and would be used during the monitoring and inspection of the location.

**RESOLVED,** that the Lake Administration Committee delegate the authority to the Director of Thriving Places to grant permission, subject to the completion of a new commercial encroachment agreement, for the following:

- (i) Replacement of Jetty 1 with existing jetty number 2.
- (ii) Replacement of Jetty 3 with a new floating jetty.
- (iii) Renewal of concrete launch and slipways.

**26. ENCROACHMENT APPLICATION TO REINSTATE AND EXTEND THE TRADITIONAL WOODEN JETTIES AT HILL OF OAKS HOLIDAY PARK, WINDERMERE, LA12 8NR**

The Operational Lead Service Delivery presented a report which detailed an encroachment application to reinstate and extend the traditional wooden jetties at Hill of Oaks Holiday Park in Windermere.

Hill of Oaks was located on the eastern shore of Windermere which catered for touring caravan's motor homes and holiday home owners. There were also self-catering apartments and glamping pods. The applicant was seeking consent to extend two traditional wooden jetties to be used commercially as part of the holiday park facilities.

The proposed works were to replace two jetties in poor condition where the timber piles were rotting. The new jetties would be on the same footprint as the existing jetty but lengthened by 10m from their present lengths.

Member noted that the applicant would use appropriate measures to minimise sediment mobilisation and impact on biodiversity to prevent and minimise environmental harm.

The Operational Lead Service Delivery informed members that there was no impact on the Arctic Char spawning grounds, and that a Macrophyte survey had also been carried out with no concerns raised

The applicant had provided confirmation of the approved planning consent by the Lake District National Park Authority.

Cllr Jones asked whether the extension was needed due to the increase in the number of boats or because the water levels were dropping.

The officer responded to say that the water levels were fairly consistent but that there were advantages to deeper dredging.

**RESOLVED,** that the Lake Administration Committee delegate the authority to the Director of Thriving Places to grant permission, subject to the completion of a new Commercial encroachment agreement, for the following:

- (i) To reinstate the existing and extend the jetty 1 by 64m<sup>2</sup>
- (ii) To reinstate the existing and the extend jetty 2 by 41.6m<sup>2</sup>.

## **27. ENCROACHMENT APPLICATION TO REPLACE THE EXISTING BOATHOUSE AND WOODEN JETTY WITH AN ADDITIONAL SLIPWAY AT GUMMERS HOW, NEWBY BRIDGE, LA12 8NP**

Members had before them an encroachment application to replace the existing boathouse and wooden jetty with an additional slipway at Gummers How, Newby Bridge.

The Operational Lead Service Delivery informed members that Gummers How House was a dwelling located between the A592 and Lake Windermere, approximately 1.5 km north of Fell Foot Park. Approval was sought to replace the existing boathouse with a twin berth boathouse together with a first floor dayroom, a traditional wooden jetty, reinforced concrete slipway to the northern side, dredging of the lake bed and a package sewage treatment plant (PSTP).

The applicant would use appropriate measures to minimise sediment mobilisation and impact on biodiversity to prevent and minimise environmental harm.

Members noted that the applicant had provided confirmation of the approved planning consent by the Lake District National Park Authority, and that Environment Agency approval had also been received.

The recommendations were proposed by Cllr Jarvis and seconded by Cllr Archibald.

Cllr Bavin asked what would happen to the spoil during dredging and the officer responded to say that there were number of options for the spoil during dredging including landscaping, and being taken away by license.

Cllr Archibald said the package sewage treatment plant was a sensitive issue and he asked if officers had any information about the improvement plant and the treatment of the sewage and water quality.

The Operational Lead Service Delivery agreed it was a sensitive issue but the current treatment plants are very efficient and effective. Some of the technology being used at the plant was the same as was used previously. The monitoring of the water quality was carried out by the Environment Agency, not the council.

Cllr Archibald sought assurances that the Environment Agency would actually be monitoring this plant.

The Operational Lead Service Delivery assured members that the Environment Agency would not issue a licence if they felt the plant would be inefficient.

Cllr Jarvis shared some of the concerns made by Cllr Archibald especially around the removal of phosphorous. He was content with the application today but asked for further clarification on the committee's responsibilities in relation to this. In future could the Committee refuse permission based on it not being satisfied with the water quality and treatment.

The officer responded to say that in regards to encroachment this was about the lake bed and he confirmed that the plant would not sit on the lake bed.

He would seek clarification on the committee's responsibilities regarding grounds for refusal in connection to future applications involving the discharge from water treatment plants.

Cllr Legge reminded members that this application had been originally refused by the National Park but overturned on appeal. If this committee was unhappy with the application where does it stand in relation to this.

The officer said it was in the committee's gift to be able to refuse this but it would be open to challenge. However, he reminded members that the appeal had been based on things other than the encroachment. This committee only had a remit for the encroachment element of the application.

**RESOLVED,** that the Lake Administration Committee delegate the authority to the Director of Thriving Places to grant permission, subject to the completion of a new commercial encroachment agreement, for the following:

- (i) Demolish and replace the existing boathouse.
- (ii) Remove the existing jetty and replace with a new traditional wooden jetty.
- (iii) Install a new reinforced concrete slipway.
- (iv) Associated dredging of the lake bed.
- (v) Installation package sewage treatment plant and a submerged outfall drainage and retaining wall into the lake.

## **28. ENCROACHMENT APPLICATION FOR CONSENT TO REPLACE THE DILAPIDATED TIMBER JETTY WITH A NEW TRADITIONAL WOODEN JETTY AT THE LANGDALE CHASE HOTEL, WINDERMERE, LA23 1LW**

The Operational Lead Service Delivery presented a report for an encroachment application to replace the dilapidated timber jetty with a new traditional jetty at the Langdale Chase Hotel Windermere.

The Langdale Hotel which was a Grade 2 listed building, was a very popular hotel within the Lake District. On the Eastern shore of Windermere, the hotel was currently going through a major refurbishment and the new jetty formed part of that overall project; there would be no impact on the Grade 2 listed status.

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, and a Macrophyte survey had also been carried out with no concerns raised.

The applicant had provided confirmation of the approved planning consent by the Lake District National Park Authority.

Members noted that on completion of the proposed works a full survey would be carried out by the asset team.

Cllr Hallatsch pointed out that the wrong ward was listed on the report and this was noted by members.

**RESOLVED,** that the Lake Administration Committee delegates the authority to the Director of Thriving Places to grant permission, subject to the completion of a new commercial encroachment agreement, for the following:

- (i) Removal of the existing dilapidated jetty.
- (ii) Replacement with a new traditional wooden jetty.

## **29. URGENT ITEMS**

There were no urgent items of business.

### **PART II - ITEMS CONSIDERED NOT IN THE PRESENCE OF THE PRESS AND PUBLIC**

## **30. UPDATE ON COMMERCIAL LEASES AND ANNUAL ENCROACHMENTS**

Cllr Clark declared a non-pecuniary interest in this item, as he knew one of the encroachment holders. He left the meeting at this point and passed the Chair duties over to the Vice Chair.

The Specialist Solicitor - Legal, Governance & Democracy presented a report which updated Members on commercial leases and annual encroachments around Lake Windermere and the current position in relation to non-payments of rents and fees.

Members discussed the report and raised a number of queries. Upon conclusion of the discussions it was,

**RESOLVED,** that the report be noted.

The meeting ended at 11.25 am