Dear Mr Martin

**SL/2018/0925 Kendal Flood Risk Management Scheme - Phase 1 Kendal Linear Defences**

Friends of the Lake District (FLD) is the only charity wholly dedicated to protecting the landscape and natural environment of Cumbria and the Lake District. FLD has reviewed the above proposal and, whilst fully supporting the principle of taking action to reduce flood risk in Kendal, we wish to **object** to the scheme as proposed.

We very much welcome that the Environment Agency has taken the time to discuss with us some of our concerns and understand that the plans are evolving. This response is an interim response based on the application documentation currently available. It is likely that we will submit an updated response at a later date should discussions progress and any new or amended information be made available.

**Introduction**

FLD fully recognises the distress, anguish and hardship caused by flooding and the threat of flooding and supports the principle of taking significant action to reduce flood risk and increase protection against flooding for the residents and businesses of Kendal and surrounding areas.

This application covers Phase 1 of 3 of the Environment Agency’s planned Flood Risk Management Scheme for Kendal. Phases 2 and 3 will make provision for some upstream and wider catchment flood risk management measures. We are concerned that the proposals set out in Phase 1, even when combined with Phases 2 and 3, do not deliver what is expected or necessary in terms of the level of protection from flooding and that and meanwhile, they will significantly compromise what is special about Kendal and essential aspects of its environment. We are also concerned that the downstream measures in the town centre are being undertaken first, when upstream and wider catchment measures would logically come before these, and also that there is no guarantee that the later Phases will receive funding and therefore there is no guarantee they will be delivered.

**Justification for the scheme**

We are concerned that the proposals set out in Phase 1, and even when combined with Phases 2 and 3, do not deliver what is expected by the public, or what is required in terms of the level of protection from flooding.
Although Phase 2 and 3 upstream measures have been factored into the height of the proposed walls, following implementation the protection level to be provided by the walls is stated (Planning Statement para. 4.4.2) to be only be 1 in 20 years. Once, and if, the upstream measures are implemented, the protection level is stated to be 1 in 100 years (Planning Statement para. 4.4.1). This is still far from the event that resulted from Storm Desmond, which has been quoted as having been anything from a 1 in 200 year event to as much as a 1 in 400 year event (e.g. in letter from responsible bodies to Kendal TC).

Whilst 1717 businesses are to be directly or indirectly protected, the Planning Statement states that of the 2150 properties that were flooded in Storm Desmond, only 170 will be protected by the proposed defences. Of the 1717 businesses to be protected, the premises of only 227 will be directly protected from flooding. The remaining 1490 will benefit only in the sense that access routes to them will be protected, rather than the premises themselves. This does not seem to provide significant additional benefit, since after Storm Desmond, access to non-flooded businesses was generally restored within 36 hours.

The Flood Risk Assessment that accompanies the application states (e.g. at pages 27-28 and 35) that some areas and properties will in fact see an increased flood risk and/or flood depth following the implementation of Phase 1, and that this risk would remain until completion of Phase 3. Phases 2 and 3 will be subject to separate planning application(s) and it cannot be guaranteed that these will be delivered. This increased risk suggests that the upstream measures should come first.

We are concerned that these proposals will not meet the expectations of those whose homes or businesses were flooded or nearly flooded in past flood events or of those who might be at risk of flooding in future. The proposals have been reported as something of a ‘silver bullet’ for Kendal’s flooding problems, with statements describing the proposals as ‘essential to ensure there will be no repeat of the devastation wrought by Storm Desmond in 2015’ (Plan for mass tree felling to make way for flood defences splits Kendal residents, Westmorland Gazette, 13th Dec. 2018) and ‘[g]round-breaking plans to protect Kendal from another devastating flood like 2015’s Storm Desmond’. Even Tim Farron MP has been quoted as saying ‘[t]hey are also defences to give us reassurance and to know...we won’t have the awful experiences we had in the past....to give people hope and confidence that this won’t happen to them again’ (Kendal gets first look at major flood defence works for Kent, Westmorland Gazette, 27th Sept. 2018).

We understand that downstream measures are being undertaken before upstream and wider catchment measures due to a European Regional Development Fund (ERDF) deadline, which although not directly linked to Brexit, nevertheless requires works to be underway by March 2019 and is specifically tied to the protection of businesses and employment rather than residential areas.

We would question whether the meeting of an arbitrary funding deadline is sufficient justification for delivering a scheme that by implementing downstream measures first, offers at best a level of protection to residential properties and businesses that is not only delayed but lower than expected and necessary.

This approach is contrary to the most logical first step, which is to slow flow and run-off rates upstream to extend lag time and reduce peak discharge, which would reduce the volumes of water reaching watercourses and Kendal itself at any one time and thus, would reduce overall flood risk. This could be achieved using upstream and catchment-wide measures such as tree-planting, channel management, habitat restoration and water storage.
The figures show that benefits from the upstream proposals are significantly greater than those from the Phase 1 measures as the upstream measures would enable the scheme to provide 1 in 100 year protection rather than 1 in 20 provided by the downstream measures. This also supports the suggestion that the upstream measures should come first.

Upstream and catchment-wide measures and especially Natural Flood Management (NFM) measures should be fully explored and maximised before calculating the need for hard measures to deal with any residual flood risk. This is because NFM measures have many benefits beyond reducing flood risk, including biodiversity benefits, improving water quality, preventing erosion, carbon storage and improved air quality, which is less the case for ‘hard’, highly engineered measures. The [Slow the Flow](https://www.thewaterproject.org/slowtheflow) project of NFM measures in Pickering, North Yorkshire, was proven by the Environment Agency themselves to have reduced flow by 15-20% and ensured, in conjunction with more engineered measures, that many homes and the town’s museum, which would have flooded otherwise, were not flooded in Storm Desmond. Many other case studies are set out in the Environment Agency’s own 2017 Evidence Directory ‘[Working with Natural Processes to Reduce Flood Risk](https://www.gov.uk/government/publications/environment-agencys-2017-evidence-directory-working-with-natural-processes-to-reduce-flood-risk)’.

The way in which humans have, for many years, sought to tame, thwart and control nature, including the natural flows and storage of water, has played a part in increasing the risk of flood events and their impacts. Use of NFM is a key way of beginning to restore these processes. The location of the Kent catchment on the edge of and within a National Park and containing habitats designated for their international biodiversity importance should be ample justification for not only incorporating but maximising the use of NFM.

National Planning Policy Framework (NPPF) paras. 148-149 require *minimising vulnerability and improving resilience to climate change impacts, being proactive and taking into account long-term implications of flood risk.*

Para. 157 requires *using opportunities to reduce the causes and impacts of flooding using natural flood management techniques* where appropriate and *seeking opportunities to relocate development, including housing, to more sustainable locations where climate change is expected to increase flood risk to the point that some existing development may not be sustainable* in the long-term.

Para. 163 requires that *when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.* Paras. 155 and 160 also emphasise that proposals should not increase flood risk elsewhere.

The Government’s 25-year Environment Plan specifically identifies *‘Expanding the use of natural flood management solutions’* and *‘[m]aking ‘at-risk’ properties more resilient to flooding’* as key actions. It states *‘[w]e will work with nature to protect communities from flooding, slowing rivers and creating and sustaining more wetlands to reduce flood risk and offer valuable habitats’* and *‘working with natural processes, we can better protect ourselves from hazards such as flooding. Natural Flood Management involves the use of a variety of measures including tree planting, river bank restoration, building small-scale woody dams, reconnecting rivers with their flood plains and storing water temporarily on open land’.*

It also confirms that the Government wish to *‘expand the net gain approaches used for biodiversity to include wider natural capital benefits, such as flood protection’* and that they *‘are investing £15m up to 2021 to further explore the use of Natural Flood Management’*. It cites the case studies referred to above as evidence of successes so far. We question why Kendal’s Flood Defence Scheme,
placed as it is on the edge of a National Park and World Heritage Site and in an area subject to many biodiversity designations could not be a prime candidate for employing such measures.

‘Reducing flood risk from source to sea – First steps toward and integrated catchment plan for Cumbria’, The Environment Agency’s document produced with Cumbria Strategic Flood Partnership also advocates a catchment-scale ‘slow the flow’ approach.

Overall, it is not clear that the proposals offer value for money. Has there been an exploration of what the same money could achieve if spent on NFM, other catchment measures, minimising vulnerability, making buildings more resilient (including at the individual property level)? It is also unclear whether the greatest benefit possible is being achieved with regard to some elements. For example, clearer explanation is needed of why the proposed flood defences at Sandy Bottoms (Mint/Kent confluence) actually enclose a smaller area of land than the existing flood protection bund. Why are the playing fields at Mintsfleet not included in the flood storage area? Including these fields would double the amount of flood storage in this area.

Taking into account the amount of money to be spent on this scheme, what people will be expecting and the compromises to be made to other essential aspects of the environment in delivering the scheme, the extent of protection to be provided seems limited. Many businesses and some residents will be flooded less regularly or to a lower depth than they would be without the scheme and of course, this is a clear and welcome benefit, but the application is clear that it (Phase 1 alone or when combined with Phases 2 and 3) will not protect any of these against an event equivalent to Storm Desmond and such events are likely to increase in frequency due to climate change. Furthermore, it specifically states that some areas and properties will be at greater risk following implementation of Phase 1.

**Our view is that it is unclear how the benefits of this scheme, as proposed, outweigh the costs.**

In order to ensure the scheme as proposed is socially, environmentally and economically justified, three things need to happen:

1) The level of protection to be provided and to whom, along with details of which areas are at greater risk following Phase 1 and the mechanism for and likelihood of Phases 2 and 3 coming forward, needs to be made clear so as not to mislead people or to raise hopes and expectations beyond what will be delivered;

2) Consideration needs to be given to the detail of the scheme and clarity provided to ensure that the need for specific elements of the proposals such as wall routes and bund/embankment locations are properly understood and that the compromises required (such as the multiple impacts of significant mature tree loss and impacts on the very character that makes Kendal special) are understood, minimised, absolutely necessary, mitigated and acceptable;

3) The proposal needs to demonstrate beyond doubt that delivering the downstream measures first will provide at least an equivalent cost-benefit balance overall (taking into account the level of protection, areas of increased risk, speed of delivery of protection, compromises to be made and wider benefits to be achieved) to that that would be delivered by the more logical method of applying upstream measures and wider catchment measures first and including natural flood risk management measures.
Concerns regarding the scheme as proposed

**Landscape and settlement character**
The river corridor and its features contribute greatly to the landscape character on the town edges and to the town’s visual quality and character and people’s experience of the town and sense of place.

The proposal falls entirely within National Landscape Character Areas (NLCA) 19 South Cumbria Low Fells and 20 Morecambe Bay Limestones.

19 South Cumbria Low Fells objectives:
**SEO 3: Safeguard and manage woodlands** to retain them as important landscape features, and for their national and international biodiversity interest, along with their cultural and historical heritage. Seek ways to increase woodland cover in appropriate locations to mitigate the effects of climate change, address water quality and soil erosion, and supply timber products.

**SEO 4: Manage and enhance** the wetlands, rivers, lakes, tarns, watercourses, raised bogs and mires for the benefit of water quality, biodiversity and recreation, and to mitigate flood risk and the effects of climate change.

Under these objectives, the recommendations for this landscape type advocate “sustainable river management that works with natural processes and allows space for rivers within connected flood plains to increase their resilience to extreme weather events while enhancing water quality, biodiversity and recreational use, and managing the downstream flood risk” including “areas of wetlands and restore former wetland zones such as flood plains to create greater water storage capacity and slow the flow during flooding events”.

and

“Restore and enhance semi-natural habitats of open fells, native woodlands, wetland habitats and riparian corridors to improve water storage capacity while also reducing flood risk and soil erosion and improving water quality, climate regulation, habitat networks and ecosystem resilience to climate change”

and

“Manage river banks, flood plains and lake shores for a robust cover of vegetation, including woodland and scrub in places. Ensure river engineering works are carried out in an ecologically sensitive manner, enhancing opportunities for conservation and habitat management”.

and

“Reduce flood risk through native woodland and scrub creation and carefully located tree planting in ghylls and along river corridors”.

20 Morecambe Bay Limestones objectives:
**SEO 3:** Ensure the long-term sustainable management of the nationally and internationally designated wetland landscape and its linking, non-designated habitats by conserving and restoring the lowland raised bogs, fens, rivers and reedbeds for their strong sense of inspiration and tranquillity, their diverse range of species, and for their ability to mitigate the effects of climate change through carbon sequestration.
SEO 4: Conserve and enhance the wider landscape of the NCA as the supporting framework to its distinctive attributes, including features of the drumlin landscape, the settlement character, orchards, recreational identity and heritage features, for their individual importance and the complementary role they play in supporting the local visitor economy and providing enjoyment and education to visitors and residents alike.

Under these objectives, the recommendations for this landscape type advocate seeking ‘opportunities to create more flood storage within flood plains, including restoring and expanding wetland habitats, thus improving infiltration rates and increasing storage capacity of flood waters’ and

‘opportunities to establish woodland and riparian vegetation alongside watercourses’.

and

‘opportunities to manage grasslands to improve soil structure and encourage infiltration rather than runoff of surface waters’

It also advocates: restoring ‘areas of peat bogs to regulate water flow’ and ‘promoting opportunities for new woodland creation, both to link and buffer existing sites and to address water quality and flood control’. It further recommends that ‘[w]here there is local need for property protection, ...restore areas of flood plain habitat to act as rain water and/or flood storage areas’.

For both NCAs, these points (and others set out in the documents but not quoted here) clearly show that natural and upstream measures for flood risk management are strongly advocated, and that trees are seen as an essential part of river banks and corridors and actually support flood risk management. They also show that rather than one issue (flooding) being addressed at the expense of others (trees – and therefore air quality, biodiversity, erosion etc), in fact both could benefit if a more thoughtful, holistic and interconnected approach is taken. Indeed, both NCA profiles state that ‘The Environment Agency’s preferred approach to managing the flood risk...includes restoring natural floodplains and associated habitats’ and one recommends that optimising ‘land management for flood risk reduction through reduction in surface water runoff’ ....’[m]anaging fluvial flooding through land management measures that reduce peak flows, de-synchronise peak flow times between different tributaries in the same river system and slow water flow speeds through catchments will all regulate water flow and can reduce river flooding’.

Parts of the proposal to the northern and southern edges of Kendal also fall within Landscape Types set out in the Cumbria Landscape Character Guidance and Toolkit document (the Toolkit). These are type 8 Main Valleys (sub-type 8b Broad valleys) and type 7 Drumlins (sub-type 7b Drumlin field).

Local Plan Core Strategy policy CS8.2 requires that decisions be informed by the Cumbria Landscape Character Guidance.

For sub-type 8b, the Toolkit identifies ‘open floodplains’ and ‘woodland’ as key characteristics. The Toolkit explains that ‘riverside trees are common’ as part of this Type’s physical character and that ‘[t]hese contribute to the wooded character of the valleys’. The presence of water-powered industries on the River Kent, such as those on the southern edge of Kendal, is specifically referenced as part of the historic and cultural character of this landscape sub-type. The Toolkit also states that ‘[t]he remoteness and wildness associated with the rivers, and the sense of calm associated with the more open farmland, are sensitive to changes in land management’ – this applies particularly to the lands on the southern edge of Kendal that will be affected by this scheme.
In terms of managing sub-type 8b for the future, the Toolkit sets out that ‘settlement patterns and habitats associated with the rivers will also be conserved and enhanced while tree cover will be maintained and strengthened’. It explains that in terms of flood risk management, ‘incongruous river engineering and canalisation works’ should be ‘ameliorated’, ‘softening geometric forms and creating a variety of habitats and natural features within and alongside rivers’. Furthermore, it identifies that a range of natural measures should be utilised in order to conserve and enhance the landscape character including floodplain restoration, management of wetlands and re-wetting.

For sub-type 7b, the Toolkit refers specifically to the fact that ‘small broadleaved woods, orchards and hedgerow trees are abundant around Kendal’. In terms of managing sub-type 7b for the future, the Toolkit states that it should be ensured ‘that all developments are of high quality and well related to the distinctive grain and scale of this landscape’ and that ‘flood risk management measures’ should be ‘appropriate to reflect the local character’.

For both types, there are frequent references to the need for tree/woodland planting.

Local Plan Core Strategy policy CS8.2 requires that decisions be informed by the Cumbria Landscape Character Guidance and Toolkit. The National Planning Practice Guidance (NPPG) advocates that local landscape character assessments complement the use of the NCAs in informing, planning and managing change. Contrary to the recommendations of both the Toolkit and the NCA profiles, this proposal:

- recommends the removal of almost 800 trees, many of them mature specimens;
- further engineers and canalises the River Kent by constructing significant lengths of concrete and stone walls along the river corridor through the town;
- will see large uncharacteristic bunds/embankments being created;
- will mean an extensive loss of wildlife and valued green infrastructure within the town
- fails to prioritise and fully explore natural and wider catchment flood management options and
- fails to respond to, conserve or enhance the character of the settlement and wider landscape.

We support Historic England’s response regarding the impacts of the proposals on the heritage and historic and settlement character of Kendal, as well as their wider points including those regarding consideration of alternatives and concerns over the upstream and wider catchment measures being implemented after the town centre measures. Overall, we agree with them that ‘the current approach risks causing the maximum public harm in heritage terms, for the minimum public benefit in terms of flood prevention’.

The Conservation Area Character Appraisal for Kendal notes that a flood alleviation scheme in 1978 altered ‘the character of the whole of the town’ and that as a result ‘much of its more natural character has been lost’, strongly indicating that the same could happen again. Previous harm should not be used to justify further harm; rather it reinforces the case for protection and should inform enhancement measures.

We consider that the creation of the walls as proposed, particularly when combined with the tree loss, will significantly harm and alter the character of Kendal and will destroy precisely what is special and attractive about it.

Trees
The proposal will result in extensive tree loss, including of mature and significant trees (significance to character and sense of place as well as wider benefits). Particular areas that will be affected are
Aynam Road, Mintsfeet, Gooseholme, and opposite New Road. The arboricultural report identifies that there are 438 individual trees and 3700 trees in groups within the red line of the application. Of these, 779 trees will be lost, including 100 to be lost as a result of the traffic management plan.

Trees offer multiple benefits to people and wildlife. Many of the trees to be lost play an important role in the historic and settlement character of Kendal, the sense of place and the natural environment of the river corridor running through its heart.

Kendal Town centre is designated as an Air Quality Management Area (AQMA) because it consistently fails to meet targets for maximum Nitrogen Dioxide levels. Trees help to improve air quality by taking in harmful air pollutants and of course, they help to keep us all alive by producing oxygen. It follows that by removing trees, air quality is likely to worsen. Enhanced green infrastructure is one of the actions in the Council’s AQMA Action Plan.

Trees provide habitat for a wide range of birds, bats and other wildlife and they also play a key role in health and well-being, including mental health, by creating an environment that is attractive to visitors and residents alike. They bring the natural environment into the town, making the river corridor an attractive place to walk, run and cycle and thus, encouraging active travel (which further supports air quality improvements) and healthy lifestyles. Experiencing and connecting with the natural environment is known to have positive impacts on mental health but the proposals will make this more difficult for people by significantly reducing the number of trees and compromising both access to and the naturalness of the river corridor.

As an example, the trees on the river bank have survived a number of serious flood events (2004, 2005, 2009 and 2015). They have helped to keep the riverbank stable. Once they are taken out, it seems likely that any new trees planted on the river side of the flood defence could be lost in a flood event. More seriously, the river bank is likely to become more vulnerable to erosion due to higher water levels caused by the flood wall raising water levels and increasing the flow speed and the decrease in stability of the bank due to the trees being removed and their retaining roots lost.

Whilst we recognise that 4 trees are to be planted for each tree lost, it will take decades for saplings to provide these benefits to the same level as the mature specimens that are to be lost and some of the replacement planting is indicated to be ‘ornamental’ (Planning Statement pp.37, 84) rather than selected especially to provide air quality, flood risk management, biodiversity habitat or other benefits such as to retain local character. Even when mature, ornamental trees will not have the stature of those larger trees which are to be lost, thus negatively impacting on the townscape.

Some of the trees to be lost are subject to Tree Preservation Orders (TPOs). In addition, some of the trees/woodland to be affected is identified as Priority Habitat - deciduous woodland, for example, at Scroggs Wood and adjacent the sewage works. All the trees in the town centre are part of the Conservation Area designation.
The group of trees to be felled at Helsington Laithes Mill lies well within the setting of the Lake District National Park (LDNP) and is clearly visible from within the LDNP, demonstrating that the impacts of the scheme have beyond local impacts.

Local Plan Core Strategy policy CS1.1 requires that ‘opportunities must be taken to mitigate against and adapt to climate change including addressing flood risk...improving air quality, strengthening ecosystem services to enhance resilience of the natural environment’.

CS2.2 requires that proposals ‘minimise both air pollution through implementation of Air Quality Management Plans and the risk of flooding’. These requirements suggest that these aspects are all of high importance and that one should not be achieved at the expense of the other.

CS8.1 requires that trees and woodlands, green/wildlife corridors in settlements and watercourses are protected and enhanced as part of the green infrastructure network and for their ‘multiple social, economic and environmental benefits’.

CS8.2 requires that ‘development proposals should demonstrate that their location, scale, design and materials will protect, conserve and, where possible, enhance... the special qualities and local distinctiveness of the area; distinctive settlement character; the pattern of distinctive features such as rivers, and their function as ecological corridors for wildlife’.

CS8.4 requires that ‘proposals should particularly seek to contribute towards the UK priority habitats’ and that ‘Development proposals that would have a direct or indirect adverse effect on nationally, subregional, regional and local[ly] designated site[s] and non-protected sites that are considered to have geological and biodiversity value, will not be permitted’ unless a series of criteria are met including the provision of prevention, mitigation and compensation measures.

South Lakeland Development Management Policies Development Plan Document (DPD) has now been through Independent Examination and awaits adoption. It should therefore be given according weight. Policy DM4 requires that ‘new development should positively incorporate new, and protect and enhance existing trees unless there are clear and demonstrable reasons why their removal would aid delivery of a better development overall’.

It also requires that where proposals ‘would result in the loss or deterioration of trees or woodland that are subject to Tree Preservation Orders, are Ancient, Veteran or located within Conservation Areas, or that are otherwise significant, will only be permitted where: an overriding need for the development and its benefits in that location clearly outweigh the loss or harm; and 2. replacement compensatory planting at an appropriate ratio is provided’.

There are not clear and demonstrable reasons why it is absolutely necessary to remove almost 800 trees or that doing so would result in a better scheme. The trees to be lost are significant, some are subject to TPOs. Whilst there is clearly a high level of need for a flood protection scheme in principle, as proposed, its benefits are not demonstrably outweighed by the losses and the replacement planting proposed cannot be considered compensatory as it will not provide benefits to the same level as currently enjoyed for many decades to come, if at all.

NPPF 170b requires planning decisions to ‘contribute to and enhance the natural and local environment by... recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of... trees and woodland....minimising impacts on and providing net gains for biodiversity,'
including by establishing coherent ecological networks that are more resilient to current and future pressures'.

The proposals will not enhance the natural and local environment and they do not recognise the intrinsic character, beauty or benefits of Kendal’s riverside trees or their wider ecosystem services. Any net gains for biodiversity will be outweighed by the time it will take for them to be realised, during which individuals/species will have had their habitats destroyed and are likely to have moved on or worse.

The oft-used argument that birds/animals will simply find another tree to roost/nest in or feed from carries little weight as it assumes both that other individuals are not already using other trees to capacity and also that there is an infinite supply of trees. Obviously in this case, a significant percentage of local trees are to be felled, making this argument even less relevant. A critical mass of any given habitat is required for the species that rely upon it and the natural environment as a whole to survive and thrive, so to use the argument that tree loss is ok because those species/individuals could just move into another area of an ever decreasing supply of that habitat is essentially to condemn them to extinction.

NPPF Para. 174b requires ‘the conservation, restoration and enhancement of priority habitats’ to be promoted. The Government’s 25-year Environment Plan identifies a focus on priority habitats in terms of creating and enhancing the network of wildlife-rich habitat.

It is not considered that the proposal fully meets the requirements of these policies or that it recognises or reflects the value of trees and the range of ecosystem services they provide as necessary and important inherent parts of the essential green infrastructure that supports life – in this case, particularly the lives and wellbeing of the residents and natural environment of Kendal as well as visitors to the town.

In order to establish which trees provide the greatest contribution to Kendal’s character and to other critical aspects such as air quality, biodiversity and health and well-being, detailed assessments should be undertaken. This could then inform decisions about which trees could be lost without unacceptable harm, which should be retained and how and what are the most appropriate species, locations and levels of maturity for any replacement trees.

Ecology
We are concerned that the Ecology part of the Environmental Statement has been written using the outdated 1994 Design Manual for Roads and Bridges method rather than the 2018 Chartered Institute of Ecology Environmental Management Guidelines to assess the scale of the ecological impact.

We could not find any area measurements showing the existing extent of habitats, how much will be lost and how much will be created afterwards (and by when). Without this information, it cannot be confirmed that the scheme will deliver the environmental net gain that the NPPF and 25 Year Environment Plan require.

Public access, spaces and routes
The proposals will affect several iconic and much-valued public spaces in Kendal. The loss of the trees and construction of flood defence walls will detach people from the River Kent by severing physical and visual connections with it for residents as well as anyone walking, cycling, jogging etc through the town. Again, this will compromise the benefits currently provided, such as positive impacts on physical and mental health gained by enabling people to experience and connect with
the natural environment and the sense of place, belonging and local history that people enjoy when in close proximity to the river or otherwise being within the river corridor.

The Conservation Area Appraisal for Kendal notes that the green space along the riverside on Aynam Road ‘undoubtedly helps to make the river an integral feature of the town’, helps ‘to temper the hard edges of the riverbank while actively defining and softening the periphery’ and ‘is used and seen from some vantage point, on a daily basis, by almost everyone who comes into the settlement to live, work or visit’. It further points out that the protected public open space on Aynam Road was remarked upon by Nikolaus Pevsner, an architectural historian, who considered its tree-planted nature and situation alongside the river to be ‘a rare case in England of such a promenade’. This demonstrates just how much these areas characterise the town, are valued and the impact their loss or compromise would have.

For example, there is limited ‘replacement’ tree planting proposed along the Aynam Road stretch of riverbank. Whilst these trees may be ‘replaced’ 4 to 1, the replacement will be elsewhere, and the value of this stretch of the River Kent townscape for its street scene, wildlife and public benefits will be significantly degraded in perpetuity.

The public spaces affected include common land at Gooseholme, on the south side of New Road Park and just south of Miller Bridge; designated village greens at Abbott Hall (Kirkland Common) and Gooseholme and further areas of land within the river channel itself adjacent Sand Aire House/The Bridge Hotel, east of New Road Park and west of Gooseholme, which are identified as Countryside and Rights of Way Act Section 15. Common Land consent will be required and if the extent of common land to be lost or compromised triggers the need, then compensatory land will be required.

Multiple public open spaces and private (amenity) open spaces protected through the Local Plan are also affected including that at Aynam Road mentioned above. South Lakeland Land Allocations DPD policy LA1.10 states that ‘[t]he public open spaces and amenity spaces identified on the policies map will be safeguarded from development and, where possible, managed to enhance their visual, cultural, historic, environmental, informal recreation and biodiversity significance both in themselves and as part of green infrastructure networks. Development affecting public open spaces or amenity spaces will not be permitted unless their green infrastructure significance is safeguarded or enhanced’.

The proposal will need to demonstrate that the green infrastructure significance of the affected private and public open spaces, including all the factors identified in policy LA1.10, is indeed safeguarded, and enhanced if at all possible.

In terms of new recreational uses on land that will be allowed to flood, management will be important. Who will be managing the Sandy Bottoms and Beezon Field flood storage area planting to ensure that it will actually serve its purposes for flood management and recreation or otherwise non-surviving trees, and any planting washed away in future flooding?

The proposals will also affect the character and experience of National Cycle Network route 6 and multiple Public Rights of Way as well as compromising historic/traditional access points and rights of access to the river.

Consultation and impacts of the timeframe employed

Given the importance, scale and complexity of this scheme, there has been insufficient time and opportunity for members of the public and relevant organisations to properly consider and discuss all the documentation and the implications of the scheme. For some residents, the first they were
aware of was red paint being daubed on the hundreds of trees to be removed. We attended one of the drop-in consultation events held before the application was submitted and the information made available there was limited and high level, with no detail such as the level of tree loss or the impacts on the town centre.

The proposals give the impression of being rushed through, which has resulted in some questionable rationale for certain elements, including those highlighted above but also excluding large areas of playing fields at Mintsfeet Fields (which could be used to hold and slow water) from the bunded area and failing to fully recognise factors such as some routes water took during Storm Desmond and the areas in which flooding was caused by groundwater or resulted from watercourses other than the Kent over-topping.

Please record these representations as those of the Campaign to Protect Rural England (CPRE-Cumbria Association).

Yours sincerely,

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Planning Officer