Dear Kevin

Thirlmere Activity Hub: Development of a zipwire 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, Land at Thirlmere

1. Thank you for consulting Friends of the Lake District on the above application. Friends of the Lake District is the only charity wholly dedicated to protecting the landscape and natural environment of Cumbria and the Lake District.

2. We consider that the proposals put forward in this application can be divided into two distinct developments:

   1. A series of works (some already benefiting from planning permission) to create a round Thirlmere cycleway
   2. The development of a zipwire attraction across Thirlmere and associated reception and welfare facilities by way of extension of the current toilet block facility at Swirls carpark.

Some ancillary work is also included to increase capacity at existing car park sites in relation to the above developments.

3. However, given that the applicant has submitted this application as one application which has been accepted by the Lake District National Park Authority we must consider it as a whole. Therefore, whilst we consider that there may be merit in the development of the cycleway we strongly contend that the detrimental impacts of the zipwire would outweigh any potential benefits and so we strongly object to the proposals on the basis of detrimental impacts on landscape character, visual amenity, tranquillity and conflict with:

   - The Environment Act 1995
   - The National Planning Policy Framework paragraphs 115 and 116
   - The Lake District National Park Core Strategy, specifically the following policies:
Pre - application discussion

4. Our detailed objections are outlined below. However, we consider it is essential to first clarify the nature of pre-application consultation between Tree Top Trek and ourselves. At no time has Friends of the Lake District endorsed Thirlmere as a suitable location for this proposal. The applicant approached FLD for a meeting to discuss zipwire development in January 2015. In the pre-application discussion they emphatically stated that they were “not seeking our permission” in order to progress proposals but that they sought to establish our position on such development.

5. Our representative at that time answered that any zip wire proposal would be best outside the Lake District National Park. We stated, as we always have, that zip wire development and similar assault course type activities are best accommodated in forest settings such as Go Ape located in Grizedale where there is the capacity to contain the impacts.

6. During this discussion Thirlmere was brought up as an area to look at due to the plantations but at no point did Friends of The Lake District endorse this as a suitable location (and as TreeTop Trek had told us they were “not seeking our permission” our discussions were on this basis). We certainly would never have endorsed zip wires across the lake which was not an option brought up at the meeting.

7. Furthermore, the applicant did not seek any further discussions on developing their proposal with Friends of the Lake District until the current scheme was made public in the press on 27th July 2017. Following the unveiling of the proposals we met with the applicant once at our offices, once on site and we and the applicant both attended the Lakes area BMC meeting to address the group with our position. At each of these meetings we stated that we opposed the zip wire development.

8. We consider that the proposal revealed on 27th July 2017 was the finalised scheme and, as such, the subsequent consultation was merely to garner opinions but not an opportunity to shape the scheme in any way. Had the applicant sought to engage us between the initial 2015 meeting and the unveiling of the scheme they would have been aware of our objections at the earliest opportunity. Instead the applicant has chosen to interpret an informal meeting as support for the proposal and incorrectly referenced Friends of the Lake Districts involvement in the development of the scheme throughout the application documentation.
The Development’s Conflict with National Park Purposes

9. The statutory purposes of the National Park are at the core of decision making within Park. The purposes are:
   - To conserve and enhance the natural beauty, wildlife and cultural heritage of the National Parks.
   - To promote opportunities for the public understanding and enjoyment of the special qualities of the National Park.

10. Whilst the Lake District National Park Authority has a statutory duty to foster the economic and social well-being of communities living within the National Park, the *Environment Act 1995* is clear in stating that

   ‘If it appears that there is a conflict between those purposes, [the National Park Authority] shall attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area.’ (The Sandford Principle)

11. It is clear that the proposed development would have a detrimental impact upon the special qualities of the Lake District National Park and will not conserve and enhance the National Park. The introduction of this incompatible activity would negatively impact upon the landscape character of the Thirlmere Valley and have a detrimental impact upon the tranquillity of the area. In doing so the proposal creates conflict with the first purpose of a National Park under the Environment Act 1995, and therefore the Sandford Principle must be implemented, meaning that the application should be refused.

12. **The Lake District National Park Core Strategy Policy CS01** concisely captures this principle and should be afforded considerable weight in determining this proposal.

13. Furthermore we consider that the proposal is also in direct conflict with the second purpose of a National Park given that the zip wire attraction will detract from the special qualities currently enjoyed by those who visit the valley for recreation. The zip wire experience will solely be available to those who can afford the fee and will detract from the experience of those who wish to enjoy the free access to Thirlmere Valley currently afforded to them. FLD strongly believe that National Parks are important
resources for all to enjoy through free access. The siting of this commercial development in the Thirlmere Valley will jeopardise this right.

14. It should also be noted that there is a risk that the negative impacts related to this development could have a detrimental impact on the National Park economy if it deters current visitors from enjoying the Special Qualities of the National Park – the very reason people choose to visit the Lake District. Special Qualities particularly relevant to Thirlmere include ‘The High Fells’, ‘The Mosaic of lakes, tarns, rivers and coast’, ‘A model for protecting cultural landscapes’ and ‘Opportunities for quiet enjoyment’ as outlined in the Lake District National Park Management Plan. The impacts of the development are contrary to the provisions of Policy CS11 which requires development to avoid the adverse impacts upon the Special Qualities of the National Park and conserve and enhance the character and quality of the local landscape.

15. With regard to the National Park purposes we also wish to raise our concerns regarding United Utilities’ involvement in the development of these proposals. United Utilities has a statutory duty to have regard for the Special Qualities of the Lake District as a Statutory Undertaker under Section 62 of the Environment Act 1995. As the landowner, United Utilities has given consent to the applicant to put forward a proposal on their land and in doing so support the principle of this development. Given the conflict with the Sandford Principle and the impact this proposal will have upon the special qualities of the National Park, we do not think that United Utilities is acting in line with this duty. We are also aware of a retrospective planning application submitted by United Utilities for works carried out on the Western shore Thirlmere without the benefit of planning permission, comments on that application will be submitted separately. Furthermore, many of the assessments within the application itself appear to have been produced on behalf of United Utilities therefore it is unclear what the company’s role is in the development of this proposal.

**Major Development in National Parks**

16. The application for the Thirlmere Activity Hub is classed as Major Development by The Town and Country Planning (Development Management Procedure) (England) Order 2015 as the application is for an area over 1 ha in size. In the Order “major development” means development involving any one or more of the following—“(e) development carried out on a site having an area of 1 hectare or more.”
17. Paragraph 4.10.2 of the Lake District National Park Authority’s Core Strategy states that large scale tourism or leisure developments are examples of Major Developments. On this basis **LDNPA Core Strategy CS12 Major Developments**, further reinforced by the **National Planning Policy Framework (NPPF) paragraph 116**, applies. This policy states:

18. Major developments will be subjected to the most rigorous examination and must be shown to be in the public interest. They will only be permitted in exceptional circumstances where it can be demonstrated that:

- there are no alternative sites available outside the National Park;
- there is a proven overriding national need that cannot be met in any other way;
- the development is designed and carried out to cause least practicable harm;
- any detrimental effects on the special qualities of the National Park can be adequately mitigated; and
- the development has no overall adverse impacts on the local economy

19. Major development is defined as development which is more than local in character and which has a significant adverse impact on the special qualities of the National Park.

20. **Friends of the Lake District** does not consider that the development meets the exceptional circumstances criteria as laid out above for the following reasons.

- There are alternative sites for a zip wire outside of the Lake District National Park.
- There is no proven overriding national need for a zipwire at Thirlmere
- The development by its nature will cause harm to the landscape of the LDNPA
- There is no mitigation available that will disguise the impacts of people using the zipwire, and there is no adequate mitigation for the projected 127,000 increase in visitor numbers.
- This proposed development is more than local in character and will have a significant adverse effect on the special qualities of the National Park. We are concerned that if this application is approved, it will set a precedent for other major development of a similar damaging magnitude both within the Lake District and also in other National Parks and AONBs.
21. Lastly, there is no public interest argument whatsoever for this proposed development. This is a wholly commercial development. The development of the cycle route should not be used as a public interest argument for the zip wire.

**Development in the Open Countryside**
22. The proposed development is sited in an area of open countryside between the two Rural Service Centres of Ambleside and Keswick as identified within the Lake District National Park Core Strategy. **Policy CS02** makes provision, in exceptional circumstances, to support development in the open countryside where it meets one or more of the following criteria:

- an essential need for a rural location, or
- it will help to sustain an existing business, including farm diversification schemes, or
- it provides for a proven and essential housing need, or
- an appropriate reuse, redevelopment or extension of an existing building.

23. We understand that whilst the provision of the cycleway depends upon the essential need for a rural location the same does not apply to the provision of a zipwire. Throughout the application reference is made to the need for the zipwire to be sited in this location however, no reasonable justification is provided to substantiate this claim. Zipwires exist in a wide range of locations including forests, country parks, urban settings and even shopping centres. Indeed the transport assessment submitted as part of the application cites examples in Liverpool and East London. The applicant’s vision is for the zipwire to be sited at Thirlmere but that does not demonstrate an essential need for this rural location.

24. Furthermore, these proposals will not help to sustain an existing business in the Thirlmere Valley. We do not consider that the redevelopment and extension of the existing toilet block to provide a base for the zipwire business is appropriate given that it will introduce incongruous commercial development into an area which at the moment is commercially undeveloped. The ethos of **Policy CS02** is to restrict non-essential development in the open countryside. The provision of an activity hub including 8 zip wires cannot be considered to be an essential need in this location.

25. The Lake District National Park Authority ‘Planning Advice Statement No.2’ document, issued by the authority on 7th April 2017, clearly states regarding the zipwire that ‘a case has not been made that the
proposal would satisfy policy as a matter of principle.’ The statement later clarifies that the zipwire proposal would be contrary to the provisions of Policy CS02. For the reasons previously outlined we fully agree with this assessment. Policy CS11 further reinforces the need for development to be consistent with the development strategy laid out in policy CS02.

26. In addition the proposal conflicts with Policy CS24 which related to the delivery of sustainable tourism. This policy directs new tourism development to the existing rural service centres with any such development only permitted out with rural service centres where it meets the following criteria:

- It contributes to the diversification of a farm business; or
- It relies upon a specific geographically fixed resource which justifies the development; or
- It is within or relates well to the villages of Pooley Bridge or Ravenglass, which enable a choice of modes of transport, including sustainable options.

27. As with Policy CS02 the proposed development does not satisfy the above criteria. There is no justification for a geographically fixed resource in relation to the zip wire as this could be erected outside of the Lake District National Park (see comments above regarding zipwire locations).

28. The site is located within the North Distinctive Area as defined in Policy CS04 in the Core Strategy. This Policy sets the vision and policy regarding development in the North Distinctive Area of the National Park. The Vision for 2025 for this area states that:

‘We want to protect the distinctive character of the North, and conserve the integrity of the diverse patchwork of habitats, historic landscape, and character of the vernacular built environment. We want to protect visual amenity, including the skyline and views in to and out of the area.’

29. Thirlmere is very much a feature of the distinctive character highlighted above and exhibits significance as a historic landscape when considered in its capacity as the birth of the conservation movement and eventual creation of National Parks in the UK. The proposed development would undoubtedly alter that character and have an impact on visual amenity.

30. The policy again identifies Keswick and Caldbeck as Rural Service Centres and seeks to develop sustainable tourism opportunities focused within those service centres. The policy is clear regarding the
need and desire to reduce car based travel and particularly the need to do so between Keswick and surrounding attractions such as Whinlatter, Bassenthwaite, Honister Slate Mines and continues......

‘We will support initiatives that reduce non-essential travel, especially car based visitors, over Dunmail Raise between North and Central/South East areas.’

31. It is inevitable that the zip wire element of the proposal will bring additional car based visitors to the area in conflict with the above policy. This policy does support the development of the Thirlmere cycleway, much of which is already permitted, and we support that provision. However, the desire for, and perceived benefits of, the cycleway do not outweigh the detrimental impacts of the zip wire proposal. We suggest that alternative funding sources should be investigated in order to deliver the cycleway project independently from the rest of the ‘Activity Hub’ proposal.

32. The proposal is in further conflict with Policy CS24 by way of introducing inappropriate activity and levels of use which, by its nature and scale, will cause detriment to the character of the area. The application references at length that the development is to be a year round attraction. Policy CS24 makes provision to support year round sustainable tourism developments where they will not materially affect:
   • The character and appearance of the locality by reason of visual intrusion, or physical erosion, including the local rights of way network and biodiversity; and
   • The character and amenity of the locality by reason of increased traffic generation, noise or other forms of disruption.

33. The proposal will introduce a new activity in to the landscape which will impact upon the landscape character, visual amenity and tranquillity of the Thirlmere Valley through increased traffic generation and through the activity of users on the zip wire. These impacts are discussed more fully subsequently but there is clear conflict between the proposal and the provisions of Policy CS24 in this regard.

Landscape Impacts

34. Given our role as an independent charity concerned with the protection and enhancement of the landscapes of the Lake District and Cumbria we are very concerned about the impacts of the proposed zipwire across Thirlmere on the character of the wider Thirlmere Valley.
35. **The NPPF paragraph 115** affords the highest level of protection to the landscapes within our National Parks. This policy recognises that the landscapes of our National Parks are the most unique and valued in the country and must be protected to ensure the special qualities they possess are not compromised.

36. This principle is encapsulated in the **Core Strategy Policy CS25** by promoting a character based approach to conserve and enhance the Parks landscape. The policy states:

37. ‘The type, design and scale of development, and the level of activity, should maintain, and where possible, enhance local distinctiveness, sense of place and tranquillity. In assessing development proposals the highest level of protection will be given to the landscape.’

38. This proposal will introduce a new and uncharacteristic element to the Thirlmere Valley; its impacts will be perceptible to a wide range of users and fundamentally alter people’s experience of the landscape in that area.

39. As noted in section 5.13.1 of the Landscape and Visual Impact Assessment (LVIA) submitted by the applicant the proposal is sited within a ‘well managed rural landscape, which is in excellent condition, of high importance and possesses a rare scenic quality. The character of the site has very limited potential for substitution.’

40. **Policy CS25** references the need to have regard to the Lake District Landscape Character supplementary planning document which recognises the distinctive characteristics of the Landscape Character Types and the Areas of Distinctive Character (ADC) in the National Park.

41. The proposed development site is located within **Area of Distinctive Character 23: Thirlmere**. The character assessment relating to this ADC recognises that Thirlmere is a predominantly tranquil landscape particularly on the Western shore and areas away from the A591. It is noted that there is a generally a lack of development, again particularly on the Western shore, which contributes to a strong sense of tranquillity and remoteness.
42. This sense of tranquillity and remoteness is a key feature of the landscape of the Thirlmere Valley and is recognised as a specific sensitive attribute of the area. Given the importance this sense of tranquillity has within the Valley the guidelines for managing change justifiably identify that the strong sense of tranquillity along the Western shore must be maintained.

43. The forces for change identified relating to this ADC are regarding the use of car parks and intensification of recreational activities as well as development and increasing use of the quiet road along the Western shore. We consider that the proposed development, by virtue of its scale and nature, would negatively impact on the tranquillity and character of this ADC.

44. The proposals outlined within the application would directly exacerbate the forces for change identified above by introducing development along the Western shore of Thirlmere and creating additional car park provision around the valley to accommodate an estimated increase of 79,000 visitors in year one increasing to an additional 127,000 visitors in year two. This increase in visitor numbers, the introduction of an incongruous new moving element in the landscape, alongside the associated noise impacts of those utilising the zipwire will have an impact upon the landscape character and special qualities of the Thirlmere Valley. This has been assessed in the LVIA as moderate adverse effect on landscape character.

Visual Impacts

45. The Thirlmere Valley is currently well used for recreation, predominantly walking (including one of the main routes up Helvellyn) and cycling, and also forms the main transport corridor connecting the North and South Lake District. Therefore, it hosts a high volume of visual receptors throughout the year made up of people engaged in recreational pursuits, car drivers and those using public transport. The proposed development will result in a change of views within the Thirlmere Valley and whilst the zipwires themselves may be relatively imperceptible from a distance, when in use a new moving element will be introduced. These impacts will be particularly perceptible from viewpoints 4, 6 and 7 identified with the LVIA impacting upon walkers accessing Helvellyn, Great Howe and Raven Crag.

46. The only mitigation put forward in the application is that the safety gear worn by the users will be muted tones recognising that brighter colours would give a greater degree of visual contrast. However,
we consider that the movement of users will in itself create a noticeable change in the visual amenity of the area as the eye is drawn to movement. This impact will be exacerbated by the fact that the zip wires go east west across the north-south grain of the Valley landscape.

47. Table 11 in section 6.2.2 of the applicants LVIA recognises this stating ‘no provision can be made to mitigate the movement of users due to the scale of landscape and openness of setting.’

**Principle of wires across open water**

48. We would also raise the principle of putting wires across a lake. Putting up new electricity cables anywhere in a national park, let alone across a lake would be deemed unacceptable as the decision of National Grid to underground cables on the west coast of the Lake District demonstrates. Having won that battle, it would seem somewhat perverse for the National Park Authority to allow 8 cables to be strung perpendicularly 1.2km across a lake in one of the main Lake District valleys.

49. We note that the application includes correspondence between the agent and the Assistant Safeguarding Officer at the MOD. In the correspondence the requirement for the structure to be fitted with a ‘minimum intensity 25 candela omni-directional flashing light or equivalent infra-red light fitted at the highest practicable point of the structure.’ We recognise that this is pre-application advice and that the MOD will be a statutory consultee in the process, however, on this current advice if the lighting to be fitted is not infrared we consider this would cause additional harm by impacting on dark skies and contrary to **CS11 criteria 9** relating to minimising light pollution.

**Lakeshore development**

50. The proposed development spans Thirlmere East/West and will have tangible detrimental impacts upon the landscape character and visual amenity. Given that the proposal seeks to utilise the Eastern and Western shores of Thirlmere as take-off and landing points it must be considered under **Policy CS28** relating to Lakeshore development. The policy seeks to protect that landscape character and biodiversity of lakes and lakeshores and will only permit development where:

- The development provides facilities or services that have a direct lake use function for recreation or water-based transport purposes; and
- The applicant demonstrates that other locations are not feasible and viable; and
• The scale, siting, design and character of the development enhances or maintains the character of its lakeshore location and the character of the lake, including undeveloped stretches of lakeshore.

51. The proposal does not satisfy the criteria identified within this policy and would lead to detrimental impacts on the character of the Lakeshore specifically the Western shore.

52. Friends of the Lake District consider that this proposal is wholly inappropriate in this highly sensitive landscape, given its adverse impact upon the landscape character, tranquillity, and visual amenity of the Thirlmere Valley. The movement of users on the zipwire, the associated noise of the activity, including the reverberation of screams, and the congregation of supporters will all alter the current character of the Thirlmere Valley.

Impact on Outstanding Universal Value (World Heritage Site Status)

53. Friends of the Lake District consider this case to be significant in terms of how the Lake District National Park Authority implements the newly acquired World Heritage Site status.

54. Policy CS27 of the Core Strategy is clear in stating that ‘development proposals will seek to conserve and enhance the character, integrity and setting of the historic environment including…..designated world heritage sites.’

55. Thirlmere’s contribution to the Lake District cultural landscape is clearly described in the World Heritage Nomination dossier Volume 2: Valley descriptions and History which states:

‘The Thirlmere Valley is one of the most significant locations in the development of the early conservation movement in the Lake District. Despite the success of the Manchester Corporation in achieving the construction of the dam and reservoir in the valley, the protest against this was a seminal event in the history of landscape conservation. The protest inspired further, successful campaigns in the Lake District against proposals which threatened the beauty of its landscape, and the key protagonists, all followers of John Ruskin, were inspired to found the National Trust in order to purchase land for its Protection’.
56. This battle gave rise to the conservation movement; it ascertained that landscapes were important for everyone and that those of the very highest quality should be protected to enable future generations to experience them. This eventually culminated in the creation of National Parks. The Nomination dossier leaves no doubt in the importance of Thirlmere in contributing to the OUV as it continues:

‘While Thirlmere displays substantial attributes attesting to the themes of Outstanding Universal Value of agro-pastoral farming and aesthetic inspiration, the most important theme associated with this part of the English Lake District is the development of the early conservation movement.’

57. The Thirlmere Valley also captured the imagination of the Romantic Poets and served as a meeting place for Wordsworth and Coleridge. Their meeting point was marked by the now submerged ‘Rock of Names’ with the initials of Coleridge, William Wordsworth, his brother John and sister Dorothy, and Mary and Sarah Hutchinson carved upon it. Friends of the Lake District does not consider that any potential interpretation associated with the scheme could reconcile the detrimental impacts brought about by the proposal, particularly related to the public’s future ability to enjoy the special qualities of the valley without limitation or incurring cost. We strongly believe that the important role of Thirlmere in the early conservation movement, and its contribution to the OUV of the English Lake District World Heritage Site should not be compromised in order to accommodate commercial development which will prohibit the enjoyment of the National Park for others and alter the character of the Valley.

**Precedent and Commercial Development**

58. As previously discussed the proposals would introduce inappropriate commercial development to the Thirlmere Valley. If permitted this would set a precedent for further commercial development within the valley, in other similar locations within the Lake District National Park and other National Parks across the country. Whilst there is not currently any ancillary commercial development attached to this proposal it should be noted that the Design and Access statement submitted as part of the application states in section 1.4 states that a scheme was drawn up involving ‘cycle hire hub, café and small retail outlet...along with the initial plan for the zipwires’. As such it is reasonable to suggest that this application, if permitted, could lead to further applications once the concept of a ‘hub’ was approved.
59. The relatively recent appeals (ref: APP/Q9495/W/15/3030396 and APP/Q9495/w/15/3038220) at Whitemoss Common relating to the Park Authority’s refusal of a ‘visitor hub’ share common policy conflicts with these proposals. We consider the judgement made by the Inspector relating to the commercial element and the gathering of people altering the nature of the surroundings to be relevant to this case.

**Transport Impacts**

60. The proposal, based on the promoter’s projections, will bring a significant increase in the numbers of visitors to this area. The applicant suggests an increase in some 127,000 visitors by year two. Whilst it is noted that the area is well served by public transport there is no guarantee that this would be the chosen method of customers to reach the hub. The Transport assessment suggests that some 92% of visitors would arrive by car. The creation of the hub is estimated to create an additional 337 car trips per day (at peak season) over and above the 151 car trips generated by existing visitors. Friends of the Lake District are concerned regarding the impacts of this increase in numbers on the tranquillity and parking provision within the area. The transportation of users by 4x4 vehicles will also impact upon the tranquillity of the area; this is particularly true on the Western shore where riders will be transported by truck to Fisher Crag to the second zip line as described in paragraph 3.2 of the Transport assessment.

61. **Policy CS14** is clear in its aim to reduce the need to travel throughout the Lake District and promote sustainable transport choices. This application seeks to increase the capacity of car parks around Thirlmere to accommodate the increase of car-borne visitors to the Valley to use the zip wire attraction. Section 1.9 of the Design and Access Statement outlines the sustainable transport provision stating that there will be provision of a round lake shuttle bus at peak times to transport all visitors to and from the car parks around the lake and a bike bus will be provided through contract with a local supplier. However, there is no detail included in the application relating to the delivery of these sustainable travel methods and it is unclear how a shuttle bus between car parks will alleviate the issue of increased private car travel to the valley. **Policy CS14** and **Saved Policy TR11** are clear in the need to reduce car travel and seek to limit the provision of additional public parking in order to do so.

62. Furthermore, the applicant suggests that the proposals will support 28 FTE jobs in the area. Given the open countryside location of the proposal it is likely that staff will come from a range of areas some of which may not be served well by public transport. The application does not address this issue.
Conclusion

63. In summary, we object to these proposals on the basis of conflict with the National Park purposes laid out in law and planning policy by introducing inappropriate development to an area of open countryside and the associated detrimental impacts upon landscape character, visual amenity and tranquility. The needs of those seeking to participate in zip wire are already served at Brockhole, Grizedale and Whinlatter within the National Park where the capacity exists to accommodate the impacts of such development. If permitted these proposals would deprive people of the opportunity to enjoy the Special Qualities of the National Park currently afforded to them for free. Friends of the Lake District consider there is no justification for this major development in this sensitive location and it should be refused.

64. Please record these representations as those of the Campaign to Protect Rural England (CPRE-Cumbria Association). We reserve the right to make additional comments on this application in the event of new or additional information being submitted by the applicant. We wish to register our intention to address the Development Control Committee when this application is brought before them.

Yours sincerely,

Laura Fiske
Planning Officer