



**Lake District
National Park**

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**Report from the Head of Development Management to the
Development Control Committee**

Application number:	7/2024/2182
Application type:	Major full application
Applicant:	Lingholm Private Trust
Location:	Ullock Moss, Cupboard Field and land between West of Derwentwater, Borrowdale Valley, Portinscale
Grid reference:	325089 522509
Proposal:	The construction of a new a parking scheme, with amenities building at Ullock Moss, a new shuttle bus turning facility at Cupboard Field and a series of measures to the adjacent highway and footpath infrastructure
Report prepared by:	Kevin Richards, Planning Manager
Report agreed by:	Andrew Smith, Head of Development Management
Recommendation:	REFUSE

1 About this report

- 1.1 The case planner has prepared this report, assessment and recommendation taking into account our policies (known as the Development Plan), written representations we have received, and any other material considerations.
- 1.2 Material considerations are things that are relevant to our decision making and which we are able to take into account – for example site specific factors, or Government planning policy (the National Planning Policy Framework) and Government planning guidance (the National Planning Practice Guidance).

- 1.3 The Development Control Committee will determine the application at its meeting having regard to the provisions of the Development Plan, representations we have received, and all other material considerations, following a verbal and visual summary of the application by the case planner and, where applicable, after hearing any verbal representations made in accordance with our Policy for Public Speaking at Meetings.
- 1.4 Most applications are decided under powers delegated to the Head of Development Management. A small number of significant or more contentious applications are considered by our Development Control Committee as set out in our Scheme of Delegation.

2 Background and proposal

- 2.1 I am reporting this application to Committee because of the considerable level of interest from local residents, objectors and supporters, locally and further afield, statutory and non-statutory consultees and other interested parties.
- 2.2 In December 2021 (7/2020/2291) Committee carried out a site inspection and following consideration refused planning permission for similar proposals, for the following reason:

The proposals do not meet the exceptional requirements of Policy 22: Vehicle parking to improve sustainable transport, as it has not been demonstrated that the proposals:

- *would resolve an unacceptable highway safety issue or hazard and that all other relevant regulatory measures and enforcement have been exhausted*
- *would not lead to net increases in traffic accessing the location*
- *would incorporate specific measures to manage traffic to the site through 'smart' parking information*

The proposals would cause harm to the character and appearance of the area in the following ways:

- *at Ullock Moss adverse landscape and visual effects by reason of loss of woodland and tranquillity, introduction of parked vehicles, hard surfacing and the building*
- *at Cupboard Field adverse landscape and visual effects by reason of the incursion of the hard surfacing into the pastoral farmed landscape, the hard surfacing and use as a bus turning head*

These effects harm the extraordinary harmony and beauty of the Lake District landscape and its Special Qualities, including the attributes of Outstanding Universal Value of the English Lake District World Heritage Site.

The identified harms are not outweighed by the benefits of the proposals.

The proposals are contrary to policies 01: National and international significance of the Lake District, 05: Protecting the spectacular landscape,

07: Historic environment and 22: Vehicle parking to improve sustainable transport of the Lake District National Park Local Plan 2020-2035.

- 2.3 In 2022 and after further survey work by the applicant, planning permission was sought again (7/2022/2279). Following consultation and assessment that application was withdrawn by the applicant prior to determination by Committee. Planning permission is now sought for broadly similar proposals to those previously refused and withdrawn; a new permanent public car park and associated facilities building at Ullock Moss near Portinscale and a shuttle bus turning head and drop-off point at Cupboard Field near the foot of Catbells.
- 2.4 The detailed proposals can be summarised as follows:
- A new 150 space car park at Ullock Moss (hierarchy of costs relative to those used on private car parks in the LDNPA - for example White Moss)
 - Amenities building facility providing 1 female WC, 1 male WC and 1 urinal, 1 disabled toilet
 - Additional space that would be utilised for the purposes of operating a shuttle bus to Cupboard Field and for operating a bike hire business
 - Information and interpretation panels
 - A new drop off, pick up and turning point for a shuttle bus at Cupboard Field
 - Landscaping proposals for both sites
 - The provision of a shuttle bus service between Ullock Moss and Cupboard Field (to operate half hourly from Easter weekend to 31st October).
- 2.5 There are also a set of proposals outside of the application sites but within the public highway or rights of way network which the applicant has proposed and has committed to providing or contributing to. These measures can be summarised as follows:
- Speed reduction table and pedestrian crossing between proposed car park and public footpath 201028 (Cumbria Way) which links Ullock Moss, Cupboard Field and the start of the walk up Catbells.
 - The improvement of the existing public footpath between the proposed car park and Cupboard Field.
 - Installation of a bus layby with sign posts for the existing bus stops at Ullock Moss.
- 2.6 The applicant has sought to address the previous reasons for refusal in this application. They have submitted an updated Traffic Management Study, a Transport and Highways Evidence Report and an updated Transport Assessment and associated appendices. During the determination of the application a Road Safety Assessment, two updated planning statements and additional information on parking charge notices were submitted by the applicant, accepted as additional information and consulted on.
- 2.7 The applicant has recently operated a temporary car park under permitted development rights in a field at the foot of Catbells. We have since received representations on this application but regarding the

effectiveness or otherwise of the temporary car park. Whilst on land owned by the applicant, the temporary car park at Catbells is not part of these proposals. There is a history of refused planning applications for a permanent car park on that site.

3 Representations

3.1 Above Derwent Parish Council: Object. Reasons for objection can be summarised as follow:

- No demonstrated need in light of declining visitor numbers and aspiration to disperse rather than attract visitors to a specific location or fell.
- Insufficient evidence to indicate an unacceptable highway safety issue. Local Highway Authority do not consider the parking situation a road safety risk.
- Does not form part of a genuine integrated traffic management plan.
- A commercially operated car park would lead to an overall increase in traffic.
- Still do not have an independent or systematic traffic survey as requested.
- Many parishioners report that the double yellow lines have been a success and have improved traffic flow and parking problems in the village.
- The applicant has not undertaken any pre-application consultation or engagement to gauge the views of residents or businesses.
- There is a need for a much more comprehensive tourist traffic management plan for the whole area (including the Newlands, Buttermere, Honister and Borrowdale), or a sustainable transport hub in Keswick (as envisaged in the Local Plan).
- Ullock Moss is seen as “the wrong place” for this because a large permanent car park could lead to increased traffic through the village which would raise safety issues, increased pressure on the A66 junction, damage to the environment, wildlife and the village generally.
- There is still support for a car park of some sort from parishioners. Many would prefer to see smaller, temporary carparks or a more extensive parking/traffic plan implemented.
- The LDNPA should fully explore a more ‘low-impact’ and agile policy of small, temporary, pop-up carparks before supporting a large car park.

3.2 Local Highway Authority: No objection subject to conditions and additional requirements.

3.3 Lead Local Flood Authority: No objection subject to conditions.

3.4 Natural England: Comments.

- Any approval should be subject to no overnight stays, no lighting at night,
- Independent ecological advice should be sought on the evidence provided by third parties – Natural England do not have the resources to provide detailed protected species advice.

- Development should achieve biodiversity net gain.
- Species Management Plan and Surface Water Management Plan required.
- It is not clear what alternatives to a car park have been considered – specifically those which prioritise sustainable transport modes and reduce greenhouse gas emissions in line with the NPPF.
- Levelling Up and Regeneration Act 2023 duty to seek to further the statutory purposes of the area.

3.5 We have received 248 objections including objections from Friends of the Lake District, the National Trust and the Woodland Trust. The following is a summary of those representations.

General / precedent and statutory

- Contrary to National Park purposes, Environment Act, Sandford principle.
- Duty to further the purposes of the National Park.
- A precedent for large commercial car parks/attractions in each village in the Lakes is completely contrary to the stated intention of reducing vehicle journeys and congestion in the National Park.
- Contrary to the Vision for the National Park.
- The proposals have not changed since the previous refusal.

Principle

- Contrary to Policy 22 – open countryside and parking
- Other regulatory measures have not been exhausted as required by Policy 22 – a clear way for example
- Does not meet requirements of current planning policies which state that new car parks must be part of strategic plan for sustainable travel.

Location

- Open countryside – policy conflict, no requirement for this location.
- Wrong location – too far away from Catbells itself.

Parking and access

- Traffic Regulation Orders (TROs) have been welcomed and have been effective; Portinscale is quieter and safer.
- Survey evidence does not demonstrate that the development would not be an attraction in its own right.
- Will make the problem worse and create a destination in its own right.
- It is the duty of LDNPA to provide a strategic parking solution.
- The car park is on the wrong side of Portinscale – it will increase traffic through the village and use an existing dangerous access onto the A66.
- The Local Plan supports a Park and Ride facility in / near Keswick – this is where any car park should be. A much larger car park should be created, adjacent to the A66, much closer to Keswick that allows users to either walk into Keswick to access bus services or lake launches.

- Does not form part of a traffic management plan which must be strategic in nature.
- The car park will appear on maps and web searches and attract many users who would otherwise have parked in Keswick or elsewhere.
- Vehicles will keep arriving when the car park is full, with nowhere to go and generate their own problems attempting to turn around or find parking elsewhere.
- Precedent for permanent car parks in other locations in the area and National Park.
- Unsafe access.
- Would increase traffic which could lead to safety issues for pedestrians and cyclists.
- Unsuitability of access to/from A66.
- Would increase traffic at the junction with the A66 which is a dangerous junction.
- The ferry and local bus service already provide sustainable transport to Catbells.
- Would encourage parking on verges to avoid paying car park fees.
- The roads through Portinscale are narrow and unsuitable for additional traffic.
- Lack of footways through village to access car park.
- Any successful car park would have to revolve completely around smart car parking measures which this scheme does not.
- Shuttle bus is unnecessary, it is on a bus route in the summer months.
- People won't use the proposed shuttle (and it is only seasonal) and instead will park further away still to avoid paying for parking.

Sustainability

- Park and ride and shuttle bus should be explored further.
- This proposal will perpetuate and further encourage car use and will not help a modal shift to other forms of transport.
- Car parks should only be provided when they are a proven and integral part of a strategic plan for sustainable travel – not the case here.
- Sustainability arguments dictate that the use of cars must be reduced – in line with the LDNP vision.
- Enhancing and incentivising the use of the existing bus, boat, cycle routes, bike hire, Cumbria Way, park and ride in Keswick and other footpaths is a far better option.
- Stronger measures are required in the form of closing the road around Derwentwater and through Portinscale to all but local traffic.
- Look at the American National Parks electric bus systems; thousands of visitors and no cars.
- Should implement a tourist tax.

Landscape and visual impact

- Parked cars, people, hard surfacing, access, building.
- Impact on levels of tranquillity.
- Harm to Cupboard Field as a result of use as a turning circle.
- Lighting - of building, lighting in car park, lights from vehicles, general light pollution.

- Catbells and the surrounding countryside is a particularly beautiful and sensitive area and needs the most intelligent and least intrusive management.

World Heritage Site

- Would make a nonsense of the assurances given over vigorous planning policies and protection of the special qualities and Outstanding Universal Values and would imperil World Heritage Site status.
- Harm to World Heritage Site Attributes; primarily landscape and literary / cultural association with Beatrix Potter's time in the area, in particular at Lingholm.

Nature conservation and wildlife

- Presence on the site of the following: red squirrels, otter, deer, birds, bats, amphibians, marsh fritillary, peat, lichen.
- Impacts of lighting on the above.
- Trees – already felled on the site and more proposed to be felled.
- Impacts on hydrology around the site and Special Area of Conservation.
- Impact of visitors on nearby wildlife interests including from dogs and spread of invasive species.
- Bat survey out of date and doesn't consider direct impacts.

Local businesses

- The car park would not support the local economy as people arriving by car would bring their own food for lunch, snacks instead of using local shops, cafes and pubs.
- No commercial benefit for local businesses in the village.

Environmental

- Contrary to basic climate change alleviation principles to reduce vehicle journeys.
- Contrary to National Park policies and strategies to reduce car use and promote sustainable forms of transport.
- Contradictory that we should be contemplating cutting down trees and encouraging car use.
- Increased carbon emissions.
- Undermine move to sustainable transport.
- Pollution from vehicle emissions, microplastics from tyres and brakes.
- Will not help with climate change.

Flooding

- Surface water problems on the site – flood risk to the road / to property.

Users

- Noise, litter, activity etc camping.
- Encourage overnight stays and noise and disturbance that this would cause.

Other matters

- Impact on users of Cumbria Way long distance path. Extra cars puts walkers at risk.
- Impact and increased pressure on rights of way in vicinity of new car park.

We have received 272 representations of support which can be summarised as follows:

Traffic and access

- Parking situation has not improved since the implementation of the TROs.
- The problem has been moved – primarily to along the west shore of Derwentwater between Catbells and Grange.
- Will address parking problems in the area – Catbells, Portinscale, wider area generally.
- Urgent solution needed to stop problem parking.
- Improve road safety throughout the valley.
- Access for farmers, locals, emergency vehicles, local businesses.
- The problems with the Portinscale junction on the A66 is a wider separate problem and should not be a reason to do nothing about the problem between Catbells and Portinscale.
- Safer road for pedestrians and provide emergency services access in this area.
- Sustainable transport solutions not viable or realistic in this area.
- Shuttle bus is a positive.
- Benefit to emergency services through reducing congestion from road side parking.
- Road safety improvement.
- Provision of parking will alleviate parking problems in other areas such as Keswick.
- The temporary car park helped to alleviate traffic and parking, and this permanent one will help resolve the problem permanently.
- Improve cycling safety.
- Introduction of shuttle bus and footpath improvements will help further alleviate traffic.

Location

- A car park will not be a destination – Catbells is the destination.
- Appropriate location on the edge of the village close to rights of way to address parking problems in the village and for Catbells.
- The western side of Derwentwater has no toilets, no off-road parking facilities and the whole idea of the LDNPA and the Tourist Board encouraging more visitors to come without providing any facilities is wrong.
- Most sympathetic area to have a car park.
- Well sited and screened.

Design

- Appropriately designed building.

- Discretely placed and with the proposed landscaping would blend into the area causing no environmental damage.
- Less visually harmful than parked cars stretching along roads.

Visitor experience

- Better experience – no parking tickets, safer car free trips for visitors (pedestrians cyclists) around lake etc, better toilet facilities.
- Installation of toilet facilities essential.
- Would provide disabled parking, electric charging points and information panels
- It will alleviate the traffic in and around the area and create a safer area for people to work and enjoy their leisure time.
- Current ticketing waste of resources and not welcoming to visitors.
- Electric vehicle charging positive.
- E-bike hire positive.
- Toilets positive.
- Parking for minibus groups to Nicol End Marine positive.

Local businesses

- Improved access to businesses by reducing on road parking congestion.
- Better access for trade / construction traffic.
- Better facilities with provision of bins and public toilets.
- Parking/traffic issues reach far beyond Portinscale village and is greatly affecting people right around Derwentwater. Run off from roadside parking along the side of Derwentwater etc. is detrimental to conservation designated and important habitats.
- The provision of toilets will enhance the visitor experience.
- Improvement to forestry business with cars not blocking accesses and roads.
- Toilet facilities for tourists.

Landscape and visual impact

- Reduces landscape impact of parked cars on verges.
- No wider visual impact from the fells. Site has minimal landscape value.

Nature conservation and wildlife

- Less habitat damage than parking on verges.
- Woodland compensation works will offset environmental damage.
- The roadside and verges around this area are damaging to the environment and wildlife.

Other

- Reduces emissions as cars not driving up and down looking for spaces.
- Whilst a commercial venture, would provide public benefit.
- Would promote opportunities for the understanding and enjoyment of the special qualities of the National Parks by the public

4 Policy and guidance

- 4.1 The Development Plan comprises of the Lake District National Park Local Plan 2021.
- 4.2 The following policies are relevant to the proposals:
- Policy 01: National and international significance of the Lake District
 - Policy 02: Spatial Strategy
 - Policy 03: Development and flooding
 - Policy 04: Biodiversity and geodiversity
 - Policy 05: Protecting the spectacular landscape
 - Policy 06: Design and development
 - Policy 07: Historic environment
 - Policy 08: Infrastructure and developer contributions
 - Policy 09: North Distinctive Area
 - Policy 16: Job creation and employment space
 - Policy 18: Sustainable tourism and holiday accommodation
 - Policy 19: Agricultural and land-based rural business diversification
 - Policy 20: Renewable and low carbon energy
 - Policy 21: Sustainable access and travel
 - Policy 22: Vehicle parking to improve sustainable transport
- 4.3 The Lake District National Park Landscape Character Assessment and Guidelines Supplementary Planning Document is relevant.
- 4.4 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. It is a material consideration in the determination of planning applications.
- 4.5 The Cumbria Development Design Guide is guidance produced by the Local Highway Authority to provide advice on the design elements that combine to create successful residential and commercial developments in Cumbria.
- 4.6 The Above Derwent Combined Action Plan July 2015 contains actions and issues related to parking and access and is referred to as a Parish Plan (Community Plan) on the Above Derwent Parish Council website.
- 4.7 The Cumbria Transport Plan 2011-2026 was produced by Cumbria County Council. It is a statutory document that sets out how roads, footways, cycleways, rights of way and bus and train services in Cumbria will be improved and managed.
- 4.8 The Newlands Community Plan is one of a number of community plans which cover the Above Derwent parish. There are several actions in the Newlands Community Plan relating to traffic and transport.
- 4.9 The Environment Act 1995 sets out two statutory purposes of National Parks:

- Conserve and enhance the natural beauty, wildlife and cultural heritage.
- Promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public.

It also has a duty in pursuing those purposes:

- To seek to foster the economic and social wellbeing of local communities within the National Park.

4.10 Section 11A(1A) of the National Parks and Access to the Countryside Act 1949 places a duty on relevant authorities in exercising or performing any functions in relation to, or so as to affect, land in a National Park, to seek to further the statutory purposes of the area. This section also states that if in exercising our functions so as to affect land within the National Park it appears that there is a conflict between statutory purposes, we must attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in the National Park (The 'Sandford Principle').

5 Assessment

- 5.1 The main issues in the assessment are as follows:
- The principle of the development in this location
 - Traffic and access
 - Nature conservation (sites, species, trees and woodland)
 - Landscape and visual impact
 - Heritage assets
 - Impacts on the amenities of neighbours
 - Flood risk

Is the principle of a new public car park in this location acceptable?

- 5.2 Whilst the application site lies a short distance from Portinscale, a recognised village in the Local Plan, it is in an open countryside location for the purposes of considering these proposals.

Strategic policies

- 5.3 Policy 02 states that in the open countryside we will only support proposals for development where they demonstrate:
- an essential need for a rural location or
 - the location is necessary for the provision of public utilities and infrastructure or
 - it helps to sustain an existing business or
 - it is necessary for and designed to support agricultural or forestry use or
 - it is an appropriate extension or reuse of an existing building.
- 5.4 Policy 09 for the North distinctive area states that development in the North Distinctive Area will reinforce distinctiveness of place, deliver key themes of the Vision and enable local solutions to specific planning

issues. It states that we will achieve this by, amongst other things, securing solutions to car parking problems at Catbells and Seathwaite Valley.

- 5.5 Policy 21 sets out our approach to encourage more sustainable forms of travel and states that we will support the development of sustainable transport infrastructure to broaden and encourage use of sustainable travel choices for visitors thereby reducing the need to travel by private vehicle.
- 5.6 Policy 22 specifically deals with vehicle parking to improve sustainable transport stating:

We will only support additional public parking provision that helps to reduce the need to travel by private motor vehicle, and contributes to and improves sustainable transport and movement opportunities.

We will achieve this by permitting:

- 1. additional public car parking at Transport Interchanges, Gateways, or Rural Service Centres which function as Multi-Purpose Hubs (Figures 11–14), only where evidence demonstrates it is needed and it:*
 - facilitates the transfer of people to sustainable transport and travel opportunities; and*
 - links to or incorporates and improves links to existing sustainable travel opportunities secured where necessary by developer contributions; and*
 - encourages long stay parking; and*
 - does not introduce inappropriate levels of use to the location.*
- 2. additional public car parking at existing managed attractions or businesses only where evidence demonstrates it is needed and where the applicant can demonstrate the proposal would deliver a modal shift in visitor travel by connecting with regular and scheduled public transport, ferry, boat services, or other forms of sustainable movement of people. Proposals must not introduce inappropriate levels of use to the location. We would normally expect improvements to sustainable transport to deliver this modal shift, including to walking and cycling infrastructure, and secured where necessary by developer contributions.*
- 3. additional coach parking within Rural Service Centres and Travel Corridors, and at managed visitor attractions and accommodation where the local highway network can safely accommodate additional coaches. Exceptionally, public car parking proposals in locations other than those set out in 1 and 2 will only be permitted where it is demonstrated that proposals would:*
 - resolve an unacceptable highway safety issue or hazard and all other relevant regulatory measures and enforcement have been exhausted; and*
 - form part of a traffic management plan that integrates with other sustainable transport opportunities to manage traffic, secured where necessary by developer contributions, and would not lead*

to net increases in traffic accessing the location where it is proposed; and

- *not introduce inappropriate levels of use to the location; and*
- *incorporate specific measures to manage traffic to the site through 'smart' parking information where such measures are appropriate in terms of scale of parking and are viable.*

5.7 Policy 18 states that we will support proposals which deliver a high quality, sustainable tourism experience for the diverse range of visitors to the Lake District and ensure proposals benefit our local communities and businesses. Sustainable tourism proposals will be supported where they are within or well related to the settlement form of a Rural Service Centre or contribute to the diversification of an agricultural or land-based rural business or rely upon a geographically fixed resource which justifies the development or are located within or adjacent to an existing visitor attraction or accommodation site.

Traffic, parking and access policy

5.8 Policy 09 for the North distinctive seeks to enable local solutions to specific planning issues including securing solutions to car parking problems at Catbells. The policy does not state that the solution to the identified problem is necessarily a car park and this application does not propose a car park at Catbells itself, although the applicant has recently and historically operated a temporary car park at the foot of Catbells under permitted development rights. Policy 22 deals specifically with proposals for additional public parking and sets out a number of tests for the exceptional circumstances in which we will permit additional public parking where a proposal is not at a Transport Interchange, Gateway, Rural Service Centre or existing managed attraction or business.

5.9 In reaching its decision on the first planning application on this site Committee concluded that the proposals failed the tests of Policy 22 as it had not been demonstrated that the proposals:

- would resolve an unacceptable highway safety issue or hazard and that all other relevant regulatory measures and enforcement have been exhausted
- would not lead to net increases in traffic accessing the location
- would incorporate specific measures to manage traffic to the site through 'smart' parking information

5.10 The applicant has sought to address these reasons for refusal in this application and the previously withdrawn application and has submitted additional information both in support of and during its determination.

5.11 In summer 2022 the Local Highway Authority implemented Temporary Traffic Regulation Orders (TROs) in the area, which included double yellow lines in and near Portinscale and new double yellow lines on parts of the road near Catbells. These TROs were made permanent in 2023.

5.12 The Authority ran an hourly shuttle bus from Keswick to Catbells from 23 July to 4 September 2022. It has not operated since.

Would the current proposals resolve an unacceptable highway safety issue or hazard?

- 5.13 There are a variety of related traffic problems in the area which the applicant summarises as follows:
- Rutted verges
 - General damage, erosion and degradation
 - Mounted parking on footpaths
 - Obstruction of and damage to footpaths
 - Obstruction of pedestrian routes
 - Pedestrians forced on to road
 - Pedestrians using the road to bypass parked cars obstructing footpaths
 - Increased risk of accidents and injury
 - Obstruction of, or delay to, emergency services vehicles
- 5.14 As part of our assessment of the original application we concluded that there was broad agreement in the representations from statutory and technical consultees and from objectors and supporters that the traffic, access and parking situation in and around Portinscale and between the village and Catbells represented an unacceptable highway safety issue at times. Responses to this application and to the previously withdrawn application suggest that this is no longer the case.
- 5.15 The Local Highway Authority's view of the current application is that the ongoing parking situation is not considered a road safety risk regarding the risk of collisions caused by the parking itself, but recognises that the inconsiderate parking does make passage of emergency service vehicles difficult if not impossible at times and this could lead to an unacceptable situation when emergency access is required. They state that it is clear that the study area has suffered from severe and unacceptable indiscriminate parking during the peak seasons / holidays which has caused problems for larger vehicles to access the valley road, such as service buses and emergency service vehicles but that the introduction of the emergency 'no waiting' restrictions (TROs), has mitigated this problem to a large extent, but not removed it altogether. Whilst not objecting in principle, the Local Highway Authority state that they have never proposed public parking as part of the solution here.
- 5.16 Above Derwent Parish Council supported the original car park application in 2021. They felt there was an urgent need to tackle traffic congestion in the village as there were times when emergency vehicles or buses could not pass through the village. In their response to the withdrawn 2022 application the Parish Council stated that in the previous 12 months there had been much less congestion and they had not had any reports of vehicles, particularly emergency vehicles, being unable to travel through the village. At that time they made a neutral response and stated that given the decrease in congestion in recent months, it did not seem the right time to make a decision on car park provision.

- 5.17 The Parish Council now object to the current proposals on the basis that there is insufficient evidence to demonstrate a traffic hazard remains, the evidence from parishioners that the double yellow lines have been a success, the location of the car park and their desire for a comprehensive traffic management plan for the area. It is evident from the totality of their responses to these applications that the views of Above Derwent Parish Council about the need for the car park in this location have changed over the course of four years, in response to what have been changing local circumstances and the TROs introduced by the Local Highway Authority.
- 5.18 The views of the Local Highway Authority and Above Derwent Parish Council about the effectiveness of the TROs are repeated in many of the objections we have received but, in equal measure, representations also refer to the TROs having moved the problem elsewhere and having not eliminated the parking and access problems.
- 5.19 The applicant is concerned that the Local Highway Authority have used a narrow interpretation of safety risk which focuses on risk of collision only. The development plan policy test is that the proposals would resolve an unacceptable safety issue or hazard. I agree with the applicant that the policy test is a more general one than that applied by the Local Highway Authority and could encompass a number of factors including but not limited to, the risk of collision.
- 5.20 In response to this and subsequent to the submission of the application the applicant has engaged with the emergency services. Copies of correspondence and a further report assessing their content has been provided by the applicant. These responses are material to the decision.
- 5.21 Substantive responses have been provided from Cumbria Fire and Rescue and North West Ambulance Service. The applicant has also communicated with Cumbria Constabulary but no substantive response has been received.
- 5.22 Cumbria Fire and Rescue state that they do not have any specific examples of where they have been unable to proceed due to blocked roads but they also state that they have to take extra care and irresponsible parking can impact on how quickly and effectively they can respond to incidents. They conclude by saying that infrastructure that helps reduce inappropriate roadside parking represents a meaningful step forward.
- 5.23 North West Ambulance Service state that they have never had any reported issues and crews have never mentioned struggling with access. They state that if the road was ever blocked they could still get to an incident by other means or request helicopter support. They state that they have never been approached by the Local Highway Authority for comment, that they have had issues on other routes in the Lake District where crews have had to take to foot to get to a patient, but that could happen anywhere where poor parking occurs.

- 5.24 What I consider these responses demonstrate is that whilst all agencies are agreed that anything which aids traffic flow is a positive step, this could apply wherever inconsiderate parking occurs. There are no specific examples of when emergency vehicles have been prevented from attending incidents in the area and the evidence from the emergency services suggests that were such circumstances to arise, there are always likely to be alternative ways to reach an incident. Given the nature of the roads in the National Park, it is likely that the potential for impeded access will always exist at times.
- 5.25 It is clear from the representations that the TROs have improved the problematic parking and access situation. It is also clear that they have not removed it entirely. From the perspective of the Local Highway Authority and the emergency services, all measures which can reduce inconsiderate parking are welcomed.
- 5.26 The applicant carried out a Road Safety Assessment in February 2024 and has submitted it in support of this application. Despite the permanent presence of double yellow lines and their enforcement, the following road safety issues and hazards were observed:
- Parking on double yellow lines (illegal) restricting traffic flow, forcing pedestrians) and cyclists to walk or ride further into the carriageway
 - Parking behind double yellow lines (also illegal) restricting forward visibility for drivers and riders around bends and damaging verge
 - Parking on verges (illegal where double yellows are present, but hazardous in any case) damaging the verge forcing vulnerable road users further into the carriageway, trip hazard and restricted forward visibility for drivers and riders (particularly near bends)
 - Migration of verge material onto the carriageway due to parking on verges causing a slipping and skidding risk for road users, especially when wet, particularly hazardous for cyclists and pedestrians
 - Illegal and inappropriate parking caused difficulties for the assessment team driving the route which would be similar to those experienced by the emergency services.
- 5.27 The applicant has also provided penalty charge notice data covering the period 2016-2025, from before the introduction of the TROs in 2022, their temporary operation and more recent permanent operation. This shows a significant increase in the number of fixed penalty notices throughout this period. It has also been reported recently that this stretch of road has had the highest annual number of penalty charge notices in Cumberland (1,273). Whether as a consequence of increased levels of illegal and inconsiderate parking, more extensive areas of parking regulation being in place, or greater enforcement, what is clear is that the TROs have not eliminated or reduced the number of penalty charge notices being served.
- 5.28 Most recently the applicant has provided photographs they say show the positive effect on the local roads of the operation of the temporary car park at Cupboard Field. However, Cupboard Field is at the foot of Catbells, over a mile from the proposed car park. It is not possible to say with any degree of certainty that the effects of the proposed car park would be the same as a temporary car park in a different location.

- 5.29 Having regard to the previous refusal, the applicant believes there is a lack of consistency in the application of distinctive area policies and our assessment and determination of applications for car parks elsewhere. Specifically, they consider that insufficient weight has been given to Policy 09 for the North distinctive area. However, some distinctive area policies are specific in their approach and some more general, depending on the circumstances.
- 5.30 Policy 12 for the South distinctive area for example specifically supports appropriate additional car and coach parking in Coniston and we have given the policy significant weight in our decisions on new car parking in Coniston. By contrast Policies 09 (North distinctive area) and 13 (Central and south east) are less specific, stating that we will support appropriate solutions to car parking problems.
- 5.31 The applicant also refers to our decision at Wasdale where permission was granted in 2024 for a seasonal car park to serve the existing shuttle bus. Conditions of planning permission restrict operation from 1 April to 30 September and require that the use cease should the shuttle bus cease to operate. Whilst similar in size to the car park in Wasdale (150 spaces) this current application proposes a permanent year-round use with facilities including bike hire and toilets.
- 5.32 There are some parallels in these cases but the differing aspirations and wording of the distinctive area policies together with the unique circumstances of each area mean that I do not agree there has been an inconsistency in the application of development plan policy, nor do I consider that decisions on other car parks in different locations and in different circumstances should lead to a particular recommendation in this instance.
- 5.33 The responses from Above Derwent Parish Council and the Local Highway Authority suggest that the TROs have been successful and when taken together with the lack of specific evidence from the emergency services about problems accessing the area, there is insufficient evidence in my view to conclude that an unacceptable highway safety issue or hazard currently exists for the purposes of Policy 22 and this test is not met.

Have all other relevant regulatory measures and enforcement been exhausted?

- 5.34 Policy 22 also requires that all other relevant regulatory measures and enforcement have been exhausted. The TRO process has clearly advanced significantly since 2022 and the Local Highway Authority state in their response they agree that with the implementation of the temporary TRO followed by a review and then the permanent TRO for waiting restrictions, all relevant and reasonable highway regulatory measures have now been exhausted.

- 5.35 Some objectors to the application disagree and they point to further options such as a clearway, which unlike double yellow lines which prevent parking and waiting, would prevent all stopping.
- 5.36 Given that the Local Highway Authority are our expert advisors on such matters I have no reason to disagree with their conclusions on the matter.
- 5.37 I consider that for the purposes of the tests of Policy 22 and having regard to the now permanent nature of the TROs and the response from the Local Highway Authority, all regulatory measures have been exhausted.

Would the proposals form part of a traffic management plan that integrates with other sustainable transport opportunities to manage traffic, secured where necessary by developer contributions and not lead to net increases in traffic accessing the location where it is proposed?

- 5.38 The Local Plan does not provide a definition of a traffic management plan. Such a scheme would normally be prepared at a strategic level; by a local authority or other public body for example. However, there is no policy requirement that this is the case. A traffic management plan can be prepared by an independent body or an applicant as part of specific proposals.
- 5.39 The application contains a number of proposals both on and off the highway which the applicant states would work together to address the identified issue. The Local Highway Authority have confirmed that if built as a holistic approach to the issues then they have no objection. Subject to a condition requiring the off-site highways measures to be implemented prior to the first use of the car park it is reasonable in my view to conclude that the application could constitute a traffic management plan for the purposes of Policy 22 if implemented in the way the Local Highway Authority suggest.
- 5.40 The location of the proposals means that there is the opportunity to integrate with sustainable transport opportunities including the applicant's proposed shuttle bus service between Ullock Moss and Cupboard Field. The application proposes formal integration with the existing bus service by replacing informal bus stops on both sides of the road at the entrance to Nichol End Marine and opposite the entrance to the proposed car park, with formal laybys and signage. The 77/77A/77C Honister Rambler bus which serves Keswick, Portinscale, Lorton, Buttermere and Honister stops at the Ullock Moss site and near to Cupboard Field and operates seasonally between March and November (an hourly service between 8.30 and 17.30).
- 5.41 Keswick Launch advertises a stop at Nichol End Marine which is a short distance from Ullock Moss. However, the jetty is currently closed and means that the Launch currently operates a regular service to Hawse End, south of Derwent Bay and approximately 500m from Cupboard Field and the start of the Catbells walk.

- 5.42 The Authority ran a shuttle bus from Keswick to Cat Bells daily from 23 July to 4 September during 2022. This was an hourly service between 10am and 5pm. The numbers using it were variable, with daily passenger numbers ranging between 3 and 47 per day, with an average of 14 per day. The service did not run after 2022.
- 5.43 Policy 22 requires that proposals avoid a net increase in traffic accessing the location where the car park is proposed. The previous Committee decision concluded that it had not been demonstrated that a net increase in traffic could be avoided.
- 5.44 The applicant has produced a Transport and Highways Evidence Report which includes survey work seeking to demonstrate that the proposals would avoid a net increase in traffic accessing the location. A survey was undertaken at Cupboard Field in summer 2022 when the temporary car park was open. Its findings can be summarised as follows:
- On Saturday 13th August 122 vehicles arrived into the carpark and the occupancy peaked at 85 parked vehicles.
 - 74% of respondents were first time visitors to Catbells.
 - 69 respondents offered 127 reasons for visiting, none of which cited the availability of car parking. The availability of parking is therefore believed not to be an attractor.
 - 72% of respondents had one or more further trip destinations planned for the day. Those motorists were attracted to the Lake District by more than just this destination.
 - The average journey distance (to the carpark) was 79 miles
 - $\frac{3}{4}$ of respondents were unaware of the existence of the car park or that it would be in operation before making their trip. That is believed to confirm that the presence of the car park is not generating trips.
- 5.45 The applicant concludes that the proposed car park would not be an attractor, would not generate additional trips overall and that as such the overall effect of the car park would be beneficial and mitigation of an existing situation. However, the work is largely reliant on a survey of visitors at Cupboard Field on one Friday afternoon and one Saturday in August. This is a small sample on a day which the survey's author states may not necessarily be representative in any case, as Saturday is change-over day for many holiday lets in the area.
- 5.46 The conclusions drawn from the survey are based on the premise that the proposed car park would not lead to a net increase in traffic because a majority of visitors who were surveyed did not give the presence of a car park as a reason for coming. The inference is that those visitors surveyed were coming regardless of the presence of a car park and therefore the presence of a permanent car park would have no influence on numbers of visitors. These conclusions make a comparison between a temporary car park operating in an informal way in a field for part of the year and not with the proposals themselves; a purpose built permanent car park on the edge of a village with facilities including toilets, bike hire and a shuttle bus. The report does not attempt to assess whether or not its permanence, its location or the facilities available would lead to an increase in visitors or acknowledge that this is not a direct comparison.

- 5.47 It is unlikely that a true picture of the extent to which the development would be an attractor in its own right is possible without a period of operation. However, the survey results are not wholly convincing and I do not consider that the application has demonstrated that the proposals would not lead to a net increase in traffic accessing the location, contrary to the requirements of Policy 22.

Would the proposals introduce inappropriate levels of use to the location and are they consistent with other policy criteria?

- 5.48 The popularity of the area is a product of its landscape value, recreational opportunities, immediate access off the A66 and close proximity to Keswick, its services, amenities and accommodation.
- 5.49 Supporters and objectors agree that inappropriate levels of use already exist at times. In the same way that it has not been demonstrated that the proposals would not lead to net increases in traffic accessing the location, it has not been demonstrated that such increases would not also result in the impacts associated with inappropriate levels of use.
- 5.50 The extent to which the proposals are consistent with other policy criteria is a product of its conformity with other policies in the development plan.

Would these proposals incorporate specific measures to manage traffic to the site through 'smart' parking information where such measures are appropriate in terms of scale of parking and are viable?

- 5.51 The previous reasons for refusal referred to the lack of specific 'smart' parking measures. In their supporting statement the applicant states that the applicant would be willing to list the car park on our website and provide capacity information.
- 5.52 The continued lack of any detailed specific 'smart' parking proposals does not address the previous reason for refusal and in my view the scale, nature and location of the car park does not indicate that such a requirement should be relaxed. The applicant has indicated their willingness to consider any other measures which might be considered appropriate. However, without certainty about the nature of such measures and how they would be secured it is difficult to give this commitment substantial weight.

Conclusion on the principle of a car park

- 5.53 Whilst there is support from Policy 09 for the North distinctive area for securing solutions to car parking problems at Catbells (although such solution does not have to be a car park for 09's purposes), the tests of Policy 22 for new public parking in the open countryside have not been satisfied. The evidence does not demonstrate that the proposals would resolve an unacceptable highway safety issue or hazard and does not demonstrate that the proposals would not lead to net increases in traffic accessing the location or result in inappropriate levels of use. Despite a

commitment to provide 'Smart' parking measures, no specific details are contained in the application.

- 5.54 The proposals are considered to be contrary to the requirements of Policy 22.

Nature conservation

Designated sites

- 5.55 The application sites have no formal ecological designations. There is an area of designated Ancient Replanted Woodland to the south of Ullock Moss and an area of Ancient Semi-Natural woodland to the east, around Fawe Park which is also a County Wildlife Site. The Cupboard Field site is approximately 130m from a County Wildlife Site on the shores of Derwentwater.
- 5.56 The Ullock Moss application site lies approximately 170m away from Derwentwater, part of the River Derwent and Bassenthwaite Lake Special Area of Conservation (SAC) and River Derwent and Tributaries Site of Special Scientific Interest (SSSI) and the Cupboard Field site is approximately 300m away. Ullock Moss is separated from the lake by woodland in Fawe Park as well as the access, land and buildings along the lake shore associated with Nichol End Marine. Cupboard Field is separated by woodland around Derwent Bay.
- 5.57 Natural England provided us with advice in respect of the protected sites and species as well as non-statutorily protected nature conservation features and species when they were consulted on the previous application. They have referred us to this advice in their response to this application.
- 5.58 Policy 04 states that we will only support proposals which would have significant and harmful direct or indirect effects on biodiversity and ecosystems processes where the need for the development clearly outweighs the harm caused; and an appropriate scheme is proposed which will secure compensation and net increases in biodiversity.
- 5.59 Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) restricts the granting of planning permission for development which is likely to significantly affect a European site and which is not directly connected with or necessary to the management of the site. It requires an Appropriate Assessment to be carried out of the implications of the development. In the light of this assessment we must determine whether we can ascertain that the proposal either alone or in combination with other plans or projects will not adversely affect the integrity of the site before we can grant permission.
- 5.60 As part of the judgement on integrity, we must consider the way in which it is proposed to carry out the project and whether conditions or other restrictions would help to ensure that site integrity is not adversely affected.

- 5.61 The proposals are not directly connected with or necessary to the management of the SAC and it was considered by Natural England at an early stage that based on the submitted information the proposals would have a Likely Significant Effect.
- 5.62 Natural England's position on the previous application following the final version of a Shadow Habitats Regulation Assessment from the applicant was that they have no objection subject to appropriate mitigation being secured. This was prior to Natural England issuing advice in respect of nutrient neutrality.
- 5.63 The proposed building would provide four toilets and wash basins with the potential for increased nutrient loading of the SAC without mitigation. The applicant proposes that foul water is discharged to a sealed underground tank which would be extracted for offsite disposal at an appropriate treatment site. This arrangement could be secured by condition of planning permission and as such there should be no additional nutrient loading of the SAC as a result of the toilets.
- 5.64 Taking the above matters into account together with the position of Natural England we can conclude that the proposal either alone or in combination with other plans or projects will not adversely affect the integrity of the River Derwent and Bassenthwaite Lake Special Area of Conservation in accordance with Policies 01 and 04, the NPPF and the Conservation of Habitats and Species Regulations 2017.

Species

- 5.65 There are a number of species of plant, animal and habitat referred to by objectors, some formally protected, which are present on or using the site. These include red squirrels, otter, deer, birds, bats, amphibians, marsh fritillary, peat, lichen.
- 5.66 The applicant submitted an Ecological Appraisal with the application which has considered impacts on those species and habitats and made recommendations in respect of mitigation.
- 5.67 The efficacy of the ecological work has been called into question by objectors, in particular the lack of a specific bat survey. The appraisal has assessed the potential of the affected habitat in respect of its use by bats but has not identified specific bat roosts which would be affected. Direct impacts on bats are limited to tree removal and the appraisal has identified that the trees which are proposed to be removed are Category 2 trees (trees which can be removed taking reasonable avoidance measures).
- 5.68 On this basis I consider that harm to bats could not be avoided through appropriate mitigation which could be secured by condition.
- 5.69 The survey work has not concluded any direct harm to the other identified species and I have no reason to take a different view.

- 5.70 Overall the appraisal concludes that the core development site has a low potential for many species as the site is poor semi-improved grassland. The proposal would not result in conflict with Policy 04. Given that no harm would result, the development would further the statutory purpose of conserving and enhancing the wildlife of the area.

Trees and woodland

- 5.71 As well as trees which have previously been felled under a felling license the application proposes the felling of 56 additional trees at Ullock Moss. 10 trees are graded at B with the remainder C and U. Many of the trees graded as moderate or high value lie in a group along the roadside which would be retained. 68 trees would be replanted to compensate for this loss and as part of the landscaping proposals for the site. No trees would be removed on the Cupboard Field site.
- 5.72 Having regard to the nature of the managed woodland site at Ullock Moss, the Appropriate Assessment, the previous position of Natural England and the applicant's planting and mitigation proposals I do not consider that the proposals would have a significant and harmful direct or indirect effect on trees and woodland in accordance with Policy 04.

How would the proposals impact on the landscape?

- 5.73 Policy 01 states that the extraordinary harmony and beauty of the Lake District landscape and its Special Qualities, including the attributes of Outstanding Universal Value, will be conserved and enhanced.
- 5.74 Policy 02 states that we will support development which is of a scale and nature appropriate to the character and function of the location in which it is proposed.
- 5.75 Policy 05 states that we will conserve and enhance the extraordinary beauty and harmony of the Lake District landscape, its Special Qualities and attributes of Outstanding Universal Value. Decisions will be guided by the Lake District Landscape Character Assessment.
- 5.76 Policy 06 requires that, amongst other things, development must reinforce the importance of local character by having regard to scale, height, density, layout, appearance and materials.
- 5.77 Paragraph 176 of the NPPF states that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.
- 5.78 The Landscape Character Assessment SPD identifies both application sites as being in the Upland Valley Landscape Character Type (H) and the Keswick and Derwentwater Area of Distinctive Character. Cupboard Field and Catbells lie at a confluence of Landscape Character Types and Areas of Distinctive Character. The fell lies in two Areas of Distinctive Character:

Keswick and Derwentwater (the east side of the fell) and Newlands (the west side of the fell). It also lies in the Rugged Angular Slate Fell Landscape Character Type and the road, the foot of the fell and the application site lie in the Upland Valley Landscape Character Type and Enclosed Valley Side sub-type.

5.79 Overall character and visual sensitivity within these Landscape Character Types are considered to be high. These Landscape Character Types are considered to have very limited capacity to accommodate change without compromising key characteristics.

5.80 The following is a summary of those landscape sensitivities and guidelines for change most directly relevant to the application sites and their contexts:

Landscape sensitives

- Woodland on the western shores of Derwentwater, which provides a sense of enclosure and important ecological habitats.

Guidelines for change:

- Conserve and enhance broadleaved woodland on the western shores of Derwentwater.
- Ensure that the expansion of tourist-related activities does not compromise landscape character and quality.
- Maintain overall sense of tranquillity.
- Encouragement of an actively but sensitively farmed landscape.

5.81 The previous Committee decision established that the proposals would cause harm to the character and appearance of the area in the following ways:

- at Ullock Moss adverse landscape and visual effects by reason of loss of woodland and tranquillity, introduction of parked vehicles, hard surfacing and the building
- at Cupboard Field adverse landscape and visual effects by reason of the incursion of the hard surfacing into the pastoral farmed landscape, the hard surfacing and use as a bus turning head

5.82 Committee concluded that these effects would harm the extraordinary harmony and beauty of the Lake District landscape and its Special Qualities, including the attributes of Outstanding Universal Value of the English Lake District World Heritage Site.

5.83 These proposals are not materially different in landscape and visual terms to those previously refused by Committee. Alongside their original landscape appraisal the applicant has submitted a response to the reasons for refusal on landscape grounds which can be summarised as follows:

- Reason for refusal makes series of unsupported assertions contrary to original officer's assessment
- Benefits have not been given due weight in the reasoning
- Proposed tree planting is not considered in the reasons for refusal

- Car park would result in a great many cars removed from elsewhere with consequent landscape benefits
- The building and hard surfacing are small scale and should be considered in context of other nearby buildings at Ullock moss
- Significant planting at Cupboard Field not considered

Ullock Moss - Landscape effects

- 5.84 The proposed car park would be sited partly on an area of cleared woodland and would involve the clearance of additional woodland to accommodate the full extent of the development. However, the felling license which permitted the original clearance of the site was conditional on re-planting and our assessment therefore is on the basis of a wooded site.
- 5.85 The tree survey submitted with the application identifies that a further 56 trees would be felled in order to accommodate the car park and building.
- 5.86 The application has been submitted with a landscaping plan and planting schedule which proposes the following at Ullock Moss:
- Native hedge planting and dense shrub planting to boundaries with the public road
 - Under planting of woodland scrub
 - Mounded planting beds throughout the car park planted with trees and under planted with native shrubs

Ullock Moss - Visual effects

- 5.87 Visual effects would result as a consequence of the built development; access, circulation, parking spaces, building and landscaping as well as a consequence of activity - cars when parked in the car park and activity associated with visitors. To understand the maximum extent of visual effect we assessed the car park on the basis of it being full.
- 5.88 There are no elevated or distant views of the site – from the fells for example.
- 5.89 Because of the wooded and enclosed nature of the area, public views would be limited to a stretch of the C2057 adjacent to the site and when approaching from Portinscale or from the Newlands direction.
- 5.90 Receptors in the landscape are varied in their nature; primarily local residents and visitors but also those who work in the area or pass through the area for work purposes. However, without exception all receptors are likely to be at the extreme end of sensitivity because of their expectations about land within a National Park and in the context of specific landscape characteristics of the area.
- 5.91 Public views would mainly be from the public road with some views possible from a short section of the road to Nichol End Marine and some views from a short steep section of Public Footpath 201028 (Cumbria

Way) immediately above the road before it crosses woodland in Fawe Park.

Landscape effects – Cupboard Field

- 5.92 Cupboard Field is a small pastoral field, typical of the area, with post and wire boundary amongst a patchwork of similar fields and woodland at the foot of Catbells.
- 5.93 It displays the typical landscape characteristics found throughout the area and is sensitive to change for these reasons. It is influenced to a certain degree by the adjacent public road which along with the small National Trust car park opposite is a focus of activity, mainly from visitors approaching or descending from the walk up Catbells. This activity can have a significant impact on perceived levels of tranquillity at certain times of the year but at other times of the year the area can display levels of tranquillity consistent with anywhere else in the area.
- 5.94 Development at Cupboard Field would consist of a turning head for the shuttle bus, adjacent bicycle racks, a new fence line demarcating the extent of development and a landscaping scheme including footpaths.
- 5.95 Despite the relatively small scale of the proposed development the current appearance of the field means that the proposals would represent a significant change to its appearance, introducing a hard feature and the activity associated with it. In turn this would represent incursion into what is otherwise a pastoral farmed landscape. The landscaping proposals would effectively create a new small wooded copse around the turning circle, building on existing tree cover and the margins of the site.

Visual effects – Cupboard Field

- 5.96 The development would introduce a relatively small area of permanent hard surfacing and soft landscaping to form the turning head as well as some work to form footpaths for circulation. It would also introduce new activity in the form of the shuttle bus, arriving and departing, dropping off and picking up visitors.
- 5.97 The location, topography and wooded character of land at the foot of the fell means that landscape views are relatively limited; to certain sections of the main footpath up Catbells and to areas of open access land on the fell. The intimate nature of the landscape at this point means that few longer distance views would be possible other than very long distance high level views where the development, because of its scale, would be inconspicuous. There would be views of the development when approaching along the road, although trees, vegetation and topography would screen or filter many of these views. In close proximity and for a short distance along the road, approximately 70m, it would be a conspicuous new feature in the landscape, particularly prior to the establishment of landscaping.

- 5.98 The proposals for landscaping around the turning head; essentially creating a wooded backdrop, would significantly soften the visual effects of the development in the long term.
- 5.99 The bus turning head would be seen in the context of the small National Trust car park opposite and the activity associated with it as well as a detached house, garden and parking on the opposite side of the road known as Gutherscale Lodge.

Conclusions on landscape and visual effects

- 5.100 The previous Committee decision established that the proposals would cause harm to the character and appearance of the area in the following ways:
- at Ullock Moss adverse landscape and visual effects by reason of loss of woodland and tranquillity, introduction of parked vehicles, hard surfacing and the building
 - at Cupboard Field adverse landscape and visual effects by reason of the incursion of the hard surfacing into the pastoral farmed landscape, the hard surfacing and use as a bus turning head
- 5.101 Committee concluded that these effects would harm the extraordinary harmony and beauty of the Lake District landscape and its Special Qualities, including the attributes of Outstanding Universal Value of the English Lake District World Heritage Site. Having regard to the identified impacts, the development would fail to further the statutory purpose of conserving and enhancing the natural beauty of the area.
- 5.102 I have found no material change in circumstances or in the proposals and supporting information submitted which would cause me to reach a different conclusion. As a consequence the proposals would be contrary to Policies 01, 05, 07 and the NPPF.

How would the proposals impact on heritage assets?

- 5.103 Policy 07 states that we will seek to conserve and enhance the significance of heritage assets, including the character, authenticity, integrity, setting and views of the internationally acclaimed historic environment of the Lake District and its heritage assets.
- 5.104 The site lies in the English Lake District World Heritage Site, a designated heritage asset. There are no other designated heritage assets likely to be impacted upon by the proposals. There are no non-designated heritage assets likely to be impacted upon by the proposals.
- 5.105 The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss for less than substantial harm to its significance.

- 5.106 The NPPF advises that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
- 5.107 The site lies in the Borrowdale and Bassenthwaite Valley area as defined by the World Heritage Site Nomination Dossier.
- 5.108 The case for Outstanding Universal Value for the Lake District is based on a combination of attributes. Attributes which would potentially be impacted upon to varying degrees by these proposals include:
- The extraordinary beauty and harmony of the physical natural and cultural landscape of mountains, lakes, valleys and woodland
 - Key literary and artistic associations with landscape – landscape which inspired literature, the value and significance of the ideas linked to this and perception and enjoyment of both
 - Key associations with climbing and the outdoor movement - landscape which inspired early climbing, outdoors recreation and the early outdoor holiday movement and buildings linked to this. The Romantic emphasis on outdoor activity and experience – principally walking
 - Opportunities for quiet enjoyment and spiritual refreshment
 - The Romantic engagement with landscape
 - The recognition of harmonious landscape beauty;
 - The relationship between humans and landscape based on emotion;
 - The value of landscape for restoring the human spirit;
 - The intrinsic value of scenic and cultural landscape which transcends traditional notions of property.
- 5.109 Given the nature of the application sites and their location, the extent to which the proposals would impact on the Attributes of Outstanding Universal Value are mainly a product of the landscape impacts of the proposals and the conclusions on landscape and visual effects are therefore directly applicable to impacts on the World Heritage Site.
- 5.110 The adverse landscape and visual effects identified at both Ullock Moss and Cupboard Field constitute harm to the World Heritage Site. But having regard to the scale and localised nature of the adverse effects identified as well as the scale and nature of the World Heritage Site designation, that harm, in my view, represents less than substantial harm for the purposes of the NPPF.
- 5.111 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset the NPPF advises that this harm should be weighed against the public benefits of the proposal.
- 5.112 If the proposals would resolve an unacceptable highway safety issue or hazard they could be considered a public benefit. However, our conclusions above are that on the basis of the current evidence that it has not been demonstrated that the proposals would resolve a highway safety issue or hazard.

- 5.113 There would also be public benefits arising from improved visitor infrastructure and facilities including the car park itself, shuttle bus, toilets, bike hire and improvements to the local rights of way network and public transport infrastructure in the area. These improvements would further our statutory purpose of promoting opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.
- 5.114 However, in my view these public benefits are insufficient to outweigh the identified harm to the landscape and the World Heritage Site and therefore the proposals are contrary to Policy 07 and the requirements of the NPPF. Having regard to the identified impacts, the development would fail to further the statutory purpose of conserving and enhancing the cultural heritage of the area.

Amenities of neighbours to the site

- 5.115 Policy 06 states that, amongst other things, development must not have an unacceptable impact on the amenity of users of the proposed development due to visual intrusion, overlooking, overshadowing, overbearing effect, noise, light pollution or other adverse impacts.
- 5.116 The NPPF states that decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 5.117 There is one immediate neighbour to the Ullock Moss site; Field Cottage, a detached dwelling immediately west of the application site separated by a substantial area of existing and proposed woodland / landscaping. Its boundary is close to the application site but it is approximately 50m away from the proposed developed area of car park and at a higher level.
- 5.118 Whilst occupants would have a changed outlook when looking east from windows and garden areas this would be filtered to a significant degree by both existing and proposed tree cover. Subject to appropriate lighting, which would be the subject of a condition I do not consider that there would be a harmful impact on occupants.
- 5.119 There is also one existing dwelling opposite Cupboard Field, known as Gutherscale Lodge. I do not consider that the level of activity which would result from what is effectively a bus stop would result in a level of impact on the amenities of residents which could be considered harmful.
- 5.120 In my view there are no other dwellings which are in such proximity to the application sites that they would be materially affected by the proposals.
- 5.121 Objectors have also raised the general impacts of the development on residents of Portinscale in terms of air pollution and traffic noise. I have no evidence to suggest that such an impact would result in a direct and harmful way, over and above the daily movement of traffic through the village which will persist regardless of this proposal.

- 5.122 It is clear that this can be a busy area, with high volumes of traffic and pedestrians, particularly in high season. Neighbours to the site will be accustomed to this existing activity. Whilst a car park would concentrate this activity into one area, its distance from neighbouring houses means that the activity is unlikely to be perceived beyond the site in a way which is substantially different from the existing situation.
- 5.123 No opening times have been proposed. Based on the proximity of neighbours, the scale of the development and the response of consultees regarding operating hours the opening times of the car park would need to be controlled by condition as would matters such as the operating times of any lighting and the details of that lighting.
- 5.124 With these safeguards and having regard to the relative proximity and number of neighbouring houses, I do not consider that the proposals would result in an adverse impact on amenity through the activity associated with the use or the specific impacts associated with such a use and would not result in conflict with Policy 06 or the NPPF.

Flood risk

- 5.125 The application sites lie in Flood Risk Zone 1 (the lowest level of risk). There is a large area on the north part of the site identified as being at risk of surface water flooding (1 in 1000 chance of occurring in any year).
- 5.126 The Lead Local Flood Authority have no objection subject to a drainage scheme including surface water storage, flow control measures and treatment in line with sustainable drainage guidance. They state that there is adequate land available to ensure an appropriate scheme. Given that surface water is currently unmanaged on the site, a managed system for surface water has the potential to improve any risk from surface water flooding that the site currently experiences. With such a scheme in place and considering topography, the proximity of neighbouring buildings to the site and the extent of the applicant's land ownership I have no reason to believe that such a scheme is not achievable and no reason to believe that the proposals would increase the risk of flooding on the site or elsewhere, in accordance with Policy 03.

6 Conclusion

- 6.1 The site is within an area of exceptionally high landscape and cultural heritage value designated as both a National Park and as the English Lake District World Heritage Site. The National Planning Policy Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks which have the highest status of protection in relation to these issues.
- 6.2 The proposals are broadly similar to those refused in December 2021 when Committee concluded that the application would not meet the exceptional requirements of Policy 22 and identified harm to the character and appearance of the area.

- 6.3 The Local Highway Authority do not object to this application. They agree that all relevant and reasonable highway regulatory measures have now been exhausted and also accept that indiscriminate / illegal parking still occurs in the valley despite the waiting restrictions. However, they do not consider that the current situation represents a road safety risk regarding the risk of collisions, they state that the TROs (double yellow lines) have mitigated the parking problem to a large extent, but not removed it altogether, and they clarify that they have never proposed public parking as part of the solution here.
- 6.4 Whilst work by the applicant to engage with the emergency services has produced broad agreement that anything which aids traffic flow and reduces inconsiderate parking is to be welcomed, there is no specific evidence from any of those services of them being prevented from accessing the area to attend an emergency.
- 6.5 Local opinion on the matter remains divided, with many representations both for and against the proposals. Recent representations have referred to the operation of a temporary car park at Catbells and the effect that this has had on removing problematic parking. However, the temporary car park is over a mile from the application site and does not form part of these proposals.
- 6.6 Above Derwent Parish Council have moved from a position of supporting the original application to objecting to this one, on the grounds of lack of evidence, the success of the TROs, the specific location of the car park and the need for a comprehensive traffic management plan for the area.
- 6.7 Policy 09 seeks to secure solutions to car parking problems at Catbells, however on the basis of the above assessment the requirements of Policy 22 for a new public car park in an open countryside location have not been satisfied; the evidence does not demonstrate that the proposals would resolve an unacceptable highway safety issue or hazard and does not demonstrate that the proposals would not lead to net increases in traffic accessing the location or inappropriate levels of use. Whilst there is a commitment to smart parking measures from the applicant, no such measures have been proposed as part of the application.
- 6.8 The application sites have no formal nature conservation designations but the Ullock Moss site lies approximately 170m west of Derwentwater, part of the River Derwent and Bassenthwaite Lake Special Area of Conservation. Based on the submitted details and the previous advice of Natural England, together with the proposed details of the building and waste water system, we can conclude that the proposal (either alone or in combination with other plans or projects) would not adversely affect the integrity of the River Derwent and Bassenthwaite Lake Special Area of Conservation in accordance with Policies 01 and 04, the NPPF and the Conservation of Habitats and Species Regulations 2017.
- 6.9 Committee identified that the previous application would cause harm to the character and appearance of the area through adverse landscape and visual effects at Ullock Moss and at Cupboard Field. These effects

would harm the extraordinary harmony and beauty of the Lake District landscape and its Special Qualities, including the attributes of Outstanding Universal Value of the English Lake District World Heritage Site and amount to less than substantial harm for the purposes of the NPPF.

- 6.10 There have been no material changes in circumstance or in the proposals submitted which would cause me to reach a different conclusion on the nature and degree of landscape and visual harm previously identified by Committee, nor do I consider that the identified public benefits (improved visitor infrastructure and facilities including the car park itself, shuttle bus, toilets, bike hire and improvements to the local rights of way network and public transport infrastructure in the area) would outweigh this harm to the landscape and the World Heritage Site, despite the additional information provided with this application.
- 6.11 I have found that the development fails to further the duty of conserving and enhancing the natural beauty and cultural heritage of the National Park but that it would further the duty of conserving and enhancing wildlife and the duty of promoting opportunities for the understanding and enjoyment of the special qualities of those areas by the public.
- 6.12 As it appears that there is a conflict between the purposes, as required, I have attached greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in the National Park in reaching my conclusions.
- 6.13 Taking all of the above matters into account the proposals are considered to be unacceptable and contrary to Policies 01, 04, 05, 07 and 22 of the Lake District National Park Local Plan 2020-2035 and the NPPF.

RECOMMENDATION: REFUSE

Conditions/Reasons

The proposals do not meet the exceptional requirements of Policy 22 (Vehicle parking to improve sustainable transport), as it has not been demonstrated that the proposals:

- would resolve an unacceptable highway safety issue or hazard
- would not lead to net increases in traffic accessing the location
- would incorporate specific measures to manage traffic to the site through 'smart' parking information

The proposals would cause harm to the character and appearance of the area in the following ways:

- at Ullock Moss: adverse landscape and visual effects by reason of loss of woodland and tranquillity, introduction of parked vehicles, hard surfacing and the proposed building
- at Cupboard Field: adverse landscape and visual effects by reason of the incursion of the hard surfacing into the pastoral farmed landscape, the hard surfacing and use as a bus turning head

These effects harm the extraordinary harmony and beauty of the Lake District landscape and its Special Qualities, including the attributes of Outstanding Universal Value of the English Lake District World Heritage Site. The development fails to further the duty of conserving and enhancing the natural beauty and cultural heritage of the National Park. The identified harms are not outweighed by the benefits, including public benefits of the proposals.

The proposals are contrary to Policies 01 (National and international significance of the Lake District), 05 (Protecting the spectacular landscape), 07 (Historic environment) and 22 (Vehicle parking to improve sustainable transport) of the Lake District National Park Local Plan 2020-2035.

NPPF decision notice requirements

Town and Country Planning (Development Management Procedure) (England) Order 2015 Article 35(2) statement.

The Local Planning Authority were unable to identify solutions to the problems arising in relation to dealing with the application.

Background papers

Background papers are available for inspection on the planning application file unless otherwise specified on that file as confidential by reasons of financial/personal circumstances in accordance with the Local Government (Access to Information) Act 1985.

7/2024/2182

Ullock Moss, Cupboard Field and land between West of Derwentwater, Borrowdale Valley, Portinscale

The construction of a new a parking scheme, with amenities building at Ullock Moss, a new shuttle bus turning facility at Cupboard Field and a series of measures to the adjacent highway and footpath infrastructure



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1

3

2

4

5

Creek



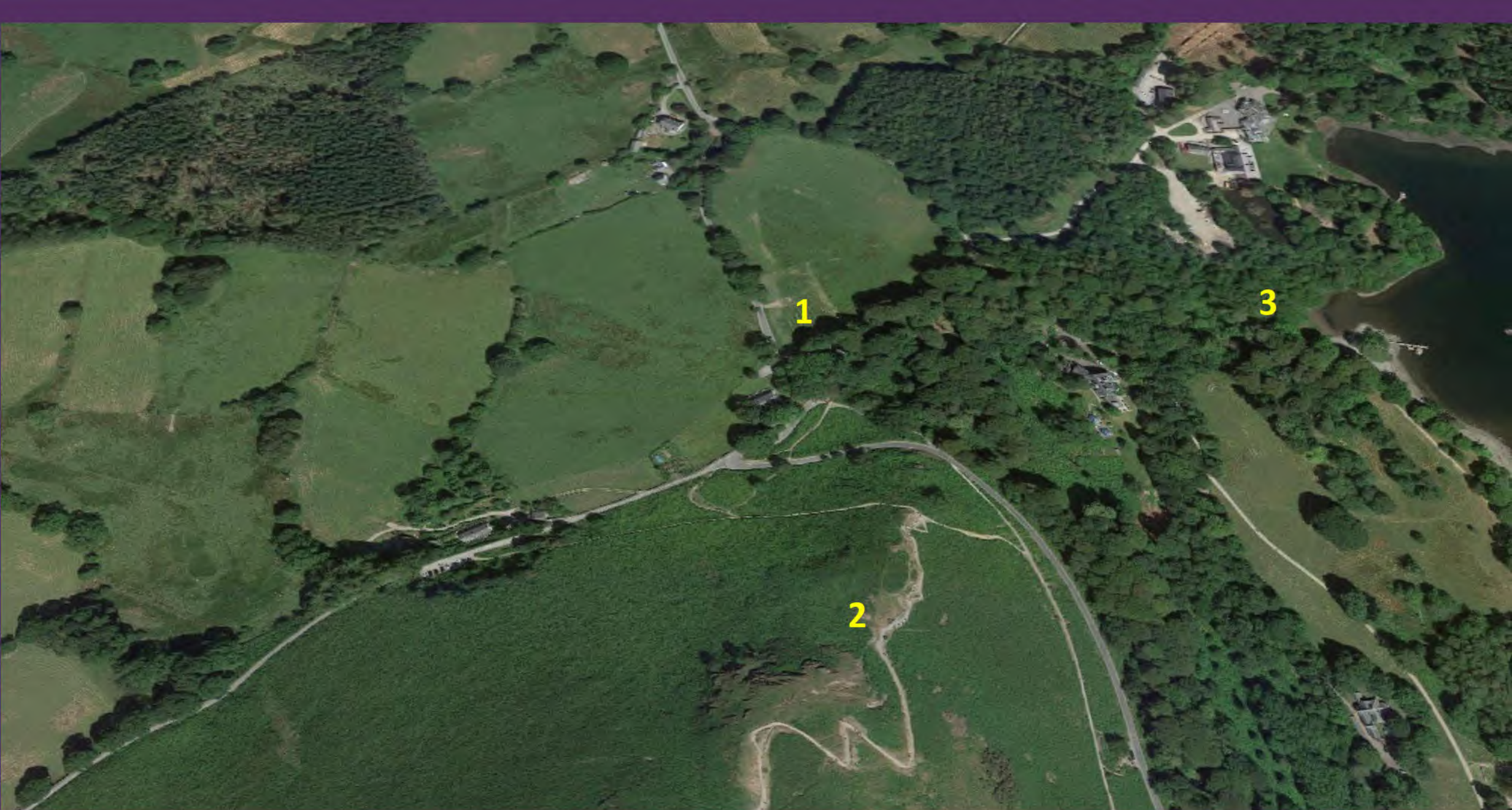
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1

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Note:
 The color blue and red lines shown on this map are intended to identify the location of utility lines. The color coding is based on the utility type and is not intended to be a guarantee of the location of any utility lines.

Blue Line is Gas Main
 (See Note for details)

Blue Line is Gas Main
 (See Note for details)

Field Site
 (See Note for details)

Field Site
 (See Note for details)



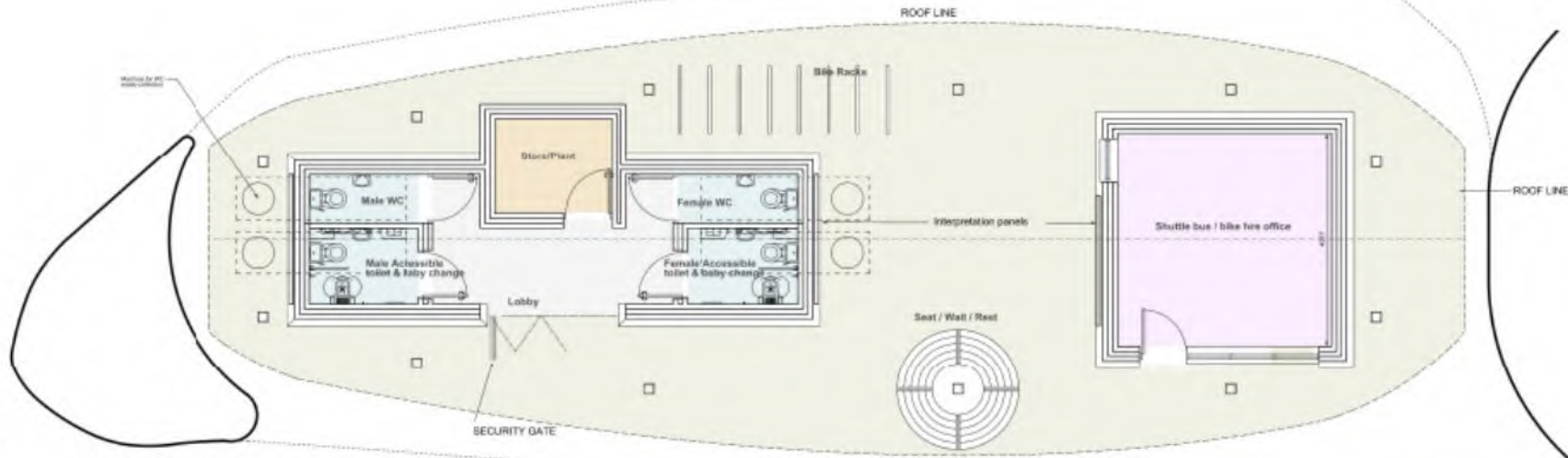
PROPOSED SITE PLAN 1:500

Do not scale from drawing. Dimensions are to be checked onsite.

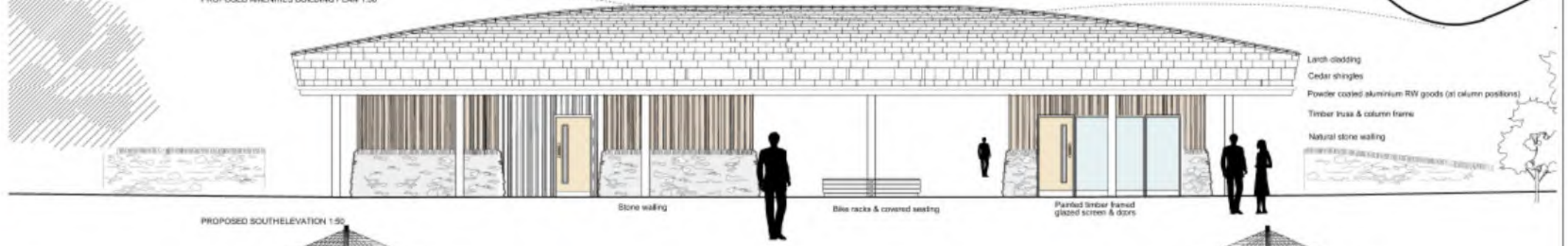
Revision	Date	Notes	By

Key

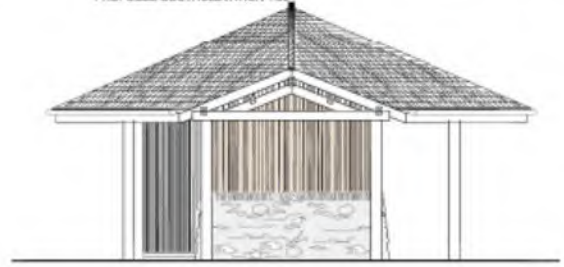
- Existing trees to be retained
- Proposed Trees & Landscaping. Refer to Landscape Architects drawings for detail



PROPOSED AVENITES BUILDING PLAN 1:50



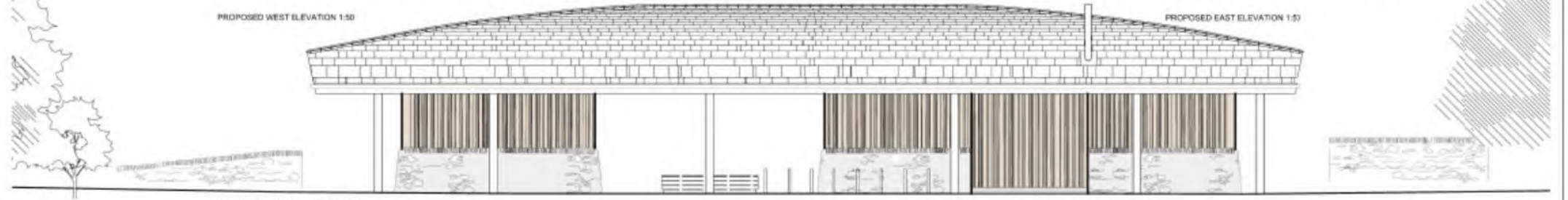
PROPOSED SOUTH ELEVATION 1:50



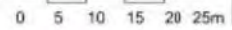
PROPOSED WEST ELEVATION 1:50



PROPOSED EAST ELEVATION 1:50



PROPOSED NORTHELEVATION 1:50



Key



Existing Trees



Proposed Trees & Landscaping
Refer to Landscape
Architecture drawings
for detail



New turning head
formed off highway to
provide drop off & pick
up point for the Ullack
Main shuttle bus.

New fence line
defines extent of
the development

Existing fence
line retained

New bicycle racks
located within new
landscaped area

New signage and soft
landscaping as Landscape
Architects propose

Cumbria Way
Public Footpath

To Col. Beke
& Grange

PROPOSED CURBOARD
FIELD SITE PLAN 1:500

Do not scale from drawing.
Dimensions are to be checked onsite.

Revision	Date	Notes	Initials



Figure 6 – Package of Measures































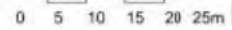




PROPOSED SITE PLAN 1:500

Do not scale from drawing.
Dimensions are to be checked onsite.

Revision	Date	Notes	By



Key



Existing Trees



Proposed Trees & Landscaping
Refer to Landscape
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New turning head
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Outline extent of
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New bicycle racks
located within new
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