

Parish Council of St Johns Castlerigg & Wythburn Minutes

Minutes of the meeting of the St John's Castlerigg & Wythburn Parish Council held at Thirlmere Recreational Hall on Wednesday 6th December 2017 at 19:00

Present: Mr I Hartland (Chairman), Mrs C Archbold, Mr M Cockbain, Mrs P Darrall, Mrs S Hope, Mr B Vidler, Mr D Lamb, Mr L Walton, Ms B Carter (Clerk), circa 100 members of the public.

The meeting was quorate with all members of the council present.

87/17 Apologies for Absence.

Apologies were received from C/Cllr T Lywood.

88/17 Declarations of Interest & Requests for dispensations

Cllr L Walton asked that it be noted that he and his son currently have the deer stalking contract from UU for the Thirlmere Valley which includes the area on which this proposal is being proposed.

Resolved that this interest be noted, there being no pecuniary interest between Cllr L Walton and the planning application Cllr L Walton need not abstain from any voting nor leave the room during the process.

Cllr I Hartland addressed the meeting prior the public participation section of the agenda reminding all present that this planning application must be dealt with based upon the information contained within it and must be reviewed in an unbiased and impartial manner. What has gone before relating to this proposal must be set aside.

Cllr I Hartland as the Chair asked all councillors if they felt able to do this, and if this was not possible reminded them that they should declare an interest and abstain from proceedings.

All councillors present confirmed that they were able to do this.

89/17 Public Participation

There were in the region of 95 members of the public present at the meeting, including one member of the press.

Cllr I Hartland as the Chair of the meeting outlined the process for public participation confirming that members of the public would be allowed 3 minutes to speak at the discretion of the Chair.

Cllr I Hartland informed all those present that whilst any comments made during the duration of the Parish Council meeting would be noted in the minutes which would be submitted as an annex to the formal planning opinion of the council, the only formal way to make a comment on this application is in writing to the Lake District National Park as the Planning Authority for the area. Information on how to respond to a planning application can be found either on the LDNPA website, or on the handouts provided at the meeting, confirming the application reference number, email and postal address for the LDNPA.

The meeting was then opened to the floor for comments or questions, a record of these is provided below, at the Chairman's discretion the Public Participation section of the meeting was allowed to continue for 25minutes:

1. Surely proposals for the zip wire cannot be granted as it contravenes the LDNPA remit to protect the environment and the whole area. The application should be thrown out immediately.
2. United Utilities will be taking a rent from Tree Top Treks for the use of the land, surely this means that United Utilities may be biased in what they think and this should be considered. In addition it should be considered that this is purely a business venture, no one proposes to invest circa 2 million pounds unless there is a reasonable belief that it would make money.
3. The plans don't appear to include improvements to the infrastructure of the western shore road, which is not suitable for the increased volume of traffic that would be generated by this proposal.
4. The LDNPA have a conflict of interest with this application as they are already in business with Tree Top Treks at Brockhole and as such have a conflict of interest between this relationship and that as the planning authority who will decide upon this application.

5. A member of the public clarified if Tree Top Treks were present at the meeting? No member of the public identified themselves as representing the organisation.
6. There is a serious highways safety concern regarding the 8 proposed Zip Wires crossing over the A59. The A591 is already a dangerous road requiring significant concentration to drive it (supported by the recent imposition of a 40mph speed limit along this stretch) to have this proposal crossing the Highway would be an accident waiting to happen.
7. The woods in the vicinity of Fisher Ghyll had signs placed in and around them last year stating that it was to be protected and had a rare & special interest. These signs were within half a mile of the proposed zip wire site. United Utilities are already disrupting this area with the forest road that they are currently 'upgrading'.
8. A member of public commented that he didn't trust the LDNPA to be impartial in this decision making process, particularly following the recent grant of planning permission to United Utilities for the Thirlmere Link Main. During this process United Utilities stated that they had negotiated with all farmers & landowners along the route and all were in support of the proposal. The member of the public stated that he doesn't know one landowner that was in favour, and felt that a lot of lies were told during this planning process.
9. Is there anyway that the two components of the planning application can be separated as the majority of people are likely to support the improvements to the existing cycleway but the majority of people would oppose the Zip Wire.
10. A member of the public responded to the above point confirming that as part of the planning documents it was clear that it was all or nothing in terms of the proposal.
11. Consideration needs to be given to the impact such a proposal will have on the UNESCO World Heritage Site Status that was recently granted to the LDNP. This proposal is contrary to a number of the WHS criterion, and would also be considered to be a threat to the ongoing status of the area. E.g. Precedent has stated that a sports ground near to a WHS would not be acceptable.
12. It needs to be noted that the cycleway that is being included in these proposals already exists the only think that is new in the proposal is the underpass at Swirls to prevent the need to cross the A591. There are a couple of stretches where the cycleway is a little steep but this doesn't prevent it being used.
13. Has the Parish Council collated the responses to the questionnaire recently circulated? Cllr I Hartland confirmed that this process had taken place and the results would be declared at the end of the Public Participation Section.
14. In the past Thirlmere has been a protected valley from a starting point of no public contact being allowed with the water, through to a relaxation in circa 2002 which allowed non motorised craft on to the water as long as no disturbance to the peace and quiet occurred, this proposal is to install something that will do nothing but disturb the peace & quiet. It will cause chaos to a quiet valley which should not be destroyed.
15. There are serious concerns regarding the impact this proposal would have on the established Red Squirrel population in the area.
16. This scheme is trying to turn the Lake District National Park in to suburbia.
17. A member of the public spoke to re-iterate that if you wish to submit a comment on this application that it should be provided in writing to the LDNPA, they should be supported with a reasoned argument. Planning comments that are submitted 'from template' hold less weight than those submitted with a personal argument.
18. It was noted by another member of the public that there appears to be a vested interested in this application from the LDNPA
19. Thirlmere has been a well kept secret for many years, but there seems to be a pressure building now from the Lake District National Park & Cumbria tourism to change the Lake District. UU if they completed the cycleway and associated round lake footpath this would open the valley up for more to enjoy/explore and whilst the increase in visitors may not be what is wanted locally it would be accepted, and would set Thirlmere as the jewel in the crown of the Lake District (this is the holistic approach). What appears to be happening is a proposal of an installation of theme park style attraction at the centre of the Lake District, sending out the message that the entire area has changed its approach & its intrinsic values.
20. Regarding the noise & landscape & visual impact assessments it is clear that this assessment focuses mainly on the north and east of the lake, and not on the western area of the Lake where the very popular Western Shore footpath runs. This footpath will be under and in sight of the zip wires for much of its length. And this appears to have been omitted from the report entirely.
21. A local B & B owner attended to raise the point that her guests come here for the peace & quiet yet close accessibility to local tourist towns. They don't want this proposal and its associated noise.
22. Parking is already a problem around Thirlmere, this proposal will only exacerbate the problems.
23. How on earth can a proposal like this be considered when the LDNPA turned down the Honister application which was on an industrial site?

24. Traffic- When there is an accident on the A66 the Western Road is used as the diversion, what impact will this proposal have on this road? With this proposal it is likely to just result in gridlock
25. Noise Impact Survey- This was based on an ambient temperature of 20degrees & 50% humidity, neither of which are appropriate or realistic in this area
26. Mr Leafe Chief Executive of the LDNP is known to be in a relationship with a member of Tree Top Treks, is this not a conflict of interest?
27. Great North Air Ambulance don't have technology to locate/avoid wires so would be unable to use the Thirlmere Valley as a low flying route in the event of an emergency
28. Has the MOD and other air/flying organisations been consulted? The Clerk confirmed following an email from the LDNPA that the MOD, Civil Aviation Authority, and NATS En-Route (air traffic control) have been consulted.
29. The Clerk read out a letter received from a resident of Keswick who was unable to be present at the meeting. Noting concerns relating to the claim that this proposal is needed to 'attract under 35's' which is not reflected in the 2017 Visitor Growth Plan. In addition the letter included a comment regarding the works that United Utilities have recently undertaken on the track at Fisher Crag (a retrospective planning application is reported to have been received by the LDNPA). Finally the letter made reference to the track up Armboth Fell which is believed to have protected status under the 1879 Waterworks Act.
30. A member of the public asked that the Parish Council comply with their duty to represent their electorate when making a decision regarding the planning application.

Cllr I Hartland thanked all for attending.

Result of the questionnaire distributed to all residents.

The Clerk informed the meeting at the request of the chair that the results of this questionnaire circulated to all households in the parish was:

195 Questionnaires were delivered, 96 were returned a return rate of 49%. This return represented 202 adults.

200 of the respondees were in opposition to the proposal

1 respondee was in favour of the proposal

1 respondee had no opinion.

The Parish Council agreed that a copy of the responses be submitted with any planning response as an annex.

The meeting was then adjourned for 15 mins to allow councillors to view the plans.

90/17 Planning Applications for Consideration

The Chair drew the meeting back to order to consider the formal response to the planning application. Members of the public were reminded that they were welcome to remain to hear the Parish Councils debate on the application but must remain silent. The opportunity for public participation has now passed.

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.

It was noted that a unanimous set of objections was received from the floor of the meeting.

Resolved by all councillors present by a show of hands that the Parish Council on behalf of its electorate object to the 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)
 - o 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).
 - o 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).
 - o 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, Armbboth 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’.
 - o 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 Armbboth Fells SSSI and the Lake District High Fells SAC.
 - o 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 ‘Armbboth 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.
 - o 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*’ and ‘*Doncaster Metropolitan Borough Council V Secretary of State for the Environment 2002*’. 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.
- 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).

Information presented by Cllr P Darrall on behalf of the Wythburn & Thirlmere Heritage Group regarding key dates in the history of the area since 1879 were noted as received by the Council.

91/17 Date of Next meeting

Resolved that the next meeting time be 25th January 2018 at 19:00

Meeting Closed 20:25

Signed..... Cllr I Hartland (Chairman)