

**PARISH COUNCIL OF ST JOHN'S
CASTLERIGG & WYTHBURN**

Clerk: Ms Becc Carter

40 Windebrowe Avenue, Keswick, Cumbria, CA12 4JA

Email: stjohnscastlerigpp.clerk@outlook.com

Tel: 07786678283

Kevin Richards
Planning Department
Lake District National Park Authority
Murley Moss
Kendal
Cumbria

14/12/17

Dear Kevin Richards, and the Planning Team.

Ref: 7/2017/2298

Location: Land at Thirlmere

Proposal: Thirlmere Activity Hub, Development of a Zip Wire attraction, a series of improvements to the round Thirlmere Cycleway, improvements to car parks, access paths and the extension and development of an existing toilet block to provide reception changing area and toilet facility.

St Johns Castlerigg & Wythburn considered this planning application at a meeting of the full council held on Wednesday 6th December 2017. All councilors were present and the resolution of the Council to object to this application was unanimous.

The council requested that it be noted that present at the meeting were over a 100 members of the public all those that spoke during Public Participation spoke in objection to this proposal. (A copy of the minutes including the comments of all members of the public who spoke to address the meeting is attached as an annex to this letter of objection).

The Council objected to this proposal on the following grounds:

- That the proposal is contrary to the objectives of a National Park as laid out in the Environment Act 1995 'To conserve & enhance the national beauty, wildlife & cultural heritage of the National Park and; To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public'.
- Further that this proposal is against S.62 (2) of the Environment Act 1995 'In exercising or performing any functions relating to, or so as to affect, land in a National Park, any relevant authority shall have regard to the purposes specified in subsection (1) of S.5 of this Act and if it appears that there is a conflict between those purposes, shall attach greater weight to the purpose of conserving & enhancing the natural beauty, wildlife & cultural heritage of the area comprised in the National Park'.
- That this proposal is against a number of the Local Development Framework Core Strategy (Adopted October 2010):
 - o CS01 National Significance and distinctive nature of the National Park as detailed above (S.62 (2) Environment Act 1996). This proposal is in direct

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contravention of the purpose of the National Park and as such greater weight should be given to the purpose of conserving and enhancing the natural beauty, wildlife & cultural heritage of the area.

- CS02 Achieving vibrant and sustainable settlements in the National Park (with reference in particular to only supporting development in open countryside where it demonstrates compliance with one of four criteria which this application does not).
- CS11 Sustainable development principles (with reference to the need to conserve and enhance the character and quality of the local landscape, of the wider countryside and of the built environment, and to avoid adverse effects on and where appropriate enhance the quality or quantity of natural resources including...geodiversity and biodiversity, and finally to minimise ... noise pollution). This proposal is contrary to this as it will not conserve the character of the local landscape, and would cause adverse affects on the biodiversity of the local area. In addition this application would generate significant noise of a different pitch and tone to that which is generated by the A591 which would cause significant disruption to the peace & tranquillity of this area.
- CS25- Protecting the Spectacular Landscape- This application is contrary to the Lake District Landscape Character Assessment for the area which states that one of the guidelines for managing landscape change in this area would be to maintain the relatively strong sense of tranquillity along the western shore, and to retain the open views surrounding Borrowdale Fells, Armboth Fell, Raven Crag & Helvellyn Ridge. In addition it is contrary to the CS25 statement to 'enhance local distinctiveness, sense of place and tranquillity. In assessing development proposals that the highest level of protection will be given to the landscape'.
- CS26- Geodiversity and biodiversity- The woodland around Thirlmere in particular the Western Shore is a recognised habitat of *Sciurus Vulgaris* (Red Squirrel), within the locality of the proposal other priority species include *Salvelinus Alpinus* (Arctic Charr) which are both listed as a Priority Species under the UK Biodiversity Action Plan. CS26 states that the LDNPA will not 'permit development detrimental to geodiversity or biodiversity of areas and features including... Priority or principle species'. In addition this site is in close proximity to the Armboth Fells SSSI and the Lake District High Fells SAC.
- CS27- The acclaimed historic environment- There are a number of ruined buildings along the Western Shore/side of Thirlmere which are of historic importance following the flooding of the area during the creation of the Reservoir, in addition there is also the 'Armboth Summerhouse' which would be impacted upon by this development. Finally and most crucially Thirlmere is recognised as one of the key milestones in the creation of the National Trust. The applicant has at no point alluded to this matter in the planning documents when it is a specific requirement to describe any heritage asset affected by the proposal. In particular the fact that Thirlmere is widely recognised as being one of the landscapes that contributed to the formation of the National Trust as recognised in the World Heritage Site Status documents '*Thirlmere stands as testament to the fundamental struggles of the emergent conservation movement in the Lake District*'. Following the success of the Manchester Corporation in constructing a dam and reservoir the protest

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- against this activity was seminal in the history of landscape conservation and further campaigns led by John Ruskin and with involvement with Canon Rawnsley resulted in the founding of the National Trust to protect the land.
- CS28- Lakeshore Development- This proposal will have impacts on the Lakeshore contrary to this policy which focuses on 'protecting the landscape character and biodiversity of lakes & lakeshores'.
 - This proposal is against the 'aspirations of the LDNPA' as detailed in the Core Strategy which include 'protection of visual amenity, including the skyline and views into and out of the area'. This proposal includes the installation of 8 wires all of which will break the skyline in this unspoilt area.
 - World Heritage Status- The proposal would affect the attributes of outstanding universal value of the Lake District World Heritage Site as detailed in the submission document. In particular this application would have a significant risk of harm and threat to point 4 'the discovery of the self through landscape' as this application would materially change the recognised tranquillity of the Thirlmere valley.
 - The risk of creating a precedent if this application were to be approved would be significant and high. '*Collis Radio Ltd V Secretary of State for the Environment 1975*' "A grant of planning permission may set a precedent for further developments of the same character" and '*Doncaster Metropolitan Borough Council V Secretary of State for the Environment 2002*' "Where development is proposed to green belt land the grant of planning permission based on very special circumstances may create a precedent for future applications in the same area". Also as the LDNPA refused the Honister Zip Wire proposal that the precedent set by the LDNPA is that Zip Wire applications would be refused and that this precedent should prevail
 - The Parish Council have serious concerns over the impact in terms of safety that this proposal would have on the aircraft that use the area for low flying training- The Parish Council asked to see a copy of any response submitted by the MOD, NATS & CAA. Along with the impact on the flight training the Parish Council also noted concern that the wires would have to be lit at regular intervals for air law safety which would also produce light pollution in a current dark valley.
 - The Parish Council have serious concerns over the impact this development would have in terms of safety for the Air Ambulance who regularly uses this route as a 'bad weather' option for exiting the Lake District. In is understood if this proposal were to be acceptable the valley would be unable to be used by the Air Ambulance.
 - Highways concerns- The Parish Council feel that the zip wires crossing the A591 would be a Highways Safety Risk- The Parish Council asked to see copies of the Cumbria County Council Highways and Highways England comments.
 - Highways Concerns- There are already parking issues in the vicinity during peak season, this proposal would further exacerbate this matter and its associated problems (road obstruction, risk of emergency vehicles not being able to access the area, day visitors not wishing to partake in any possible Zip Wire/Cycle track not having any where to park, and damage to roadside verges/drains/culverts).

Along with the material planning considerations detailed above the Parish Council also resolved to include a number of comments with the aforementioned objection:

- The applicant appears to be taking credit for something which is already in place (the cycleway) the applicant is not actually proposing to create a new cycleway merely complete something which is already present.

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- It was noted that in terms of past history the Parish Council have always objected to further development of any commercial nature within the Thirlmere Reservoir locality including but not limited to the proposals to develop a café & bike hire in Legburthwaite Car Park and the closure to traffic of the Western Road
- The LDNPA has a policy of encouraging the burying of power lines through the National Park this proposal would appear to be in stark contrast to this? The power lines in Thirlmere have only recently been buried (within the last two years).
- It was noted that the Landscape visual impact assessment and Noise Report don't appear to take into account any measurements or impacts from the Western Shore footpath.
- There is no identified need to either attract the Under 35's (as per the planning document) or any need for employment creation (Keswick has a practically non existing unemployed figure).

The Parish Council have also asked that a copy of the questionnaire responses received as part of a Parish Wide questionnaire which was distributed during the informal consultation ran by Treetop Trek in the Summer of 2017 be included. This is therefore attached as a further Annex to this objection. The Council would like to draw the LDNPA's attention not only to the numerical response (99% opposed to the proposal from a 49% response rate) but also the comments made.

Finally in the interests of transparency the Parish Council feel that the LDNPA should be informed that a formal compliant has been submitted to Allerdale Borough Council regarding the conduct of the Parish Council during the informal consultation. The detail of this compliant is confidential and the Parish Councilors have not yet received a copy of it. If you require information on this matter you will need to contact Brendan Carlin at Allerdale Borough Council. At this stage Allerdale Borough Council have not yet decided if there is a compliant to be answered.

Kind regards

Becc Carter

Parish Clerk to St Johns Castlerigg & Wythburn Parish Council