

LAKE ADMINISTRATION SUB-COMMITTEE

Minutes of the proceedings at a meeting of the Sub-Committee held in the Council Chamber, Broad Street, Windermere, on Friday, 29 September 2000, at 2.00 p.m.

Present

Councillors

M.C. Bentley (Chairman)

Miss K.M. Atkinson
Mrs J.H. Hoyle
Mrs S.E. Wallis

Mrs D.G. Cranwell
G. Jenkinson
R.T. Yates

Mrs A. Dobson
R. Parker

Representing Windermere Parish Council

G. Fanstone
Dr H.E. Jones

A.G. Faulkner
R.A. Ogden

Mrs P. Holmes

Representing Lakes Parish Council

Mrs E.M. Braithwaite

D.W. Cook

Apologies for absence were received from Councillors R. Barker, Mrs J.S. Borer (Vice-Chairman), J.N. Briggs, P.A. Mangan, Mrs R. M. Molloy, E.J. Robinson and S.A. Shine (South Lakeland District Council) and Councillor Mrs C.W. Fell (Lakes Parish Council).

996 CHAIRMAN'S ANNOUNCEMENT

The Chairman announced that there would be a special meeting of the Sub-Committee to discuss financial aspects of Lake income and expenditure prior to the budget cycle of service committee meetings. This would be held on Friday, 17 November 2000 at 3.00 p.m.

997 MINUTES

RESOLVED – That the Chairman be authorised to sign, as a correct record, the minutes of the meeting of the Sub-Committee held on 28 July 2000.

998 PUBLIC PARTICIPATION

RESOLVED – That it be noted that no questions, deputations or petitions had been presented to the Sub-Committee.

999 PROGRESS REPORT

The Head of Corporate Administration presented a progress report on items from the meetings held on 26 May and 28 July 2000.

Minute 158 - the Director of Amenities and Development reported a very successful pilot season of water-sports activities at Hodge Howe. However, there were some water-based activities which it was difficult or impossible to provide at Hodge Howe, and these would be reported to a future meeting.

Minute 159 - performance in relation to the 10 mph speed limit would be reported to the special meeting on 17 November 2000.

Minute 161 - in the Joint Annual Report reference was made to the Lake District National Park Rangers having use of the boathouse at Ferry Nab for a twelve month period. The Sub-Committee was asked to consider extending this use for a further six months, to 31 March 2001.

Minute 597 – it was reported that during the four month trial there had only been one emergency call-out and only limited progress by the Police towards the purchase of a boat. There were concerns that the partnership was not financially balanced, and hence the implications for funding in terms of Lake income.

RESOLVED – That

- (1) the report be received;
- (2) approval be given to the use of the boathouse at Ferry Nab by Lake District National Park Authority Rangers being extended by a further six months, to 31 March 2001; and
- (3) the Director of Amenities and Development be requested to investigate with Cumbria Constabulary the continued use of the emergency call-out system, and report back to a future meeting of the Sub-Committee.

1000 LAKE ENCROACHMENT MONITORING

The Director of Amenities and Development reported that the Lake Wardens had taken over administrative control of all aspects of the Council's Encroachments around the Lake in Spring 2000. Prior to this the role had been carried out by various groups within the Council between 1985 and 1999. As a result of frequent changes, a number of charging anomalies had arisen which were only now coming to light in the current consolidation of the filing system. The review of the encroachments, which had been expected to take six months, was now likely to take in excess of 18 months due to the large number of queries with the various licences. The majority of the review work was being undertaken by the Senior Lake Warden, a Seasonal Warden and the Income and Rents Officer on behalf of the Treasurer. This could be further assisted by the installation of an E-mail system at Ferry Nab to allow information transfers to take place. The Director requested that, in order to complete the review, the Seasonal Warden's contract be extended until 31 March 2001. Income generated during the financial year 2000/2001 would give a more accurate reflection of the potential financial return from the encroachments. The extra costs to the Lake account, estimated at £3,750, would be more than covered by extra income already identified during the review to date.

The Director also requested that the Sub-Committee confirm the charging policies detailed in Minute 409 (1988/89).

RESOLVED – That

- (1) the report be noted;
- (2) the charging policies detailed in Minute 409 (1998/89) be amended and confirmed as follows:-

Definitions of Categories of Encroachments for Charging Purposes

(i) The Categories

- (a) Private Rate – applicable to encroachments owned by private individuals (e.g. Lake shore house owners who use the encroachments for their own private purposes in connection with the use and enjoyment of their property);
 - (b) Encroachments which are sub-let by private owners to attract the commercial rate; and
 - (c) Commercial Rate – encroachments which are operated by persons trading or by commercial organisations (except those which have a lease), such organisations to include, for example, other local authorities, the National Trust, small businesses and all hotels, etc;
- (ii) Encroachments relating to properties owned by limited companies be classified as commercial; and
- (iii) The Director of Amenities and Development be authorised to decide on the appropriate category in the event of a change of ownership and, where there is absence of a clear guide in a particular case, using the information supplied or available as fairly as possible.

Note – Any structure which is fixed to or projects over land in the Council's ownership shall be regarded as an encroachment [Minute 768 (1983/84)];

- (3) it be confirmed that:-
 - (a) the only reduction in encroachment charges is a 50% reduction to Windermere Sea Scouts;
 - (b) where a property is sub-let it is the responsibility of the owner to pay all sums owing and these are to be charged at the commercial rate; and
 - (c) properties in Trust ownership shall be treated as commercial properties and charged accordingly;

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Lake Administration

- (4) the Director of Amenities and Development be instructed to extend the Seasonal Warden contract until 31 March 2001 to assist with the encroachment review; and
- (5) the Director of Amenities and Development be authorised to install an E-mail link to Ferry Nab, and request the Head to Information Technology to assist in the production of a suitable Encroachment database, including the purchase of upgrade equipment as required.

ENCROACHMENTS

1001 New Slipway at Rear of Belle Isle

Members were reminded that, following the fire at the Round House on Belle Isle in the winter of 1994/95, temporary permission had been granted to install a wharf at the rear of the island to allow for plant and materials to be off-loaded safely onto the island. This permission had been for one year or until the works were completed. Work on the house was completed in Spring 2000, and subsequently it had been noted that the wharf was being rebuilt and a slipway was also being installed. The owner of the island had been contacted, and had confirmed that he had approval for the work from the Lake District National Park Authority; he had then been informed that he would require retrospective approval from the Sub-Committee.

Because the island was dealt with under separate encroachment number references for each structure and location, an anomaly had also arisen in the way the various sites were invoiced and to whom. Members were requested to confirm that a new agreement be raised for the island, indicating one owner and giving all encroachments a new number tied to one site reference only.

RESOLVED – That

- (1) the application be granted, subject to confirmation that all necessary planning and environment agency approvals had been gained prior to work commencing;
- (2) the Director of Amenities and Development be instructed that, for the purposes of invoicing encroachment charges, the island be dealt with as one site and a new agreement and reference be raised; and
- (3) the Treasurer be instructed to seek to recoup the appropriate encroachment charges with effect from 1 April 1995.

1002 New Jetty and enlarged Boathouse at Bellman Landing

Members considered an application seeking permission for a new jetty and boathouse. The proposed boathouse was much larger than the one currently on site and would have an obvious impact on the visual of the area. The applicant also wished to replace the northern-most jetty on the site; this would be the same length and width as the existing but would be slightly higher and constructed with a single step down to allow the jetty to be accessed in all but very high water conditions.

The Lake Windermere Management Plan 1981, Recommendation 43, stated that “the increase in the number of private jetties should be strictly limited by restricting new approvals to residential properties with Lake frontage”. Since this property had no residence within the curtilage, it was felt that the application should be refused in line with that Recommendation.

RESOLVED – That

- (1) the application for the enlarged boathouse and attached jetty be refused in line with Recommendation 43 of the Lake Windermere Management Plan 1981, but the Director of Amenities and Development be authorised to inform the applicant that a “like for like” replacement would be allowed; and
- (2) approval be given for the reconstruction of the northern-most jetty, to the same length and width as the existing and including the proposed alteration in height, subject to all planning and environment agency approvals being granted prior to work commencing.

1003 New Jetty at Green Naze Wyke, Jemmy Crag

The Director of Amenities and Development reported that an application had been submitted seeking permission for a new jetty to be constructed at Green Naze Wyke. However, the property had no residence within the curtilage, and the Director referred to Recommendation 43 of the Lake Windermere Management Plan 1981 in relation to restricting new approvals of private jetties to residential properties with Lake frontage.

RESOLVED – That the application for a new jetty be refused in line with Recommendation 43 of the Lake Windermere Management Plan 1981

1004 New Boathouse and Jetty, Ghyll Brae, Broad Leys

In May 2000 an application had been approved giving permission for the construction of a boathouse and jetty. Since then the applicant had requested permission for a slightly altered location, which now constituted an encroachment.

RESOLVED – That approval be given for the construction of a boathouse and jetty, at the amended location, subject to all planning and environment agency approvals being gained prior to work commencing.

1005 Replacement Jetty at Ecclerigg

An application had been received seeking permission for the replacement of a cantilever jetty with a longer fixed wooden jetty. The new jetty would be of traditional construction, 7 metres long and 1 metre wide, with a slight dog-leg to allow access from the land.

RESOLVED – That approval be given for the replacement of a cantilever jetty with a new fixed wooden jetty, subject to all necessary planning and environment agency approvals being gained prior to construction.

1006 New Boathouse and Jetty, Gummers Howe, Newby Bridge

An application had been received seeking permission for the construction of a boathouse and jetty at Gummers Howe House. The proposal was to locate the boathouse in an otherwise undeveloped area of Lake shore, approximately one mile from any other neighbouring properties. Recommendation 71 of the 1981 Lake Management Plan stated that "The Council will discourage additional developments which are likely to encourage more use of the Lake or which extend the area of development on the Lake shore, unless they are limited to furthering of specific Lake management objectives". The proposed encroachment would not further any specific objective.

RESOLVED – That

- (1) the application be refused on the grounds that it would extend the area of development on the shore and encourage more use of the area, whilst not furthering any specific Lake management objective; and
- (2) the Director of Amenities and Development be authorised to indicate to the applicant that the Sub-Committee would be prepared to reconsider an application to site the boathouse and jetty in a more appropriate location.

1007 Replacement Jetty at High Stott Park, Newby Bridge

An application had been submitted requesting permission for a "like for like" replacement jetty, together with the installation of a temporary access leg pending remedial work to the attached boathouse.

RESOLVED – That

- (1) the application be approved, subject to all necessary planning and environment agency approvals being gained prior to construction; and
- (2) approval be given to the temporary construction of a dog-leg access, for a maximum period of six months, or within one month of completion of the remedial works to the boathouse, whichever is the sooner.

1008 New Jetty at Landing How, Lakeside

RESOLVED – That it be noted that the application had been withdrawn.

1009 New Boathouse and Jetty, Ottersholme, Storrs

An application had been submitted seeking permission for a new boathouse and jetty of traditional style and timber construction. The entire structure would be below datum. The boathouse would be 11.6 metres long and 5.4 metres wide, and the jetty would be 8 metres long and 0.9 metres wide.

RESOLVED – That approval be granted, subject to all necessary planning and environment agency approvals being gained prior to construction and upon the applicant entering into a new encroachment agreement.

1010 Replacement and New Jetties at the Swan Marina, Newby Bridge

The Swan Hotel had requested permission to replace a number of existing jetties, and install a number of new jetties along the lower reaches of their land. There were some concerns that at one point vessels would be stored at 90° to the river direction, severely reducing the area of navigable water. Recommendation 44 of the 1981 Lake Management Plan stated that "further commercial jetties should be approved only if they contribute to the Lake management objectives". It was felt that the proposed jetties, even though ancillary to an established commercial site, did not contribute to Lake management objectives.

RESOLVED – That a decision on the application be deferred pending a site visit on 17 November 2000 at 1.30 p.m.

DREDGING APPLICATIONS**1011 Mererath, Calgarth**

At the meeting in May 2000 the Sub-Committee had approved an application to erect a new jetty at Calgarth. On arrival at the site to commence work, the contractor had found a large shallow area, 20 metres from the shore, which prevented his accessing the boathouse site. Following consultation with the Senior Lake Warden, the applicant had submitted a request for permission to dredge out the shallow area and dump the spoil in a large hole in front of his boathouse. It was felt that this was a reasonable solution to the problem, provided that no dredging was carried out in the spring char spawning Season.

RESOLVED – That the application be approved, subject to all planning and environment agency approvals being gained prior to work commencing.

1012 Old England Hotel, Bowness Bay

The Sub-Committee considered an application to dredge a large area at the Old England Hotel to enable the Bowness Bay Boating Company boats to land at the hotel. Permission had also been requested to dump the spoil back into the Lake in an area north of Belle Isle. It was noted that a previous application to dredge at this site had been received in January 1998.

Members were reminded that the Bowness Bay Boating Company piers were less than 200 metres from the Hotel front door. It was felt that the distance was so small that to allow this work, and the associated disruption in a particularly busy area of the Lake, was not warranted. Members expressed concern about the proliferation of boats using that general area, and the potential danger of allowing larger boats to access the areas adjoining the property which were extensively used for boating activities by others, including young people.

RESOLVED – That the application be refused.

1013 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 they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12 A of the Act by virtue of the Paragraph indicated.

1014 EEL TRAPPING LICENCE (Paragraph 9)

The Director of Amenities and Development reported that, following the open tendering of a three-year eel trapping licence, the successful tenderer had paid only one year's rent. The licensee had attempted to avoid paying the outstanding amounts, requesting a reduction in the rent and claiming that no fishing had taken place.

RESOLVED – That

- (1) the licensee be given notice terminating the licence; and
- (2) the Treasurer be instructed to secure all monies owing up to 25 March 2000.

1015 JETTY AT STRUAN, STORRS PARK (Paragraph 9)

The Director of Amenities and Development referred to the previous encroachment charges in relation to this case. It was reported that, since August 1996, Struan had been in the hands of a commercial company, although the house was used as a private residence. The resident had been appraised of the encroachment charging policy on several occasions, but no agreement had been signed. To date the company owed the Council more than four years' rent.

RESOLVED – That, unless a signed commercial agreement is received and arrears of rent paid:-

- (1) the Director of Amenities and Development be authorised to arrange removal of the jetty, and
- (2) the Treasurer be instructed to recover the outstanding encroachment rent arrears and any removal costs.

The meeting ended at 3.48 p.m.