

14th April 2009

To: **Ms. J. Ruffley**
Case Officer
Planning Services Department
Eden District Council
Mansion House
PENRITH
CA11 7YG

Dear Ms. Ruffley,

OBJECTION TO PLANNING APPLICATION 09/ 0207
INDUSTRIAL UNIT, PLOT 5B, NORTH LAKES BUSINESS PARK, FLUSCO

I have just become aware of this planning application through the Council's website. I am concerned that this application was placed on the list dated 02 April 2009, but appears to have been added retrospectively, as that list was completely blank when checked on that date.

I note from the details on the Council's website that the application was received on the 24th of March and the consultation period was started on the 27th of March, with an end date of 22nd April. The delay in making details of the application available has unreasonably shortened the time available to make comments.

I am also concerned that we were not automatically consulted, despite the fact that the Council has recently written to us to notify us of two other applications at Blencow for sites adjacent to, but not obstructing, the Railway trackbed.

REASON FOR OBJECTION

I am writing to object to this development because the location, as proposed, in the middle of the North Lakes Industrial Park area at Flusco, completely obstructs the alignment of the Keswick to Penrith Railway, which we are working to re-open.

To give permission for this development as proposed would be in contravention of Eden District Council's Policy RE7 "Protection of Disused Rail Routes" as well as regional and national policies which have the same aim.

Paragraph 4.54 of Policy RE7:

4.54 Several disused railway lines are located within the District. Some of them offer potential either for reopening as recreational railway routes or as elements of the rights of way network. They represent a significant resource which should be protected. There are, however, several sections in use as employment land or allocated for employment use. On some of these sites it will be possible by careful design to safeguard the line of the railway for future reopening or to provide a route through the development by linking rights of way along the track bed

In this instance, at Flusco, all that is needed to achieve “careful design” is to relocate the proposed development on another part of the Industrial Park site. Since outline approval for the Industrial Park was granted in 2000 (application 00/0588), applications have come forward to develop only about half the ground area.

There is, it would seem, no great pressure on space within the Industrial Park site, therefore there is no logical or reasonable excuse to suggest that this proposed development (Industrial Unit, application No. 09/0207) could NOT be re-sited.

To illustrate how easy this is to achieve, I have attached an annotated version of the plan submitted by the applicant (available on Eden District Council’s website). This shows:

- The alignment of the railway (as a blue dotted line)
- The extent of undeveloped land within the Industrial Park boundary (shaded yellow)
- The location of the proposed development outlined in red (by the applicant)

The issue is obvious from this drawing and the solution is simple.

Clearly there is ample scope to choose a different location for this proposed development within the Industrial Park boundary, such that it would not obstruct the Railway alignment.

FLUSCO - DEVELOPMENT OUT OF CONTROL ?

Attached to this letter are a number of other documents relating to the development of the Industrial Park at Flusco. All are available publicly on the Council’s website. These appear to show that the Council has failed to even abide by its own rulings on how the site should be allowed to develop.

- The decision notice summary dated 21 September 2000 (for outline permission for the site only, application 00/0588) states that “Any application for reserved matters shall accord with the principles of the Design Brief submitted as part of this application....”
- The site plan included in the Design Brief shows that “industrial development” was NOT intended on the alignment of the Railway (which I have marked with a red dotted line for clarity). That plan respects the alignment of the railway and preserves and enhances the level of trees and bushes on the site. Eden District Council has in fact allowed the site to develop in a completely different layout, which includes developments on the alignment of the Railway and has included the removal of all vegetation. This does not accord with the principles agreed.
- The Council appears to have agreed that the area approved for development would NOT include the alignment of the railway - the site plan submitted with application 06 /0629 (also attached) appears to show the area zoned for development EXCLUDING the former railway trackbed.

If the Council granted planning permission for the Industrial unit on Plot 5B as submitted, it would become a case of “many wrongs not making a right”.

VIABILITY OF THE KESWICK TO PENRITH RAILWAY PROJECT

Eden District Council has previously defended decisions to grant planning permission for developments which obstruct the railway alignment by suggesting that re-opening of the Railway is unlikely to happen, or is not viable.

Our re-opening proposal has the support of the Northwest Regional Development Agency (NWDA) - a fact of which the Council is already well aware.

In 2007 the NWDA published a study into the Business Case for the Keswick to Penrith Railway, which concluded:

- **Passenger usage is likely to be in the range of 230,000 to 320,000 per annum – the lower figure is similar to traffic on the Windermere line currently - and could rise to 480,000 if there is further pressure on road traffic in the Lake District.**
- **Engineering scopes and costs derived by CKP Railways plc and Corus Rail Infrastructure Services were validated.**
- **The principle of an hourly (or better) service every day running beyond Penrith was upheld.**
- **Tourism and economic regeneration bodies were far more supportive than local authorities.**
- **Economic benefits would outweigh the costs of construction and operation, with a net present value of up to £30 Million.**
- **Benefit to cost ratio of around of 1.32:1 as a base case, up to 2.59:1 with optimistic passenger numbers, and could rise to 3.29:1 under certain circumstances.**
- **Economic benefits (using the limited criteria specified for Department for Transport evaluations) would amount to about £3.8 Million per annum once the line is established.**
- **Wider economic benefits (which the Department for Transport does not evaluate in such calculations) include significant ongoing employment, economic output enhancement and additional visitor spending (the latter around £1.1 Million per annum - equivalent to 0.5% of the total tourism revenue in Allerdale for 2005).**
- **Appropriate funding mechanisms were discussed, based on other recent reopening schemes.**
- **Further steps in consultation were identified to ensure that this Project has appropriate priority.**

Work continues to develop the materials needed to apply for a Transport and Works Order (legal powers to build and operate a public service railway) and create a funding package for the work.

OTHER RELEVANT BACKGROUND

There have been a number of developments at Flusco and other locations which have been granted planning permission by Eden District Council, despite their potential to obstruct the Railway re-opening - in breach of local, regional and national policies.

On each occasion, CKP Railways has objected, as have many of our supporters, and on occasions even other Authorities, notably Keswick Town Council and the NWDA.

POTENTIAL EFFECTS ON THE RE-OPENING OF THE RAILWAY

The typical costs of reopening a Railway in the manner that we propose on a disused / abandoned but unobstructed and undamaged alignment are in the order of £ 1 Million per mile. The length of trackbed across the Industrial Park site is less than one mile.

Even with necessary bridge reinstatements at either end of the site, plus other remedial work, the cost of reinstating the section through the Industrial Park area would only be in the order of £2 Million.

If there are a significant number of substantial developments on the trackbed at this site, it may become necessary to build a diversionary route.

Because of the nature of the land (contours, types of ground, etc), such a diversion would be several miles long, require major earthworks and a number of bridges, costing in total approximately £17 Million. This would also lead to the abandonment of several miles of trackbed which is still in good condition.

This is, we feel, an unreasonable cost and consequence to incur when all of this could be avoided by the application of some thought and judgement during planning for developments which have not yet been built.

If Eden District Council approves application 09/0207 without insisting on relocation clear of the Railway alignment, it would be knowingly adding to the cost and complexity of the Railway re-opening, which could seriously damage the overall economics of the Project and could thus eliminate or reduce the potential benefits to the area.

SUMMARY

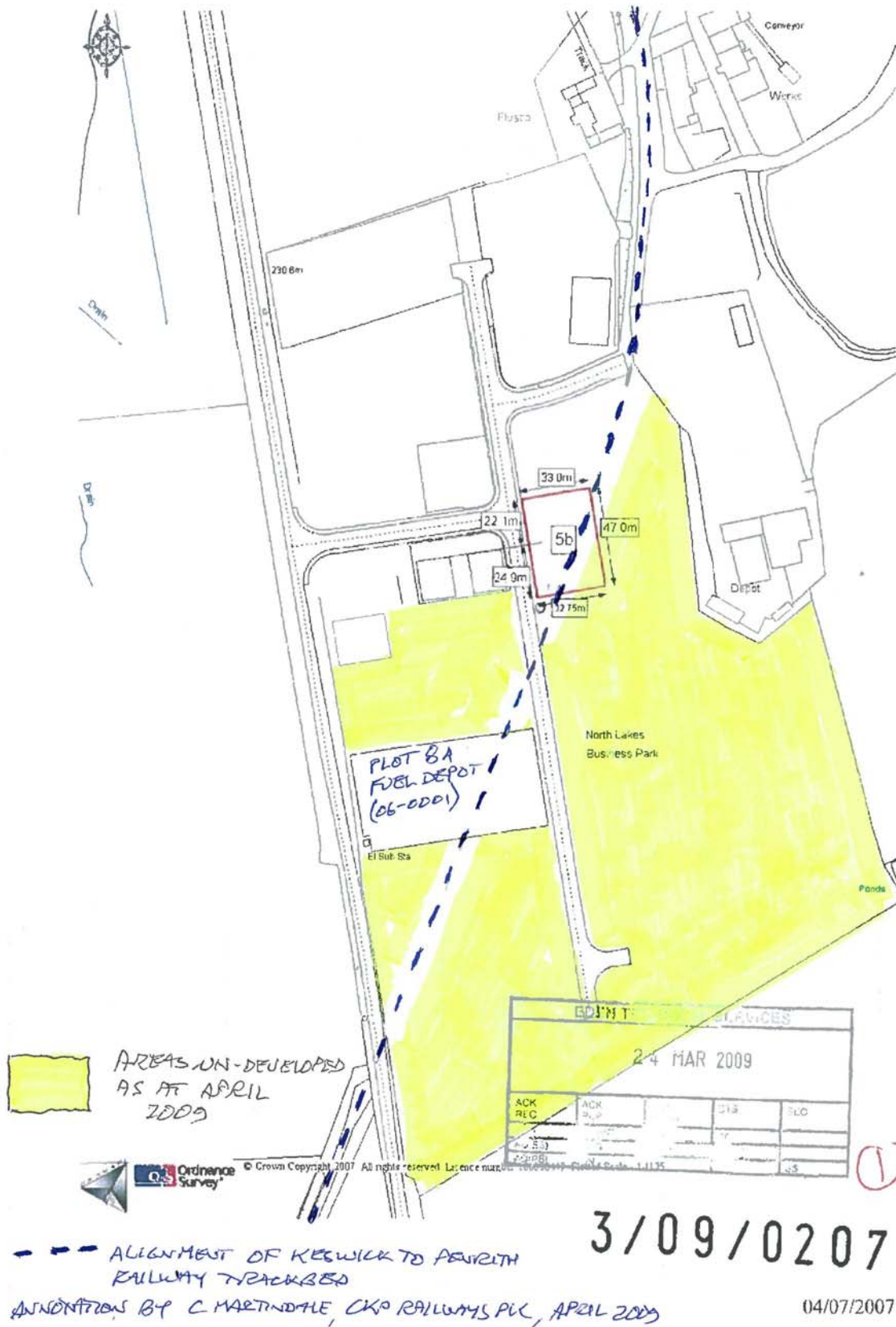
We urge that Eden District Council presses the developer to identify an alternative location within the North lakes Industrial Park boundary for this development.

If the developer is unwilling to change location, the application should be refused - to comply with Eden District Council's own policies and rulings, as well as the expressed wishes of other Authorities, Regional and National policies for railway trackbed protection.

Granting permission for the application as submitted would be to knowingly "prejudice" the re-opening of the Keswick to Penrith Railway (in breach of Policy RE7, etc.). This would, we feel, also give a poor impression of Eden District Council's attitude towards future Sustainable Transport and development.

Yours sincerely,

Cedric Martindale
Director
CKP Railways plc



Eden District Council Council Online Planning - Decision Notice Summary

Planning Application Number: 00/0588
Site Address: NORTH LAKES INDUSTRIAL PARK FLUSCO PENRITH
Description: INDUSTRIAL PARK
Decision Date: 21 September 2000
Decision Type: Outline Approval
Temporary Expiry Date:
Decision Level/Committee:
Conditions / Reason for Refusal: 1, Any application for approval of reserved matters shall accord with the principles of the Design Brief submitted as part of this application. REASONS: To ensure a satisfactory standard of comprehensive development.

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All data supplied within this system is taken from a live database and is current.

Eden District Council aims to publish all planning application documentation online within five working days of receipt.

Consultation Period Begin is the earliest date from the following:

- Date Consultees First Consulted
- Date Neighbours First Consulted
- Date Site Notice Posted
- Date Advert Posted

Consultation Period End is the latest date from the following:

- Latest Consultee Consultation Due Date
- Latest Neighbour Consultation Due Date
- Date Site Notice Expires
- Date Advert Expires

<http://eforms.eden.gov.uk/fastweb/decision.asp?AltRef=00/0588&ApplicationNumber=0...> 11/04/2009

