

Full Planning Application

Installation of 1 straight line cable wake boarding system, start/landing dock and changing/equipment hire/viewing facilities

LAND AT ROWLEY LAKE OFF ROWLEY LANE BURNLEY

Background:

The proposal is to install a wakeboarding cable system across the lake, with associated platform and hard-surfaced area; cabins for use as a club house, shop, café and showers/changing facilities; toilets and an operator's cabin.

Burnley Borough Council is the applicant and owner of the land.

Rowley Lake is an artificial lake created in the 1970's as part of a restoration scheme for a former landfill site. It now forms part of the Brun Valley Forest Park, an outdoor recreation area with facilities for walking, cycling, horse-riding and angling. It is proposed to introduce new activities such as canoeing and orienteering.

Wakeboarding is a relatively new sport, the nearest facility currently being near Blackpool. It involves the rider, on a board, being pulled across the lake by the cable system and has similarities to both water-skiing and snow-boarding. Only one person can use the cable at any one time and bookings are taken for up to 4 people an hour.

The consultation process has resulted in a number of objections, but also a level of support.

Summary of Reason for Recommendation:

The development is generally in accordance with the Development Plan, in particular the policies listed below, and there are no other material considerations to indicate that planning permission should not be granted:

Relevant Policies:

Burnley Local Plan Second Review

CF2 - Intensification of use of existing sports and recreation provision

CF3 - Protection of existing public parks, informal recreation areas, major open areas, play areas and other areas of open space

CF7 - Outdoor recreation and rural areas

E27 - Landscape, character and local distinctiveness in Rural Areas and Green Belt

E3 - Wildlife links and corridors

E4 - Protection of other features of ecological value

E5 - Species protection

E6 - Trees, hedgerows and woodlands

E7 - Water bodies and water courses

EW3 - New Leisure, Tourist, Arts and Cultural Development Outside Town Centres

GP2 - Development in the Rural Areas

GP5 - Access for All

TM15 - Car parking standards

Site History: None

Consultation Responses:

Statutory consultees:

1. **Lancashire County Council (Highway Authority)** - would not object to the wakeboarding facility for general day to day use, but would have concerns about the level of traffic if events were to be held, in particular would have concerns about safety at the access of Rowley Lane and Brunshaw Road.
2. **Lancashire County Council (Ecology Section)** – Is unable to fully assess the proposal due to lack of information on a number of issues. *(The applicants have commissioned further work on these issues and a further response from the Ecologists should be available in time for the meeting)*
3. **Environment Agency** – no objections
4. **Environmental Health** – generally have no concerns in terms of environmental protection. Would recommend that a statement be prepared by the applicant setting out controls that are in place to ensure that nuisance is not caused to local residents including, for example, methods of control, powers to exercise control and supervision log book/record of usage. The use of a public address system should be designed to be non-intrusive. The operator should be mindful to protect patrons with regards to bathing water quality.

Other organisations (objections)

5. **Lancashire Wildlife Trust** – object on the following grounds:
 - a) The proposal fails to ‘protect and enhance biodiversity’, and does not ‘move from a net loss of biodiversity to achieving net gains for nature’ as required by the NPPF
 - b) The Ecological Appraisal is inadequate as it was not carried out at the correct time of year for surveys, in particular for the presence of Great Crested Newts and does not consider freshwater plants, invertebrates or fish. Also, it does not follow the procedures recommended by the Institute of Ecology and Environmental Management.
 - c) The Ecological Appraisal does not identify what is and isn’t significant and it is therefore impossible to avoid, mitigate or compensate for potential harm in accordance with the NPPF.
 - d) Adequate surveys are needed of both freshwater and terrestrial biodiversity and the results taken into consideration, including how any harm can be avoided or mitigated.
(These issues should be addressed by the further ecological information referred to at 2 above)
6. **Burnley Wildlife Conservation Forum** – object on the following grounds:
 - a) Rowley is the only low altitude, semi-natural lake in Burnley and is a significant open water wildlife habitat. Its vegetation provides valuable nesting habitat for an important range of breeding water birds including some that are rare in the local context.

- b) The lake and its surroundings have become one of Burnley's most important sites for wildlife conservation and the Wildlife Conservation Forum is keen to see it formally designated as a Local Nature Reserve since the Lancashire Wildlife Trust assessed it and ranked in the second most important site in the borough.
 - c) Wakeboarding is an intensive use that will contrast with the quiet, low disturbance activities that take place at present. It will constitute a significant and unreasonable disturbance to the lake's wildlife habitats and species, contrary to local plan policies.
 - d) The proposal would result in a substantial net loss of biodiversity, contrary to the local plan and the NPPF.
7. **Ribble Rivers Trust** – object on the same grounds as 4 above, plus the following:
- a) Disturbance to sediment in Rowley Lake may impact on fish and freshwater invertebrates
8. **East Lancs Ornithologist's Club** – Object on the grounds that this is one of the richest wildlife sites in the borough and the waterborne activity will cause extreme disturbance to the aquatic birds that nest on the lake as well as those that feed and rest there. The proposal will also impact on the visitors that currently enjoy the use of the site for watching nature, walking and angling etc.
9. **Ribble Fisheries Consultative Association** – Object on the following grounds:
- a) Development is an ugly intrusion into a tranquil wildlife habitat
 - b) A septic tank is proposed and these cause numerous problems and pollution
 - c) The lake is used by some 800 anglers and fishing is incompatible with a noisy and seriously disturbing sport such as wakeboarding
 - d) The Ecological Appraisal does not address disturbance to fish or the removal of native British bluebells
 - e) The hours of operation are proposed to be 0900 to 2100 and yet the application states that lighting will not be used
 - f) Refer to potential legal implications to the Council should the angling club have to relocate and viability issues of the commercial venture (*these are not material planning considerations*)
10. **Calder Catchment Group** – oppose the scheme for reasons a) to d) at 6 above, and the following reasons:
- a) No disabled facilities to be provided
 - b) Other sites, such as Clowbridge and Hurstwood are more suitable
 - c) Pollution of the lake if rescue boat has a petrol engine and possible danger to users of the wakeboarding facility from heavy metal contamination of lake
 - d) Erection of traffic on Rowley Lane
 - e) Effect on privacy of nearby residents
11. **Furness & S Cumbria Fisheries Consultative Association**
12. **Hyndburn & Blackburn Angling Association**
13. **Ribble Fisheries Consultative Association & the Hodder Consultative**
14. **Angling Trust North West**
15. **Mid Ribble Angling Society**
- These organisations all object, citing the grounds set out in 8 and 9 above.
16. **Burnley Civic Trust** – object on the following grounds:

- a) Don't consider the applicant has seriously considered residents' views during consultation period (*this is not a material planning consideration*)
- b) There is conflict between what is now proposed and what the public were lead to believe in the promotion of the use of the area. (*This is not a material planning consideration*)
- c) A wake boarding system would be an intrusion in the countryside
- d) It will be noisy and in complete contrast to the quiet nature of the area
- e) Rowley is not a leisure park but a nature park and the lake is too small to carry the system. The use would be much too intensive.

17. **Worsthorne with Hurstwood Parish Council** – object on the grounds that Rowley is a place for tranquillity and relaxation and wakeboarding would not blend with this. Also concerned about pollution within the lake from disturbance to the sediment and considers that an independent environmental impact study should have been carried out for impact on protected species. There is no provision for disabled parking or carrier vehicle parking.
18. **Friends of Bank Hall Park** – object on the grounds of impact on the quiet nature of the area and on the wildlife species and their habitats.

Other organisations (support)

19. **British Waterski & Wakeboard** – Support the application as there is an identified strategic need for additional cable tow ski facilities in the North West. Cable wakeboarding is a rapidly growing discipline and this type of facility is affordable and accessible to community programmes and schools. The sport is being considered by the International Olympic Committee this year as a possible Olympic sport for 2020. Request that a condition be attached requiring the site to gain British Waterski and Wakeboard Accreditation. (*This is not a material planning consideration and such a condition would not meet the tests for planning conditions*)
20. **Canoe England** – support the proposal as it will bring new employment to the area and opportunities for sustainable activity to promote healthy lifestyles.
21. **Lancashire Sport Partnership** – supports the proposal as it will provide a unique experience to enjoy sport and be active. The development is built upon strong partnerships and already has strong connections with local clubs, schools and further and higher education. Hope the facility will kick start the development of new sports and activities in Burnley and will offer young people and adults an area to enjoy being active in a safe environment.
22. **Ridgewood Community High School** – Support the proposal as their students have learning difficulties and can access the curriculum much more effectively through outdoor activities such as water sports. At present have to travel to Blackpool and the Lakes to access such facilities which is expensive in terms of time, travel and costs.
23. **The Scout Association** – The proposed development is an exciting and inspiring one giving Burnley the opportunity to develop a facility with a nationwide profile that engages young people in challenging and adventurous activity. Benefits

could include health and lifestyle improvements, reductions in anti-social behaviour, increases in tourism and improved perceptions of Burnley.

24. **Duke of Edinburgh's Award Manager for Burnley** – supports the proposal as it would provide exciting and varied opportunities for all young people, not just those involved with the DofE, to experience something new, to develop skills, become involved in volunteering and be physically active.
25. **Burnley College (Head of Sport)** – supports the application on the grounds that health and physical activity is low in the area and this type of activity will encourage people to become more active.
26. **Burnley, Pendle & Rossendale Council for Voluntary Service** – support the project as the facility will be a positive addition to the sport and leisure offer in Burnley and will provide further encouragement for young people to get involved in sport and physical activity which is so important for health and wellbeing.
27. **Bacup & Rawtenstall Grammar School** – support the plans as the school is developing wakeboarding as a sport and this will provide a local facility which they could use to form a regular club and help boost participation in sport.

Local residents and other individuals:

28. **19 responses from nearby residents or individuals living further afield, objecting on the following grounds:**
 - a) Noise and disturbance to local people from the activity, equipment, events (possible with music) and traffic on Rowley Lane
 - b) Disturbance to wildlife
 - c) It will spoil the quiet and peaceful environment currently enjoyed by walkers and anglers
 - d) The buildings, cable, towers and ramps will seriously detract from the scenic beauty of the area
 - e) Problems caused by additional traffic
 - f) Inadequate parking space
 - g) Rowley Lane is too narrow and the access with Brunshaw Road is difficult
 - h) Buildings and equipment will attract vandalism and anti-social behaviour
 - i) Heavy metals and e-coli would be stirred up in the sediment
 - j) Pollution from petrol or diesel (from the safety boat) and from the proposed septic tank
 - k) The proposal will not protect the ancient property of Rowley Hall or the area of outstanding beauty in which it is situated
 - k) The project is not financially sustainable (*this is not a material planning consideration*)
29. **Local Councillor** – objects on the grounds of impact on the peace and quiet of the area; the effect on water voles; noise disturbance to residents; and the effect on anglers
30. **Petition, containing 240 signatures, objecting on the following grounds:**
 - a) Disturbance to wildlife
 - b) Noise of construction and operating machinery, unsightly towers
 - c) The spoiling of a peaceful, local, rural idyll

31. 3 responses from local people supporting the proposal.

Two of these give no reason but the third supports it on the basis that it will provide extra outdoor activities for young people in the local area.

Planning and Environmental Considerations:

The site lies outside the urban boundary, within the rural area. Policy GP2 sets out the type of development that is acceptable within the rural area, one of which is 'outdoor recreation uses not requiring large buildings'. The principle of this type of outdoor recreational facility is therefore acceptable in this location. The policy also states that new development will have to be in scale and keeping with the surrounding landscape and to have no negative impact on biological and ecological features of value. These matters are considered further below.

Ecology

As the development is on, and adjacent to, a lake and the nearby River Brun is a wildlife corridor, there are likely to be ecological implications. An Ecological Appraisal has been submitted with the application and forwarded to Lancashire County Council's Ecology Service for advice. However, they have responded to say there is insufficient information in the appraisal to enable them to fully respond. The applicants have commissioned further surveys and the results of these will be available in time for the committee meeting.

If there are found to be adverse impacts on protected species, or species of principal importance, or their habitats, then mitigation measures will need to be put in place to address these. Any mitigation measures recommended in the ecologist's report, or in the response from Lancashire County Council, should be included as a condition should permission be granted.

Traffic and parking

The site is accessible on foot and by cycle, with an extensive network of public footpaths and cycleways. There are bus stops on Brunshaw Road at the junction with Rowley Lane and also on Brownside Road close to the entrance to the car park. So the site is well served by sustainable methods of transport.

The main access to the site will be via Rowley Lane, with car parking on the Council-owned car park to the north of the lane. The car park has 63 spaces, with a small area adjacent to the entrance to the lake which accommodates around 8 vehicles. As only a maximum of four people per hour can use the cable system, even taking into account the fact that they may be accompanied by family or friends, traffic levels will not be high from the day to day use of the facility and the car park will easily accommodate the riders and their spectators.

Rowley Lane is to be resurfaced in Autumn 2013 and a passing place provided to facilitate two-way traffic. It is also proposed that the lane will be designated a clearway, in consultation with Lancashire County Council, and enforcement of this will be undertaken by Park Rangers as they do now with Towneley Holmes Road. In responding to the planning application, Lancashire County Council has asked that a condition be attached to any planning permission requiring plans for these works to be

submitted to them for approval and a timetable agreed for implementation of the works and the Traffic Regulation Order. It would be reasonable to attach such a condition as it is necessary to prevent congestion on Rowley Lane.

There is a further car park, also Council-owned, adjacent to the Thornton Arms on Brownside Road which can accommodate approximately 40 vehicles. This car park is less than 5 minutes walk to the proposed wakeboarding area. It is intended that this car park will be used when events are planned.

Traffic management during events

The Highway Authority has raised no objection to the day to day use, with parking on the Rowley Lane car park. However, they did express concerns about how traffic would be managed when there were events on the site. The applicants have therefore produced a traffic management plan setting out how they intend to manage traffic on events days.

Events will mainly take place on Sundays and an individual Traffic Management Plan will be prepared for each event that takes place. This will be agreed in consultation with the Police and Lancashire County Council through the existing Event Safety Action Group. Traffic will be managed as follows:

- Access to Rowley Lane will be restricted to residents, disabled badge holders and to a fixed number of events organisers and competitors who will be issued with a pass for Rowley Lane car park
- Traffic stewards will be employed to control traffic in and out of Rowley Lane
- Other visitors will be directed to the car park adj. to the Thornton Arms. Temporary directional signs will direct people there.

The Highway Authority has been consulted on the details of the traffic management plan and have confirmed that it is acceptable.

Design and materials of buildings/equipment

The shop/café and changing facilities will be accommodated in converted shipping containers, painted dark grey. These will be set into a slope, with a stone retaining wall to three sides. The parts of the building that are exposed will be clad with timber which will be in keeping with the rural woodland setting.

Three smaller cabins will accommodate toilet facilities (4.87m x 2.4m), an equipment cabin (4.87 x 2.4m) and an operator's cabin (3m x 2.4m). The equipment cabin will also be set into the slope, adjacent to the shop/café. The operator's cabin is very small and the other cabins will be viewed against a background of trees, and will also be timber-clad, so will not be significantly prominent in the landscape.

The wakeboarding system comprises 2 x 6m high towers, one on either side of the lake, with a steel cable system between them. Both will be set among mature trees and will be surrounded by 1.8m high paladin fencing, coloured green. This is a mesh type fencing which is discreet and when coloured green blends in well with the surrounding landscape.

Two obstacles will be placed in the water for riders to use as ramps. These will clearly be visible in the lake, but are appropriate for this type of development, will not be particularly obtrusive or out of scale with their surroundings.

Noise

The operating times are proposed to be 10am till 8pm, Monday to Friday, (three out of five days except in school holidays), and 10am to 5pm Saturdays, Sundays and Bank Holidays. The site will operate from 1st April to 30th September each year.

The nearest houses are those at Rowley, a small group of buildings approximately 165 metres away from the cable tower on the opposite side of the lake from the proposed buildings and main activity. They are separated from the lake by a large group of trees. Dwellings on the same side of the lake are over 270m away and also separated by banking and tree cover.

The way in which the wakeboarding will operate on a day to day basis, as mentioned in the report above, means there will seldom be large numbers of people on site, or vehicles arriving, at any one time. It is only when events take place that the numbers would be quite high. This is only intended to be a couple of times a year and traffic would be managed so that most vehicles parked on the car park off Brownside Road, thus minimising traffic along Rowley Lane. The use of amplified sound is only proposed during events and will be positioned to ensure it is directed to spectators but that as little as possible extends to residents. This can be controlled by means of a condition.

Environmental Health have raised no objection providing measures to control disturbance are put in place.

Flood risk

A Flood Risk Assessment (FRA) has been submitted with the application and the Environment Agency has confirmed that it has no objection to the proposal.

The majority of the site lies within Flood Zone 1, the area with the lowest risk of flooding. Only the viewing platform is within Flood Zone 3, the area with a high risk of flooding. The additional runoff created by the development itself will be negligible and the risk of flooding to the development from existing sources is considered to be low.

The recommendation in the FRA is to site the cabins at least 600mm above the top water level of the lake and to surface paths in a permeable material.

Other issues

Pollution – some respondents have referred to heavy metal contamination of the sediment in the bottom of the lake which may be stirred up by the wakeboarding. Tests have been carried out on the sediment and will be available in time for the committee meeting. However, there is no reason to believe that there is significant contamination as tests have been carried out previously that haven't revealed high levels. The development will be managed by the applicants who will be responsible for emptying of the septic tank.

Listed building - Rowley, to the north of the site, is a listed building. However, the equipment is at least 165m away from the building and is separated by a group of trees. There is therefore no impact on the character of the listed building nor its setting.

Conclusion:

In principle, the use of the lake for wakeboarding is appropriate in this rural location. Noise and traffic levels during the ordinary use of the facility would be very low and would be carefully managed during the occasional events held at the site so should not significantly affect nearby residents or cause traffic safety issues.

There are still outstanding ecological issues that need to be addressed

Recommendation: That providing Lancashire County Council's Ecologist is satisfied with the additional information provided by the applicants, the Head of Housing and Development Control be delegated to approve the application, subject to the conditions set out below and to any other conditions suggested by the Ecologist.

1. The development must be begun within three years of the date of this decision.
2. No amplified sound equipment shall be used during the normal operation of the wakeboarding facility. Amplified sound shall be restricted to events or competitions only.
3. The development shall be carried out in accordance with the recommendation of the ecology surveys
4. Before the wakeboarding facility is brought into use a scheme for the surfacing of Rowley Lane, a passing place, and the introduction of a clearway, and including a timetable for the works, shall be submitted to and approved in writing by the local planning authority . The scheme shall be implemented as approved in accordance with the agreed timetable.
5. The cabins for use as a shop/cafe, toilets and equipment storage shall be clad in timber in accordance with a scheme having the prior written approval of the local planning authority.
6. No work for the installation of the buildings shall take place during the bird breeding season, ie. from the beginning of March to the end of August, unless the absence of nesting birds has been established by further surveys or inspection

Reasons:

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. To protect the amenities of nearby residents, in accordance with policy CF2 of the Burnley Local Plan, Second Review.
3. To safeguard protect species and their habitats, in accordance with policies E4 and E5 of the Burnley Local Plan, Second Review.
4. To avoid traffic congestion in Rowley Lane, having regard to policy EW3 of the Burnley Local Plan, Second Review.
5. To ensure the buildings are in keeping with the character of the rural area, in accordance with policy GP2 of the Burnley Local Plan, Second Review.
6. In order to protect birds from disruption during the nesting period and in accordance with policy E5 of the Burnley Local Plan Second Review

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