



PLANNING & DEVELOPMENT COMMITTEE

19 DECEMBER 2019

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

APPLICATION NO: 19/1192/10 (CHJ)
APPLICANT: Zip World Ltd
DEVELOPMENT: Erection of three zip wire courses (4 zip lines), laying of hard standing, creation of internal access roads and pedestrian routes, temporary siting of cabins and use of land for car parking
LOCATION: LAND AT RHIGOS MOUNTAIN AND FORMER TOWER COLLIERY SITE, RHIGOS ROAD, HIRWAUN, ABERDARE
DATE REGISTERED: 08/11/2019
ELECTORAL DIVISION: RHIGOS & TREHERBERT

RECOMMENDATION: Approval subject to Conditions.

REASONS: The arrival of Zip World will bring an exciting adrenaline fuelled tourist attraction to the County Borough that will attract a significant number of visitors each year. It also has the potential to generate a significant number of employment opportunities, not only as part of the facility itself, but in the myriad of possibilities that it will create in the supply chain and in the complementary businesses that it can help to support.

The proposal will only have a negligible impact on the character and appearance of the landscape but will have a more than compensatory benefit in the numbers of people that it will attract to share in the varied and dramatic landscapes of the Rhondda and Cynon Valleys as well as the Brecon Beacons National Park.

The facility is compliant with both national and local Planning policies (PPW and the LDP) as well as the broader aspirations of the Well Being of Future Generations Act.

It is considered that the proposed use is acceptable in its chosen location, will complement the range and choice of outdoor activities both within the County Borough and within the Region and it will also have the potential to bring a meaningful new use to the County Borough's industrial heritage through its proximity to the former (Listed) buildings of Tower Colliery, safeguarding it for future generations.

The development has the potential to have an impact on the nesting habitat of the Peregrine Falcon but it is likely that any impacts can be satisfactorily mitigated.

REASON THE APPLICATION IS REPORTED TO COMMITTEE

While the scale and nature of the application is such that it is capable of being determined under the Council's Scheme of Delegation, its profile and potential positive impacts on the County Borough and wider region is such that it is considered prudent to report it to Committee for determination.

PREFACE

Background

The application is submitted by Zip World, an adventure tourism provider, who opened their first zip line adventure, (known as Zip World Velocity) at Penrhyn Quarry in Bethesda, North Wales in 2013.

The company has 13 adventure facilities, spread over three sites in Snowdonia, including Penrhyn Quarry, the Llechwedd Slate Caverns, Blaenau Ffestiniog and Zip World Fforest in Betws y Coed.

The North Wales adventure business wants to bring its "*unique brand of experience and adventure*" to the Cynon Valley in South Wales.

The Application Submission / Process

The size and nature of the development means that the applicant was required to carry out a Pre Application Consultation (PAC). This involved a public exhibition (a non-statutory requirement) in Hirwaun. Due to changes made in the corridor that the respective zip lines would run, it became necessary / prudent to carry out a further (second) PAC process. In light of the largely supportive comments made by the public in the first meeting, it was agreed that a second public meeting was unnecessary.

The proposal is NOT considered to have any significant environmental impacts and therefore was decided that the applicant was not required to undertake an Environmental Impact Assessment (EIA) or submit an Environmental Statement (ES).

The developer has submitted a comprehensive application which, in addition to the appropriate forms and plans was also accompanied by a:-

- Design & Access Statement (DAS)
- Planning Statement (incorporated into the DAS)
- Habitat / Ecology Survey
- Heritage Impact Assessment
- Landscape Assessment / Statement
- Bird / Ornithology Survey (Confidential – due to the sensitive nature of the information provided)
- Transport Statement (TS)
- Coal Mining Risk Assessment (CMRA)
- Schedule of Tree Felling
- Historic Environment Assessment

APPLICATION DETAILS

This application seeks full planning permission for the erection of three zip wire courses (comprising 4 lines of zip wire), the laying of hard-standings, the creation of internal access roads and pedestrian routes, temporary siting of cabins and use of land for car parking.

While not part of the written description of development, the proposal will also include the removal of the redundant pylons that previously served the colliery site.

The zip wire adventure is split into three separate zip wire courses, referred to as:-Zip A, Zip B and Zip C.

The zip wire development will utilise the same technology and structures that are used at Zip World's existing Velocity attraction at Penrhyn Quarry, Bethesda, however riders will ride in an upright seated rather than a prone (lying face down) position. It is proposed to use "stealth trolleys", as are used in Penrhyn Quarry, as these are significantly quieter than standard aluminium trolleys.

The applicants have estimated that the attraction will receive around 400 visitors each day with approximately 100 visitors being on site at any one time. If this was extrapolated over a 365 day year (for illustrative purposes only), this would equate to approximately 146,000 visitors per annum.

Scale, layout and access

The Use of the Tower Colliery Site

Vehicular access to the base of the zip line adventure, located on land at the former Tower Colliery, will be gained from the A4061 Rhigos Road via an existing access.

Visitors will use the existing access road within the site to access to an area of hard-standing at the Tower Colliery site, which was previously used for car parking when the colliery was operational. Car parking for approximately 80 cars will be provided informally initially on an area of hard-standing, which will be levelled out by use of compacted hardcore

The car parking area will be in very close proximity to a group of cabins, which will be used as office, reception, "kitting up" and "de-kitting" and toilets. This will be the central area where visitors will report to upon arrival and book in, before being "kitted up" ready for their zip wire adventure

Once booked in and "kitted up", riders will wait to be transported up, in groups, by Zip World to the top of Zip A. The access route will be from Tower Colliery, along the Rhigos Road (public highway), leaving at a junction which provides access to Pen y Cymoedd Wind Farm, onto a private road

The Zip Wire Course

The zip line course will measure a width of 9m, comprising of four 16mm diameter galvanised steel zip wires.

Zip A is the first zip wire course, which comprises the top section located at Rhigos Mountain. Zip A measures approximately 191m in length and comprises of an overall drop of 22m from start to finish. The despatch platform for Zip A comprises of an open galvanised steel framework tower measuring approximately 11m high, 16.4m wide and 5.2m deep, accessed via a staircase, which will be a roof-covered structure with open façade to the front with balustrade.

An area of hardstanding will be created to accommodate the despatch platform. A 4m wide compacted hardcore track and a turning area will be created to provide operational vehicular access to Zip A - from the existing private access track

The stopping system and landing area for Zip A comprise of three structures; (a) a reduction gantry and (b) a powerfan gantry (measuring 8.4m high by 15.8m wide) positioned 8m apart and a final VZAP structure (measuring 7m high by 15.8m wide).

Riders will walk via a new pedestrian access from the bottom of Zip A to Zip B.

Zip B

Zip B comprises the longest section of the zip wire course, covering a distance of 932m from start to finish, despatching from above and sailing over Llyn Fawr .

Zip B has the largest overall depth of 157m from despatch to landing. The despatch platform for Zip B is similar to that for Zip A, however it is smaller in terms of its overall height (measuring 5m high by 16.4m wide and is 5.2m deep), accessed via a staircase, which will be a roof covered structure with open façade to the front with balustrade.

An area of hardstanding will be created to accommodate the despatch platform. The stopping system and landing area for Zip B comprise of five structures; two reduction gantries and two powerfan gantries (measuring 12.3m high and 15.8m wide). The stopping system for Zip B extends to 123.5m.

A compacted hardcore landing strip will be created at the bottom of Zip B, together with the removal of the existing trees. Members are advised that the extent of removal will be identified as part of the Committee presentation.

A reinforced tree line is proposed at the bottom of Zip B in order to provide a buffer between the landing gantries for Zip B and a bridleway that runs from north to south in close proximity to this area.

A 4m wide compacted hardcore track will also be created to provide access to Zip C.

Zip C

Zip C is the final and lowest part of the zip wire course covering a distance of 661m.

It starts from a close distance to the bottom of Zip B and extends over ground, landing within a reasonable walking distance from the Tower Colliery site.

The despatch platform for Zip C is higher than any of the other despatch platforms, due to the requirement for a higher starting point to accommodate the topography of the landscape and it measures 13m high by 16.4m wide and 5.2m deep), accessed via a staircase, which will be a roof covered structure with open façade to the front with balustrade.

An area of hardstanding will be created to accommodate the despatch platform. The stopping system and landing area for Zip C comprise of five structures; two reduction gantry and two powerfan gantry (measuring 12.3m high and 15.8m wide). The stopping system for Zip C extends to 115m. A compacted hardcore landing strip will be created at the bottom of Zip C.

Riders will finish their journey by walking back through the Tower Colliery site which will be fenced, back towards the car park and reception area

Appearance - Despatch platforms

The proposal incorporates the use of the following materials:

Zip A and B

- Open non-reflective matt finished galvanised steel framework and staircase;
- Walls: timber clad and open façade with non-reflective matt finished metal balustrade;
- Roof: non-reflective matt metal component roofing sheets.

Zip C

- Treated timber shiplap board cladding to circular barrel vault roof;
- Galvanised steel balustrade;
- Timber plank or steel open mesh grating platform deck;
- Galvanised steel hollow section raking ties.

Appearance - Stopping systems

Unclad galvanised matt finished non-reflective steel framework fixed down to mass concrete pad bases.

Landscaping

In order to contain the use of only part of the former Tower Colliery site, the area will be fenced to restrict access beyond the application site. The extent of the proposed fence will form part of the Committee presentation.

A reinforced tree line is proposed at the bottom of Zip B in order to provide a buffer between the landing gantries for Zip B and a bridleway that runs from north to south in close proximity to this area. No other landscaping is proposed

A 100m swathe cut of mature conifers is proposed near the end of Zip B and along Zip C. The extent of tree removal is identified on the Tree Removal Plan submitted as part

of the application (and will form part of the Committee presentation). The 100m swathe cut through mature conifers, plus adjacent blocks of felling the lower end of Zip B and top of Zip C, will be seen as straight lines in the flowing landscape, but not generally be seen 'head-on' and therefore is not to be overly conspicuous

SITE APPRAISAL

The application site in the north of the Cynon Valley (although part of the application site crosses into the Treherbert Ward in the Rhondda Valley). The site lies to the south of the villages of Rhigos and Hirwaun, covering an area of land on Rhigos Mountain, located between 0.5km and 1km to the west of the A4061 (the Rhigos Road) highway, between Blaenrhondda and Hirwaun.

The extent of the application site is identified on the plan attached to the report as **APPENDIX 1**. This extends to include internal access roads to serve the proposed zip wire development (shown in green), operational areas where operational works are proposed to include the laying of hardstanding and erection of zip wire structures, car parking and reception area (shown in red) and flight paths for the proposed zip wires (shown in blue).

The application site also includes part of the site of the former Tower Colliery. Proposed Zip C will finish on land to the south-west of the existing buildings at Tower Colliery, immediately to the west of the Listed head frame.

Land to be used at Tower Colliery also includes areas of hardstanding which were previously used as an area for car parking when the Tower Colliery site was operational. This area will be used for car parking as part of the proposed development, as well as being the base for the zip wire adventure, providing reception area.

No existing buildings or structures within the former Tower Colliery site form part of this planning application, however, the re-use of these buildings does offer potential for future development at the site.

Wherever possible, vehicular access is gained over existing access tracks, which are on private land. However, in some instances, new areas of hardstanding and access tracks are proposed to serve the development and these have been kept to a minimum.

The application site is in close proximity to the two Listed Buildings at Tower Colliery (the Engine House & Fan House and Pithead & Head Frame) and the Scheduled Ancient Monument (SAM) in the form of Ffos Toncenglau Cross Ridge Dyke which has pre-historic origins. It is also located in the Rhondda Uplands Landscape Area which is a designated historic landscape. The proposed location is also incorporated as a part of a wider Site of Importance for Nature Conservation (SINC)

PLANNING HISTORY

Committee is advised that the PLANNING HISTORY in respect of this site relates to the use of part of the application site by the Pen y Cymoedd Wind Farm (principally

the access into the site and the associated internal access tracks) and the previous use of the wider site by Tower Colliery.

There is no Planning History of direct relevance to the consideration of this application.

PUBLICITY

As part of the application process, formal Notices have been placed in and around the application site as well as in the Press (Western Mail). Given the relatively remote location of the proposed development, Committee is advised that it is / was considered unlikely that this process would generate a significant amount of correspondence (either in support or objection)

As a result of this exercise 1 letter has been received.

“Having originally come from North Wales, I have seen Zip World grow as a company and become a positive force for tourism, bringing in vital tourism to the surrounded areas, particularly the old slate mining communities. Having also been back to North Wales as a customer to experience Zip World, I can't comment highly enough. The customer experience from start to end was professional and enjoyable, from arriving on site, being sorted with equipment, given safety briefing and training and finally the experience itself. I fully support them coming to South Wales and can't wait to visit Rhigos”.

CONSULTATIONS

In addition to the PUBLICITY exercise, the following have also been consulted as part of the application process.

Internal (RCT)

- **Transportation** – no objection subject to conditions
- **Drainage** – no objection subject to conditions
- **Public Health & Protection** – no objection
- **Countryside** – no objection subject to conditions
- **Public Rights of Way** – no objections

External

- **Brecon Beacons National Park Authority** – no objection
- **Neath Port Talbot CBC** – no objection
- **Dwr Cymru / Welsh Water** – no response received
- **Electricity Utility Provider** – advise on the location of apparatus and infrastructure in the area.
- **Gas Utility Provider** – advise on the location of apparatus and infrastructure in the area.
- **NRW** – have “significant concerns” over the potential impact on Peregrine Falcons but otherwise have no objections.
- **GGAT** – no objection subject to a condition.

- **Cadw** – no new impact on any SAM therefore no objections.
- **National Grid** – advise on the location of apparatus and infrastructure in the area.
- **Heath & Safety Executive** – no objections
- **Coal Authority** – no objection
- **Police Authority** – no objection
- **Welsh Government Highways / SWTRA** – no objections
- **Rhigos Community Council** – no response received.
- **Hirwaun Community Council** – “*wish to convey their support of this application*”.
- **South East Wales Hang Gliding and Para Gliding Club** – no objection
- **Vale of Neath Gliding Club (Rhigos)** – no response received

POLICY CONTEXT

LDP Policy

Proposals Map

The site is affected by:

- Regionally Important Geological & Geomorphological Site
- Site of Importance for Nature Conservation
- Special Landscape Area designation
- Sandstone and coal resources

Core Policies

Policy CS 1 emphasises building strong, sustainable communities in the northern strategy area, including by:

- Encouraging a strong, diverse economy including leisure & tourism (6);
- Protecting the natural environment (7).

Policy CS 10 provides for the protection of mineral resources.

Area Wide Policies

Policy AW 2 supports development in sustainable locations.

Policy AW 5 gives amenity and accessibility criteria for new development, including effect on character and appearance (1a), retention of features of environmental value (1b), safe access (2c) and parking (2d).

Policy AW 6 gives design criteria for new development, including reference to cultural heritage (13) and landscape and biodiversity (14).

Policy AW 7 gives criteria for development affecting Public Rights of Way

Policy AW 8 requires development not to cause harm to features of SINC or RIGS unless (a) the proposal is for positive management of the site; (b) no unacceptable harm would be caused; and (c) the proposal could not go elsewhere and the benefits of it outweigh the nature conservation value of the site.

Policy AW 14 safeguards from development the resources of sandstone (2) and coal (4). The coal boundary excludes the SSSI.

Strategy Area Policies

Policy NSA 25 requires the highest standards of design in the special landscape areas.

SPG

- Design & Placemaking
- Nature Conservation
- Access, Circulation & Parking
- Employment & Skills

Evidence Base

- EB44 SINC in RCT – Site Descriptions 2008
- EB49 Proposals for Designation of SLA in Rhondda Cynon Taf, 2008

National Planning Policy

PPW Edition 10 (December 2018)

Paragraph 4.1.39 encourages planning authorities to seek a minimum of 10% of car parking spaces to have ULEV charging points for new non-residential development. The paragraph gives criteria for how many ULEV charging points should be sought.

Paragraph 5.5.1 promotes tourism as vital contributor to economic prosperity, job creation, and regeneration.

Paragraph 5.5.2 encourages tourism where it contributes to economic development. It continues “*In addition to supporting the continued success of existing tourist areas, appropriate tourism-related development in new destinations is encouraged. In some places however there may be a need to limit new development to avoid damage to the environment or the amenity of residents and visitors*”.

Paragraph 5.5.4 recognises the opportunities to re-use historic buildings for tourism facilities.

Paragraph 5.5.7 encourages LPAs to adopt positive approaches to proposals which utilise previously developed or disused land for tourism uses.

Paragraph 6.1.10 gives a general presumption in favour of the preservation or enhancement of listed buildings and its setting, which might extend beyond its curtilage.

Paragraph 6.4.17 states that LPAs have a duty to further the conservation and enhancement of the special features of a SSSI, and there is a presumption against development likely to damage a SSSI.

Paragraph 6.4.20 states that non-statutory designations, such as SLA and SINCL, should not unduly restrict appropriate development where there are no adverse impacts on the features for which a site is designated.

Paragraph 6.6.17 stipulates that new developments where the area covered by construction work equals or exceeds 100 square metres require approval from the Local Authority’s SuDS Approval Body (SAB) before construction can commence.

National Development Framework (Consultation Draft)

Proposed Policy 29 of the NDF consultation draft supports investment in the Heads of the Valleys area that can impact upon communities’ prosperity and well-being. It states that the Heads of the Valleys is a priority area for the Welsh Government and should be a priority for future SDPs to deliver greater prosperity, support regeneration and improve well-being. It also notes the area’s potential to build on its tourism offer.

Technical Advice Notes (TAN)

TAN 5 – Nature Conservation

TAN 12 – Design

TAN 18 – Transport

TAN 23 – Economic Development

TAN 24 – The Historic Environment

REASONS FOR REACHING THE RECOMMENDATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies within the plan should not be allowed, unless material planning considerations justify the grant of planning permission.

Committee is advised that, what is being proposed is relatively simple in terms of its construction (a series of zip wires with some temporary accommodation). A broader consideration is the number of visitors it will attract to the area in its currently proposed form as well as the potential of further, associated, developments could have at this site and how these will impact upon the area.

It is considered that the principal issues in the determination of this application are (in no particular order of importance):

- Transportation, Access & Highway Safety
- Landscape and Visual Impact
- Ecology
- Impact on the Historic Environment
- Economy, Employment & Tourism

For Committee's convenience, any conditions or provisions that are considered necessary to make the proposal acceptable have been included at the point of explanation and repeated at the end of the report under its own section heading.

Should Committee be minded to approve the application it is a requirement that a time limit is assigned to any consent. This is normally a period of 5 years from the date of the consent to implement the development (having first complied with any "pre-commencement" conditions that have been added).

In pre-application discussions the applicant has indicated a desire to start as soon as possible however this is largely a commercial decision and not one in which the Council (as Local Planning Authority) can be involved however, there is a technical environmental reason why work may need to begin on site by mid January which is explained in the SUMMARY & CONCLUSIONS Section of this report. The nature of the proposed development is such that there would not seem to be any compelling reason to add a longer or shorter period and, therefore the following condition is proposed:

The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Section 92 of the Town & Country Planning Act 1990.

In addition if Committee is minded to approve the application it is a requirement to list all of the plans and documents that form part of the application. Accordingly, the following condition is required:

The development shall be carried out in accordance with the plans and documents listed in the letter from Cadnant Planning dated 9th December 2019.

Reason: To ensure the compliance with the approved plans and documents and to clearly define the scope of the permission.

Transportation, Access & Highway Safety

Trip Generation - It is noted that there is to be up to 33 full time equivalent staff members along with visitors and therefore the off-street car parking provided should be for the worst case scenario taking both visitors and staff into consideration.

The Transport Statement (TS) submitted with the application indicates a maximum of 400 visitors per day in peak times generating up to 17 two-way trips (not including staff). Therefore, the impact of the proposal on the surrounding highway network capacity is considered to be largely insignificant and does not warrant further detailed assessment.

Access off the A4061 (Rhigos Road) - The main access for the proposed development to be used by visitors and staff will be from the existing Tower Colliery site access off A4061.

The second access for transporting customers to the upper platform for the ride would be the existing access which serves the Forestry and Pen-Y-Cymoedd Wind Farm.

The A4061 has a national speed limit of 60 mph with no street lighting and no segregated footway facilities along its length. The A4061 also provides a strategic link between the Rhondda Valleys and the Cynon Valley.

The existing junctions with the A4061 have acceptable horizontal and vertical geometry to cater for the type and volume of traffic generated by the proposed development. The achievable vision splays are below the standards required (2.4m x 215m needed but only 2.4m x 140m achievable) for a 60 mph speed. However, it is proposed to reduce the speed to 40 mph which would require 2.4m X 120m which are achievable and, as such, are complied with.

A Traffic Regulation Order (TRO) to reduce the speed on the A4061 will be required and this will need to be provided in order for the development to proceed.

The costs associated with providing this (c. £10k) will be covered by Zip World and secured through a Unilateral Undertaking (a self-binding S106 Agreement).

The proposed junctions would not require a right turn holding lane due to average annual daily traffic for traffic flow being less than the design criteria and as such are therefore considered acceptable.

The second access platform (A) is located on the highest point, which during inclement weather vision can be totally obstructed by fog and mist reducing visibility, which gives some cause for concern. Such concern can be mitigated by provision of advanced warning signage which would indicate when a vehicle was about to exit the junction onto the A4061 or warning of slow moving / turning vehicles.

Accident Data - The accident data has been assessed between 2000 and 2018 with a number of accidents (7 in total) occurring in the vicinity of the main access. The causation of these accidents being an excessive speed, and driver inattention. The proposed reduction in speed limit to 40 mph, as well as the provision of warning signs, should mitigate this accordingly.

Internal Circulation and Parking - The Transportation Section has advised that there is insufficient information and details regarding circulation and parking to enable a detailed assessment to be carried out. The proposal indicates use of the existing access, circulation and parking arrangement and proposes 80 parking spaces within the curtilage of the site. It is advised that a detailed layout plan will be required indicating circulation space and available parking for cars, coaches, bicycles, motorbikes. In compliance with PPW10, 10% of the parking spaces should include electric charging points for ULEVs. Committee is advised that such requirements can be secured by suitably worded planning conditions.

Sustainability - The nature of proposed development heavily relies on topography of its local context and as such is not located in an area with good sustainable transport links and sustainable modes of travel. However, the proposal would provide satisfactory access, circulation and parking within the site curtilage to cater for all types of travel modes and upon demand, will arrange for pick up and drop off from Bus or Train Stations, which is considered acceptable in principle. While the proposal performs poorly in the Transportation Hierarchy (where arrival by car is the least appropriate means), the nature of this (and other similar development which require a remote or countryside location) means that, initially, it will inevitably be reliant on the private motor car but as it establishes and expands, it will be open to a wider range of transport modes. The possibility of an extension of the passenger railway line from Aberdare up to Hirwaun with the potential for shuttle buses from the station stop to the site offers the potential for greater sustainability. In addition, the applicant has stated that they have purchased a fleet of electric vehicles for use at their sites which score well in terms of sustainability and the requirement to provide a minimum of 10% electric vehicle charging points on the site means that arriving by electric vehicle is more likely.

Welsh Government Transport Section – as part of the application process Welsh Government were consulted on a procedural issue (the development lies

within 67 metres of the centre line of a trunk road – the A4061). Members may be interested to know that this arm of WG are the only consultee who has the power to actually direct that an application is refused. However, in respect to this application, a response offering “no objection” has been received.

Public Rights of Way (PROW) – Committee is advised that the Council’s PROW Section was consulted both as part of the PAC process and as part of the application. A number of suggestions (to the developer) were made at the PAC stage. As part of the application process, the consultation response states: “*There is no objection to the proposal from a Public Rights of Way perspective*”.

Conclusion - The Council’s Transportation Section have highlighted some concerns regarding substandard vision splays, obstruction of visibility by inclement weather and a lack information and details in respect of parking and circulation. However, such concerns can be mitigated by reducing the speed limit, providing signage and requiring additional information and detail via the suitably worded planning conditions below:

There shall be no beneficial operation of the proposed development until such time as a Traffic Regulation Order (TRO) along Rhigos Road A4061 (to reduce vehicular speeds) has been completed.

Reason: To ensure deliverability of Traffic Management measures and restrictions in the interests of highway safety.

The vehicular access points onto the A4061 to the site shall be laid out, constructed and retained thereafter with 2.4 x 120 metre vision splays with no planting or obstruction above 0.9m placed within the required visibility splay.

Reason: To ensure that adequate visibility is provided, in the interests of highway safety.

Notwithstanding the details shown on the submitted plans, built development shall not commence until design and details of the internal access road, parking spaces for cars, coaches, cycles and motorcycles have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be carried out in accordance with the approved details prior to beneficial use of the site.

Reason: In the interests of highway safety and free flow of traffic.

Prior to the beneficial use of the site, a minimum of 10% of the car parking spaces shall include electric charging points for Ultra Low Emission Vehicles (ULEV).

Reason: To reduce carbon emission, improve environmental and cultural wellbeing of the public in compliance with PPW10.

No built development shall take place, including any works of site clearance, until a Construction Method Statement has been submitted and approved in writing by the Local Planning Authority to provide for;

- a) the means of access into the site for all construction traffic,**
- b) the parking of vehicles of site operatives and visitors,**
- c) the management of vehicular and pedestrian traffic,**
- d) loading and unloading of plant and materials,**
- e) storage of plant and materials used in constructing the development,**
- f) wheel cleansing facilities,**
- g) the sheeting of lorries leaving the site.**

The development shall be carried out in accordance with the approved Construction Method Statement unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of the safety and free flow of traffic.

Subject to the inclusion of these conditions it is concluded that the proposed development is broadly compliant with Policies AW2, AW5 and AW7 of the Rhondda Cynon Taf Local Development Plan.

Landscape and Visual Impact

The application site is located within the open countryside and, by virtue of its location, has the potential to impact upon its character and appearance where the underlying universal policy principle is to protect areas of countryside for its own sake.

The landscape also lies in close proximity to the southern boundary of the Brecon Beacons National Park, where there is also a national policy principle to have regard to any impact on its setting and preserve its “special qualities”.

As part of the application process, both NRW and the BBNPA were consulted in addition to the Council’s own Landscape Architect (at the PAC stage) at the Council’s Countryside Section.

The BBNP have advised that it would “*have some adverse impact on views towards the National Park. However, it is recognised that the proposed development is limited in terms of its scale and impacts*”.

The BBNP included a number of other non-landscape related comments (some of which are potentially outside of their remit) but conclude “*there is no objection in principle to the proposed development*”

Similarly NRW have reviewed the Landscape Statement submitted with the application and have stated:

“We have no objection to the proposals. Whilst it is unlikely the proposal would have a substantial adverse impact on the National Park, the proposal would have some adverse impact on landscape character of the local landscape within its setting and views towards the National Park.”

“We welcome the proposal to use “stealth trollies” (as at Penrhyn Quarry) for the zip wire as they are stated to be significantly quieter than standard aluminium trolleys”.

“...there is potential to reduce the impact of the cut swathe through the forestry by softening the straight edges of the felling, retaining some mature conifer groups and planting native shrubs and trees at the edges. We are in agreement with this recommendation.”

“Given the proximity to the National Park and noted qualities of remoteness and tranquillity within the local character areas in the Landscape & Visual Statement, proposals to avoid lighting and minimise noise would be welcomed”

The Council's Landscape Architect (through the PAC) offered similar observations but highlighting that the Craig y Llyn is itself a Regionally Important Geological Site (RIGS) and a Site of Special Scientific Interest (SSSI). A concern was highlighted that the A4061 (Rhigos Road) provides a unique view of this dramatic landscape as well as being a popular recreational hill climb route for road cyclists. There is a question over whether the activity at the Zip World site would have a detrimental effect on highway safety as drivers may alter their driving behaviour to see the zip wire in operation but concludes that this is outside the remit of the applicant and a more pertinent question for the Transportation Section (see previous Chapter on Transportation, Access & Highway Safety)

In conclusion, it is clear from the three consultees / responses that it is agreed that the construction of the zip wires **WILL have an adverse impact** on the quality of the landscape **however, all agree that these impacts are not significant** (and certainly not to a degree that would warrant the refusal of the application) and have, accordingly, offered no objection.

In addition, the nature of any construction works to enable the construction of the facility, is largely reversible and it would take minimal work for nature to re-establish itself following the removal of the apparatus. Accordingly, the proposal is considered to be in accordance with Policies CS1, AW6, AW8 & NSA25 of the Rhondda Cynon Taf Local Development Plan.

Ecology

Habitat Assessment - The Council's Ecologist has advised that the submission contained a very effective and appropriate Ecology Survey. It identified habitat designations (SSSI and SINC) and the habitats and species status of the direct impacts of the Zip World development.

The report identifies that the zip wire will pass directly over the Craig Yr Llyn Site of Special Scientific Interest, that the launch point is within SINC 54, and the landing facility and pylon supports lie within SINC 10. The Habitat Assessment has identified localised habitat impacts to the SINC sites and identifies mitigation to off-set those impacts.

The direct impact on the SSSI is limited, although disturbance/implication for nesting birds (in particular nesting Peregrine Falcons) was identified for further detailed study. The submitted assessment concludes that, as long as adequate mitigation is provided in the form of site interpretation (including interpretation of the ecology and geomorphology of the SSSI and its surroundings), ensuring public access and disturbance of the glacial crags within the SSSI is minimised, and compensatory management of the SSSI is provided (particularly removing conifer regeneration) the impacts of the application will be acceptable. The Council's Ecologist is satisfied that this is a reasonable conclusion so long as long-term mitigation (for the lifetime of the scheme) can be secured, the ecological impacts on the SSSI will be manageable. It is further advised that, as per their statutory role, NRW's comments in relation to the SSSI impacts are clearly of significant importance.

The Ecology Report also highlights potential for careful working to minimise impacts to SINC habitat and some compensatory management of areas of SINC disturbed by works (particularly the launch and landing sites and the associated access routes to them). Given the recent WG Circular (which mandates enhanced ecological mitigation), biodiversity enhancement also needs to be provided.

Mitigation / enhancement is deliverable through better management of areas of SINC adjacent to the launch and landing areas and access routes. Simple, long-term land management provisions will improve the habitat quality of those areas, and therefore provide effective mitigation and enhancement. If the Committee is minded to accept the recommendation, the provision of a long-term management plan (life time of the facility) which includes relatively small scale appropriate habitat management as part of facility management and maintenance, will allow the localised impacts to the two SINC (as per policy AW8 of the LDP) to have been adequately mitigated and for enhancement to be delivered.

The Ecology Report also identifies precautionary species mitigation measures for reptiles and nesting birds and, again, if the application is approved, these need to be the subject of an appropriate condition.

The Council's Ecologist also advises that more detailed Badger and Peregrine Falcon reports were produced for the application submission (from those that were submitted as part of the PAC process) and that both are to a high standard.

The **Badger** Survey has recorded a sett within the zip wire corridor and also badger activity within the area. The Report recommends a number of additional measures that would need to be secured by an appropriate condition.

The **Peregrine Falcon** Survey recorded and interprets a considerable amount of very useful site specific information regarding Peregrine use of the crags and flight line activity. In general terms, the report concludes that the impacts on Peregrine from the zip-wire would be very limited, but Peregrine may end up altering their behaviour somewhat when the zip wire is operating and the Report identifies a series of mitigation measures. These include the important key provision of pre-management of the crags to create other suitable Peregrine nesting sites at a greater distance from the zip wire, the use of brightly coloured wire for the section of zip wire near the crags to make the wire obvious to the Peregrines, measures to prevent people accessing the cliff tops from above and site interpretation for visitors. It is also suggested that the Peregrine use (and Raven and Kestrel) of the crags as breeding and hunting habitat is monitored for a 5 year period after the start of the operation of the zip-wire attraction to allow assessment of how the Peregrines (and other species) react to zip-wire operation, and to identify if any additional mitigation is needed in the future to remediate any issues that might arise.

In addition to the response from the Council's Ecologist, NRW were also consulted as part of the application process. Their response is covered under five chapter headings:

- Protected Species
- Designated Sites
- Landscape
- Foul Drainage and
- Other Matters

For Committee's information, a copy of their response has been included as APPENDIX 2

NRW are satisfied in most respects with the application however they have some outstanding concerns with some aspects of the proposed development.

They have advised that further information should be provided (by the applicant) to demonstrate that there would be no significant effect on the range and population of Peregrine Falcons or that the proposal would be able to conform with the statutory species protection provisions. They advise that it is "*an offence to intentionally or recklessly disturb a Schedule 1 (of the Wildlife & Countryside Act) bird while it is building a nest or is near a nest containing eggs or young, or to disturb dependent young birds*".

Committee is advised that the application included a comprehensive Bird Survey. The fact that one was received is noted on the Council's web-site however, the sensitive information contained in the document, means that it has been treated as "confidential" and only shared with organisations (like NRW) who have a legitimate interest in the findings and the potential for development to impact upon them.

NRW welcomed the (specific) Peregrine Observations Report (June 2019) NRW consider that, in coming to its conclusions, the Report has given too much

weight to case studies where disturbance was from below the nest site (such as working in the base of an old quarry). In coming to this opinion, NRW consider that the proposed zip wire is *likely* to cause disturbance and displace nesting from the current location. NRW concede that specific Peregrine Falcon nesting locations vary from year to year, but they conclude that “*the crags with greater nesting potential lie within the disturbance distances of the zip wire.*” NRW acknowledge that the Report recommends potential mitigation which suggests that alternative nesting locations could be provided in the vicinity, but NRW are of the opinion that “*there is no evidence that this is achievable*”. Committee is advised that this conclusion is disagreed with by both the Council’s Ecologist and the applicant’s Ecologist who have greater confidence that Peregrines will either accept the presence and operation of the zip wire and continue to use the 2019 nesting site (Committee is advised that Peregrine Falcons nest in both cities and active quarries with high levels of associated noise/disturbance) or, if displacement does occur then, with the comprehensive programme of ledge management works which is proposed in the conditions, Peregrines will be able to utilise new nest ledge opportunities further away from the zip wire along the extensive cwm face of the Craig yr Llyn SSSI. The proposed 5 year monitoring programme is designed specifically to allow any impacts to Peregrines to be documented, monitored and reviewed. Both Ecologists have a different opinion (to NRW) and a greater confidence that with robust, long-term mitigation, the application can successfully operate without having a significant effect on the nesting habitat of the Peregrine Falcons at Craig Yr Llyn SSSI.

It is considered that through the information submitted, and the proposed conditions are robust enough to determine the application without having a **significant** effect on the nesting habitat of the Peregrine Falcons through the use of appropriately worded conditions. However, as a response to NRW’s concerns further discussions have been held and it is hoped that an agreement can be reached prior to Committee. The agreed way forward requires the applicants to carry out some further work (which is currently being undertaken). This work includes:

- The provision of several annotated photographs and a plan of the cliffs, to show where potential alternative nesting cliffs are available;
- A discussion of possible sites nesting outside the 400m disturbance buffer;
- Provision of some additional supporting text setting out the following:
 - The apparent absence of any case-study data regarding Peregrines and zip wires.
 - Discussion of possible examples where disturbance to Peregrines comes from above the nest site;
 - Additional factors that will reduce the likelihood of additional disturbance in this case (e.g. the presence of the rock buttress that screens the view of the current nest site and most of the eastern crags from the zip line start point; the existing disturbance from motorcyclists along the path at the top of the cliffs, the convex slope of the top of the cliffs that screens the vertical faces from any direct disturbance from above – especially after a fence is installed).

- The proposal to commence potentially sources of disturbance during January (e.g. siting of portacabins, beginning tree clearance, installation of the fence along the top of the cliffs etc.) prior to the beginning of the bird nesting season, to allow birds to choose a nest location they are comfortable with, after the disturbance has started (Members are advised that disturbing the birds while nesting would be against the law.)

It is hoped that both the work will be completed and NRW will have had time to comment further by the time of Committee. An oral update will be given to Members prior to deliberation of the application and making a decision, although regard should be had to the SUMMARY & CONCLUSIONS Section of this report.

NRW also have some concerns in respect of Designated Sites. The Craig-y-Llyn Site of Special Scientific Interest (SSSI) lies directly beneath the zip wire route. They advise that the high cliffs, ravines and flushes provide support for many important montane (inhabiting mountainous countryside) species. Some concerns exist as the proposed works will be located close to the edge of the SSSI. Surface water run-off from the site including the up-lift road, stanchions, car park, and tree felling has the potential to impact on the SSSI during the construction works and during operation. NRW require details to be provided as to how surface water run-off will be managed and treated (such as silt mitigation measures) to avoid any impact that could affect the designated features and have a negative impact on the species. They advise that these measures should also protect the Dwr Cymru / Welsh Water owned Llyn Fawr Reservoir (a drinking water supply reservoir that relies solely on rainwater supply) from the impacts of sedimented water run-off. NRW require water leaving the construction area an operational areas to be clean and the management of water should ensure that new flow paths are not created that could change water quality, flow rates and scour to sensitive habitats or species. While having concerns **NRW are satisfied that this information can be provided through a Construction Environment Management Plan (CEMP)**. In addition the proposed Habitat Mitigation and Enhancement condition (including the Peregrine ledge enhance works referred to above) provides opportunities to manage currently overgrown glacial cwm ledges to improve conditions for important, low growing montane vegetation communities and to monitor and report on those SSSI enhancements measures. In light of this, a condition is proposed below, although Committee is advised that the information is captured as part of a Species and Habitat Protection Plan for Construction (rather than a CEMP).

In respect of the remaining headings, NRW have no objections in respect of impacts on the landscape (see Landscape Section for more details). In terms of Foul Drainage they offer advice in respect of a separate permitting regime that may be required. This information has been passed on to the applicant for information. There are no material planning considerations contained within the Other Matters section and just points out that there may be other environmental impacts outside of NRW's scope.

If Committee is minded to accept the recommendation, the following conditions are suggested by the Council's Ecologist (however, different, more or fewer conditions may be required depending on NRW's response to the additional information currently being produced.):

No built development shall take place until a Species and Habitat Protection Plan for Construction has been submitted and approved in writing by the local planning authority. The plan shall include:

- **An appropriate scale plan showing Protection Zones' where construction activities are restricted (and including designated sites) and where protective measures will be installed or implemented;**
- **Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;**
- **A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife and species could be harmed**
- **Details of specific species and habitat mitigation measures for key species including birds, badger and reptiles,**
- **Details of wildlife sensitive lighting proposals**
- **Details of water pollution control measures**
- **An agreed scheme of progress reporting to the Council during the construction programme.**
- **Details of persons responsible for:**
 - a) **Compliance with legal consents relating to nature conservation;**
 - b) **Compliance with planning conditions relating to nature conservation (Ecological Clerk of Works);**
 - c) **Installation of physical protection measures and management during construction;**
 - d) **Implementation of sensitive working practices during construction;**
 - e) **Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;**
 - f) **Specific species and Habitat Mitigation measures**
 - g) **Provision of training and information about the importance of the 'Protection Zones' to all construction personnel on site.**

The development shall be carried out in strict accordance with any approval.

Reason: To afford protection to animal and plant species in accordance with Policies AW5 & AW8 of the Rhondda Cynon Taf Local Development Plan.

Prior to the commencement of any construction work, a 5 year Peregrine Falcon, Kestrel and Raven Monitoring Plan shall be submitted and approved before commencement of use of the Zip-wire to include;

- **An appropriate scale plan.**
- **Details of monitoring effort to include periods covering nesting, recently fledged young and hunting behaviour.**
- **An agreed scheme of annual reporting of the results of previous years monitoring to the Council.**
- **Details of a mitigation and enhancement measures.**
- **Details of the monitoring surveyor**

The development shall be carried out in strict accordance with the approved scheme.

Reason: To afford protection to animal and plant species in accordance with Policies AW5 & AW8 of the Rhondda Cynon Taf Local Development Plan.

Prior to the commencement of construction works, a badger survey for all areas potentially affected by the proposal shall be undertaken and the results and any mitigation / enhancement measures submitted for approval to the LPA (in consultation with NRW). The mitigation / enhancement measures shall be carried out in accordance with the approved scheme.

Reason: To afford protection to animal and plant species in accordance with Policies AW5 & AW8 of the Rhondda Cynon Taf Local Development Plan.

Within 6 months of the commencement of operation of the facility, details of biodiversity and geomorphology site interpretation (for the benefit of awareness raising with users of the facility) to be submitted to and approved in writing by the LPA. The development shall be carried out in accordance with any approval.

Reason: To afford protection to animal and plant species in accordance with Policies AW5 & AW8 of the Rhondda Cynon Taf Local Development Plan.

Within 6 months of the first beneficial commencement of the development, details for the provision of long-term litter control and site management (including biodiversity works and invasive plant measures) within the operational area of the site (the red line boundary" shall be submitted to, and approved in writing by, the LPA. The development shall be carried out in accordance with the approved details.

Reason: To afford protection to animal and plant species in accordance with Policies AW5 & AW8 of the Rhondda Cynon Taf Local Development Plan.

Within 6 months of the first beneficial operational of the development, a scheme shall be submitted to, and approved in writing by, the Local Planning Authority for the provision of a mitigation and enhancement Habitat Mitigation Plan covering areas of Craig Yr Llyn SSSI and Sites of Importance for Nature Conservation for the life time of the facility, to include details of;

- **The purpose, aim and objectives of the scheme;**
- **A review of the plans ecological (habitat and species) potential and constraints;**
- **Details of the species and habitat mitigation and enhancement works, to include;**
 - a. **a plan of the habitat areas covered ,**
 - b. **management specifications for each habitat area,**
 - c. **monitoring outputs,**
 - d. **process of updating and reviewing the plan to reflect monitoring recommendations**
 - e. **process of annual consultation and reporting to Council and Natural Resources Wales,**
 - f. **litter removal,**
 - g. **invasive plant control,**
 - h. **personnel responsible for the work and contact details,**
 - i. **schedule of works and the process for rolling the works schedule forward,**

The development shall be carried out in accordance with the approved scheme.

Reason: To afford protection to animal and plant species in accordance with Policies AW5 & AW8 of the Rhondda Cynon Taf Local Development Plan.

Impact on the Historic Environment

In considering whether to grant planning permission for development which affects a Listed Building or its setting, the Local Planning Authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. This is a requirement of S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The wider Tower colliery site consists of 7 buildings which remain on the site, these are the :

- Pit-head Baths Building;
- Lamp Room and Office; Powder Room;
- Engine House and Fan House;
- Headframe and Pit-head;

- Stores Building; and
- Maintenance Workshop

The Engine House and Fan House and Headframe and Pit-head are Grade II and have been listed since 1993.

Of the remaining buildings on the site, other than the Listed Buildings, the key buildings from a heritage perspective are the Pithead Baths Building, the Powder (explosives) Room and the Lamp Room / Office building. These would all be considered to be “curtilage structures” to the Listed Buildings (not listed in themselves but being afforded similar protection as if they were). It is for the LPA to decide what, if any, impact there is on the setting of the Listed and Curtilage Listed buildings (Committee is advised that Cadw only become involved in the determination process on buildings that are in the ownership of the respective Council).

The Heritage Impact Assessment (HIA) included with the application makes a thorough and rigorous assessment of the heritage assets at the site. It is clear from the details of the planning application that the site will be used as the landing site for the Zip World venture and that none of the existing buildings will be utilised or affected by the proposal at this stage.

The HIA recognises that the new and former uses of the site need to be separated in a manner that is both appropriate to the new use, health and safety provisions and the historic asset within which it would sit.

It is considered that the proposals would have a reversible and “light touch” impact on the setting of the heritage assets at the site. The structures that are proposed would be of a construction, character and appearance that would blend in with the existing structures at the site to all but immediate, close-range views at the site (largely only experienced by visitors to the site).

The relationship between the proposal and the existing heritage assets are explored in full within the HIA which concludes that their aesthetic, historical and evidential value would not be adversely impacted by the proposal. This conclusion is well evidenced and supported and is considered to successfully address this issue.

As part of the application, The Welsh Historic Monuments Service (Cadw) were consulted. Cadw have a statutory role in the planning process to provide the LPA with an assessment of the likely impact the proposal will have on:

- Scheduled (Ancient) Monuments,
- registered historic parks and gardens,
- registered historic landscapes (where an Environmental Impact assessment is required) and
- development likely to have an impact on the outstanding universal value of a World Heritage Site.

Cadw advise that the proposed development has the potential to impact upon the following Scheduled Ancient Monuments:

- BR157 Site of Hirwaun Ironworks
- GM101 Blaenrhondda Settlement
- GM118 Ffos Toncenglau Cross Ridge Dyke
- GM235 Foel Chwern Round Cairn
- GM509 Locomotive Type Steam Boiler, Blaen Rhondda Cynon Taff CBC
- GM539 Garn Bica
- GM541 Rhondda Fach Cairn
- GM564 Craig y Bwlch Round Cairn
- GM565 Tarren y Bwlch Round Cairn.

The above Scheduled Monuments are located within a 3km radius of the proposed development but, apart from GM118 (Ffos Toncenglau Cross Ridge Dyke), the distance from the monuments along with intervening topography, buildings and vegetation, it is unlikely that there will be any significant impact on the setting of these Scheduled Monuments.

The impact on the GM118 Ffos Toncenglau Cross Ridge Dyke and its setting has been considered in the Heritage Impact Assessment (HIA) submitted with the application. This concluded that, as the access route to the development will use an existing track, there will be no direct impact on the Scheduled Monument. It is also noted that, whilst there will be a “slight adverse” impact on the wider setting, this is considered to be minimal and the proposed development will not affect the way that the Scheduled Monument can be read as part of the wider landscape or on its relationship to other known historic assets in the vicinity of the application site. Consequently, whilst there will be a slight impact on the setting of the GM118 Scheduled Monument, this is not considered to be significant. Cadw concurs with the findings of the HIA and, accordingly, offers no objection to the proposal.

In addition to Cadw, the Glamorgan Gwent Archaeological Trust (GGAT) were also consulted as part of the PAC and application process. While not offering any objection, GGAT advise that “*the proposal will require archaeological mitigation*”.

As part of the application an Archaeological & Historic Environment Assessment was submitted. GGAT advise that this document met the necessary professional standards. Like Cadw, GGAT pick up on the potential for the proposed development to impact upon the GM118 Ffos Toncenglau Cross Ridge Dyke. GGAT describe it as a “linear monument which has a multi-period history of development and use”. Committee is advised that the proposal will use an existing route through the dyke. GGAT are satisfied that the proposed development will not have any direct impact on the buildings at Tower Colliery but suggest that a fence should be erected to protect them.

The application site also included areas of unaltered upland landscape, and also within areas of 20th Century forestry planting, includes features relating to previous land management, including walls, ditches and banks and even a

potential WW2 bomb crater. GGAT advise that these banks may be impacted upon and, again, recommend that mitigation takes place. GGAT also advise that there is potential for any clearance and development work to encounter pre-historic artefacts, especially with a cairn grouping thought to be of Roman or Medieval date.

GGAT state that *“whilst we do not object to the granting of planning permission.....,in our role as the archaeological advisors to your Members, we strongly recommend that a condition be attached to any consentensuring that a written scheme of investigation for the implementation of a programme of archaeological mitigation work”* (is included as part of the development).

The condition proposed by GGAT is similar to Model Condition 24 in Welsh Government Circular 016/2014. This condition begins “No development shall take place until.....” (it is a pre-commencement condition) however there are elements of the project that could be undertaken that does not impact on these areas of interest so, in order not to delay the implementation of the development unnecessarily, the following (modified) condition is proposed:

Prior to any excavation or works of ground clearance, a written scheme of historic environment mitigation shall be submitted to, and approved in writing by, the Local Planning Authority. The programme of work shall be carried out in accordance with the requirements of the approved scheme.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

Subject to the inclusion of the above condition it is considered that the proposal complies with Policies AW6 and AW8 of the Rhondda Cynon Taf Local Development Plan.

Economy, Employment & Tourism

Technical Advice Note 23 (Economic Development) provides national guidance on matters relating to economic development and recognises the diverse range of employment uses that are present in the economy of Wales.

Paragraph 1.2.1 advises that *“the economic benefits associated with development may be geographically spread out far beyond the area where the development is located. As a consequence it is essential that the planning system recognises and gives due weight to the economic benefits associated with new development”*

Section 2.1 relates to the weight to be given to economic benefit. **Paragraph 2.1.1** advises that *“it should not be assumed that economic objectives are necessarily in conflict with social and environmental objectives. Often these different dimensions point in the same direction. Planning should positively and imaginatively seek such ‘win-win’ outcomes where development contributes to all dimensions of sustainability.”*

Paragraph 2.1.2 advises that *“Where economic development would cause environmental or social harm which cannot be fully mitigated, careful consideration of the economic benefits will be necessary. There will of course be occasions where social and environmental considerations will outweigh economic benefit. The decision in each case will depend upon the specific circumstances and the planning authority’s priorities.”*

As part of the PAC process, the BBNP responded *“From a tourism perspective BBNP welcome this development as another attraction based on the outdoors in the area. It would be helpful to discuss how the Brecon Beacons destination can work with Zip World to benefit both. BBNP would welcome working with the developers to provide information and interpretation within the complex to their guests – they would have some of the best views over the National Park anywhere in South Wales and they would be well placed to give their guests some of that story as well as links to other outdoor locations and businesses. The plans are relatively modest in terms of car parking and facilities. However, should the developer find that those facilities are outstripped by demand and expansion becomes desirable, BBNP would welcome more detailed discussion before plans are developed. We have concerns that the nearby Waterfall Country may become increasingly pressurised by guests being attracted to this general area when it is already at and indeed beyond capacity. We would welcome discussion with the applicants about how messages can be aligned.”* Similar comments were made as part of the planning application consultation response.

It is clear from these observations that the BBNP can see the potential benefits to the wider area and are happy to work closely with Zip World to manage customer demand for the tourism experience offered by the region and the significant boost that the Zip World facility is likely to bring.

The development would involve a significant investment into the local economy which will, in the short term, benefit the construction industry and the associated supply chains linked to it. Once operational it will create valuable permanent employment opportunities. In addition, the facility would also complement and enhance the existing tourism offer in the area and help to ensure that the money spent by visitors is retained locally.

As stated in the introduction to this Committee Report, Zip World have established facilities in North Wales. A 2016 study undertaken by North Wales Tourism (NWT) identified that the average Zip World visitor spend is between £251 and £500 compared with a UK average of £161. Zip World (North Wales) has, so far, attracted 482,758 visitors since 2013.

An update to that study (2018) shows that the average spend in North Wales is increasing with 12.77% of visitors who went to Zip World less than a year ago spent more than £1001. It was also noted that visitors spending at the lower end (£0-£100) has decreased by 7.8% from 3 years ago and 3.27% from the previous year. One of the factors identified in influencing this growth, is the

greater range of local accommodation that is now on offer and provides a good illustration of where “spin-off spending” is being made by Zip World visitors.

In combination with the “average spend”, North Wales Tourism were able to calculate that Zip World has generated in excess of £121 Million (£121,172,258) to the North Wales economy. The applicant has advised that since the last survey was carried out (by NWT), Zip World has welcomed over 1,000,000 visitors since its inception and has now contributed over £251,000,000 to the local economy of North Wales. The applicants have further advised that these figures do not include “non-participants” in Zip World products / experiences which NWT estimate to be an additional 30%.

The 2018 Review suggests that Zip World is a strong pull factor and that some visits to North Wales wouldn't have taken place without the Zip World influence. It was concluded to be the primary factor with 63% of respondents visiting as part of a longer stay with over 25% stating that they had not been to North Wales before.

The applicant has advised that the Phase 1 development (this application) represents an initial investment of around £2.5 million.

The applicant has estimated that the proposed development (in its submitted form) will provide employment opportunities for 8 full time staff and 50 part time staff when fully operational. They have also advised that, wherever possible, they will seek to employ people from the local area and the wider South Wales Valleys region. The NWT Review identified that Zip World hires 93% of its employees from the local area. The Review also identifies that the locality of the employee shows that Zip World employs very few people from outside the area (only 6.67%) and, because of this, there are fewer “leakages” with the money ultimately being both made and spent in the local economy.

Committee is advised that a company's past performance cannot be guaranteed to be replicated in a different location and that the success in North Wales is not automatic in the South, however “economic development” is a significant material consideration in the determination of this application, and there is every chance that this development, if approved, could provide similar opportunities both at the site itself and also in a wide range of complementary service providers (spin-offs) that could have a significantly positive influence on the County Borough and the Region.

If Committee is minded to approve the application, then it is recommended that the following condition is included:

Prior to construction works commencing on site there shall be submitted, for the written approval of the Local Planning Authority, an Employment and Skills Plan setting out how it is proposed to offer training and employment opportunities through the course of the development. The development shall be carried out in accordance with the approved Plan.

Reason: In order to ensure the proposal makes adequate provision in respect of Employment and Skills Training, having regard to the Council's adopted Employment and Skills SPG (dated June 2015)

Other Issues

Unsurprisingly, the application site falls into the category of a “High Risk” from past coal mining activities. As part of the application, the applicant submitted a Coal Mining Risk Assessment (CMRA). This was reviewed by The Coal Authority who have advised:

*“The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment...are sufficient for the purposes of the planning system in demonstrating... that the application site is safe and stable for the proposed development. The Coal Authority therefore has **no objection** to the proposed development.”*

At the time of writing this report, no response has been received from the South East Wales Hang Gliding and Paragliding Club who also use the area for their activities. During the first PAC there were some concerns offered in respect of the potential for the two uses to be incompatible on grounds of safety, however, following discussions with the applicants, any concerns were alleviated and concluded *“South East Wales Hang Gliding and Paragliding Club wish to withdraw any objection to the above planning proposal and state our full support for this project”*. It is hoped that, prior to Committee, the Club will formally respond to the Planning application consultation in a similar vein. Similarly, at the time of writing the report the Vale of Neath Gliding Club (Rhigos Airfield) have not responded to the consultation. An update will be provided at Committee should a response be received.

The Hirwaun & Penderyn Community Council have offered their support for the development. It is hoped that Rhigos Community Council will respond prior to Committee (an oral update will be given on any response received).

One letter of support has been received as a result of the PUBLICITY exercise. This was from a resident formerly from North Wales who has experienced the positive benefits that Zip world has brought to the North Wales economy. He also advises that he has experienced the Zip World facility and highly recommends it. At the time of writing this report, no objections to the proposal had been received.

The South Wales Police Designing Out Crime Officer has also responded offering some concerns over the remoteness of the facility and its potential susceptibility to theft or vandalism. While the recommendations are useful, they

relate to issues that, are without doubt, salient to Zip World as a business but ones that will be dealt with outside of the Planning system. A copy of the consultation response has been sent to the applicants for their information along with the contact details of the DOC Officer.

The Council's Drainage / Flood Risk Management Section have not offered any objections to the proposed development. The development may be subject to SuDS approval but for the purposes of Planning, a standard drainage condition is considered appropriate.

At the time of writing this report, Dwr Cymru / Welsh Water (DC/WW) have not yet responded to the consultation. Through the PAC, DC/WW had some outstanding concerns over the potential for the development to impact on the quality of the potable water supply in the reservoir (similar concerns are raised by NRW above). Members will be advised at Committee as to any further conditions that may be required although discussions between DC/WW and Zip World are ongoing and it is hoped that the condition regarding a Construction Environmental Management Plan (CEMP) already detailed above will be appropriate to satisfy DC/WW.

No excavation work shall take place until drainage arrangements have been submitted to, and approved in writing by, the Local Planning Authority. The drainage shall be carried out in accordance with any approval.

Reason: To ensure that adequate disposal of foul and surface water drainage in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is not CIL liable under the CIL Regulations 2010 (as amended).

SUMMARY & CONCLUSIONS

The application is relatively simple in what it seeks to achieve as part of this phase of the development. It is hoped that, if it is successful (and there would seem no obvious reason why it shouldn't be) there will be the potential to provide more facilities at the site, including the re-use of the redundant buildings at Tower Colliery, and any number of complementary projects that seek to work

alongside Zip World to provide a regional tourism destination, especially in relation to its proximity to the Dare Valley Country Park, Bike Park Wales, Summit Climbing Centre, the Afan Forest Park and the potential opening of both the Rhondda and Abernant tunnels.

The potential economic benefits to the area as a result of this development are hugely significant (based on the findings of the North Wales Tourism study) and, as such, is a material planning consideration of considerable weight.

Committee's attention is drawn to the following (also referred to in full under the Economy, Employment & Tourism Section above):

Paragraph 2.1.2 advises that *"Where economic development would cause environmental or social harm which cannot be fully mitigated, careful consideration of the economic benefits will be necessary. There will of course be occasions where social and environmental considerations will outweigh economic benefit. The decision in each case will depend upon the specific circumstances and the planning authority's priorities."*

Members are asked to note the specific wording of the paragraph which would seem to suggest that matters of economic development would take priority over "social and environmental considerations" but there may be "occasions" where these will outweigh the economic benefit.

As part of this application, NRW have offered "significant concern" over the potential for the development to impact on the Peregrine Falcons' nesting habitat. Members are advised that NRW are not saying that the development *will* have an effect, but are saying that there is insufficient information for them to be satisfied that there will not be an impact. As part of an ongoing dialogue with NRW both the Council's Ecologist and Zip World's Ecologist disagree with this conclusion and are satisfied that any impact will be minimal and that there are sufficient alternative nesting sites either side of the line of the zip wire that the Peregrine Falcons can use. In reaching a decision, Committee will need to decide whether the impact on the Falcons has been satisfactorily addressed or whether it is one of those "occasions" where NRW's "environmental considerations" outweigh those of "economic development".

Notwithstanding this potential dilemma (often called "the Planning balance") constructive discussions have taken place with NRW and a way forward has been agreed. At the time of writing this report, further works is being done to help satisfy NRW that there exists a number of alternative nesting site available to the Falcons for them to be able to conclude that their "significant concerns" can be mitigated. In light of this, an update will be provided at Committee where, hopefully, it can be reported that NRW are happy with the proposed development.

TAN 23 also states: *"Planning should positively and imaginatively seek such 'win-win' outcomes where development contributes to all dimensions of sustainability."* It is considered that this approach embraces the objectives of this statement.

If Members are minded to approve the application, Zip World have stated that they plan to open in late May or June 2020. In order to do this, they will need to have a presence on site by mid-January. This is the start of the nesting period for the Peregrine Falcons and this period will last until June, during which time it would be an offence to intentionally or recklessly disturb a Schedule 1 (of the Wildlife & Countryside Act) bird while it is building a nest or is near a nest containing eggs or young, or to disturb dependent young birds.

While the developer's desire to start is less of a material Planning consideration, some selective works in the vicinity of the line of the zip wire will mean that the Falcons will be aware of human activity in that area, and select an alternative site away from the works, thereafter allowing construction to continue. Such works can include the erection of the site construction compound, site fencing, etc., without the developer having to make a physical start on the actual construction of the zip wire, as there may be a number of conditions that need to be agreed before such a meaningful start (construction) can be made.

An update will be provided at Committee to enable Members to make an informed decision. Depending on the outcomes of the further work that is currently being undertaken, this may need to be a longer update than is normally the case, however, a deferral until January would mean that the facility would be unable to open next summer. It will be up to Committee to decide how much weight to give to this consideration.

In all other respects, there would seem to be very little in the way of complex issues to consider. The applicant has submitted a comprehensive assessment of all other issues and the consultation responses (either as part of the application or the two PAC exercises) offer no objections or suggest conditions which have been included at the relevant sections above.

It is considered that the proposed development will bring an exciting attraction to the area and would have the significant potential to enable a range of complementary business to establish and thrive. The development performs well in all respects, although the "significant concerns" of NRW are noted and it is hoped that a satisfactory conclusion can be reached by the date of Committee.

In light of the assessment above, the following RECOMMENDATION is made:

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the plans and documents listed in the letter from Cadnant Planning dated 9th December 2019.

Reason: To ensure the compliance with the approved plans and documents and to clearly define the scope of the permission.

3. There shall be no beneficial operation of the proposed development until such time as a Traffic Regulation Order (TRO) along Rhigos Road A4061 (to reduce vehicular speeds) has been completed.

Reason: To ensure deliverability of Traffic Management measures and restrictions in the interests of highway safety.

4. The vehicular access points onto the A4061 to the site shall be laid out, constructed and retained thereafter with 2.4 x 120 metre vision splays with no planting or obstruction above 0.9m placed within the required visibility splay.

Reason: To ensure that adequate visibility is provided, in the interests of highway safety.

5. Notwithstanding the details shown on the submitted plans, built development shall not commence until design and details of the internal access road, parking spaces for cars, coaches, cycles and motorcycles have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be carried out in accordance with the approved details prior to beneficial use of the site.

Reason: In the interests of highway safety and free flow of traffic.

6. Prior to the beneficial use of the site, a minimum of 10% of the car parking spaces shall include electric charging points for Ultra Low Emission Vehicles (ULEV).

Reason: To reduce carbon emission, improve environmental and cultural wellbeing of the public in compliance with PPW10.

7. No built development shall take place, including any works of site clearance, until a Construction Method Statement has been submitted and approved in writing by the Local Planning Authority to provide for;

- a) the means of access into the site for all construction traffic,
- a) the parking of vehicles of site operatives and visitors,
- b) the management of vehicular and pedestrian traffic,
- c) loading and unloading of plant and materials,
- d) storage of plant and materials used in constructing the development,
- e) wheel cleansing facilities,
- f) the sheeting of lorries leaving the site.

The development shall be carried out in accordance with the approved Construction Method Statement unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of the safety and free flow of traffic.

8. No built development shall take place until a **Species and Habitat Protection Plan for Construction** has been submitted and approved in writing by the local planning authority. The plan shall include:

- An appropriate scale plan showing Protection Zones' where construction activities are restricted (and including designated sites) and where protective measures will be installed or implemented;
- Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
- A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife and species could be harmed
- Details of specific species and habitat mitigation measures for key species including birds, badger and reptiles,
- Details of wildlife sensitive lighting proposals
- Details of water pollution control measures
- An agreed scheme of progress reporting to the Council during the construction programme.
- Details of persons responsible for:
 - a) Compliance with legal consents relating to nature conservation;
 - b) Compliance with planning conditions relating to nature conservation (Ecological Clerk of Works);
 - c) Installation of physical protection measures and management during construction;
 - d) Implementation of sensitive working practices during construction;
 - e) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
 - f) Specific species and Habitat Mitigation measures
 - g) Provision of training and information about the importance of the 'Protection Zones' to all construction personnel on site.

The development shall be carried out in strict accordance with any approval.

Reason: To afford protection to animal and plant species in accordance with Policies AW5 & AW8 of the Rhondda Cynon Taf Local Development Plan.

9. Prior to the commencement of any construction work, a 5 year **Peregrine Falcon, Kestrel and Raven Monitoring Plan** shall be submitted and approved before commencement of use of the ZipWire to include;

- An appropriate scale plan.

- Details of monitoring effort to include periods covering nesting, recently fledged young and hunting behaviour.
- An agreed scheme of annual reporting of the results of previous years monitoring to the Council.
- Details of a mitigation and enhancement measures.
- Details of the monitoring surveyor

The development shall be carried out in strict accordance with the approved scheme.

Reason: To afford protection to animal and plant species in accordance with Policies AW5 & AW8 of the Rhondda Cynon Taf Local Development Plan.

10. Prior to the commencement of construction works, a badger survey for all areas potentially affected by the proposal shall be undertaken and the results and any mitigation / enhancement measures submitted for approval to the LPA (in consultation with NRW). The mitigation / enhancement measures shall be carried out in accordance with the approved scheme.

Reason: To afford protection to animal and plant species in accordance with Policies AW5 & AW8 of the Rhondda Cynon Taf Local Development Plan.

11. Within 6 months of the commencement of operation of the facility, details of biodiversity and geomorphology site interpretation (for the benefit of awareness raising with users of the facility) to be submitted to and approved in writing by the LPA. The development shall be carried out in accordance with any approval.

Reason: To afford protection to animal and plant species in accordance with Policies AW5 & AW8 of the Rhondda Cynon Taf Local Development Plan.

12. Within 6 months of the first beneficial commencement of the development, details for the provision of long-term litter control and site management (including biodiversity works and invasive plant measures) within the operational area of the site (the red line boundary" shall be submitted to, and approved in writing by, the LPA. The development shall be carried out in accordance with the approved details.

Reason: To afford protection to animal and plant species in accordance with Policies AW5 & AW8 of the Rhondda Cynon Taf Local Development Plan.

13. Within 6 months of the first beneficial operational of the development, a scheme shall be submitted to, and approved in writing by, the Local Planning Authority for the provision of a mitigation and enhancement **Habitat Mitigation Plan** covering areas of Craig Yr Llyn SSSI and Sites of Importance for Nature Conservation for the life time of the facility, to include details of;

- The purpose, aim and objectives of the scheme;

- A review of the plans ecological (habitat and species) potential and constraints;
- Details of the species and habitat mitigation and enhancement works, to include;
 - a. a plan of the habitat areas covered ,
 - b. management specifications for each habitat area,
 - c. monitoring outputs,
 - d. process of updating and reviewing the plan to reflect monitoring recommendations
 - e. process of annual consultation and reporting to Council and Natural Resources Wales,
 - f. litter removal,
 - g. invasive plant control,
 - h. personnel responsible for the work and contact details,
 - i. schedule of works and the process for rolling the works schedule forward,

The development shall be carried out in accordance with the approved scheme.

Reason: To afford protection to animal and plant species in accordance with Policies AW5 & AW8 of the Rhondda Cynon Taf Local Development Plan.

14. Prior to any excavation or works of ground clearance, a written scheme of historic environment mitigation shall be submitted to, and approved in writing by, the Local Planning Authority. The programme of work shall be carried out in accordance with the requirements of the approved scheme.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

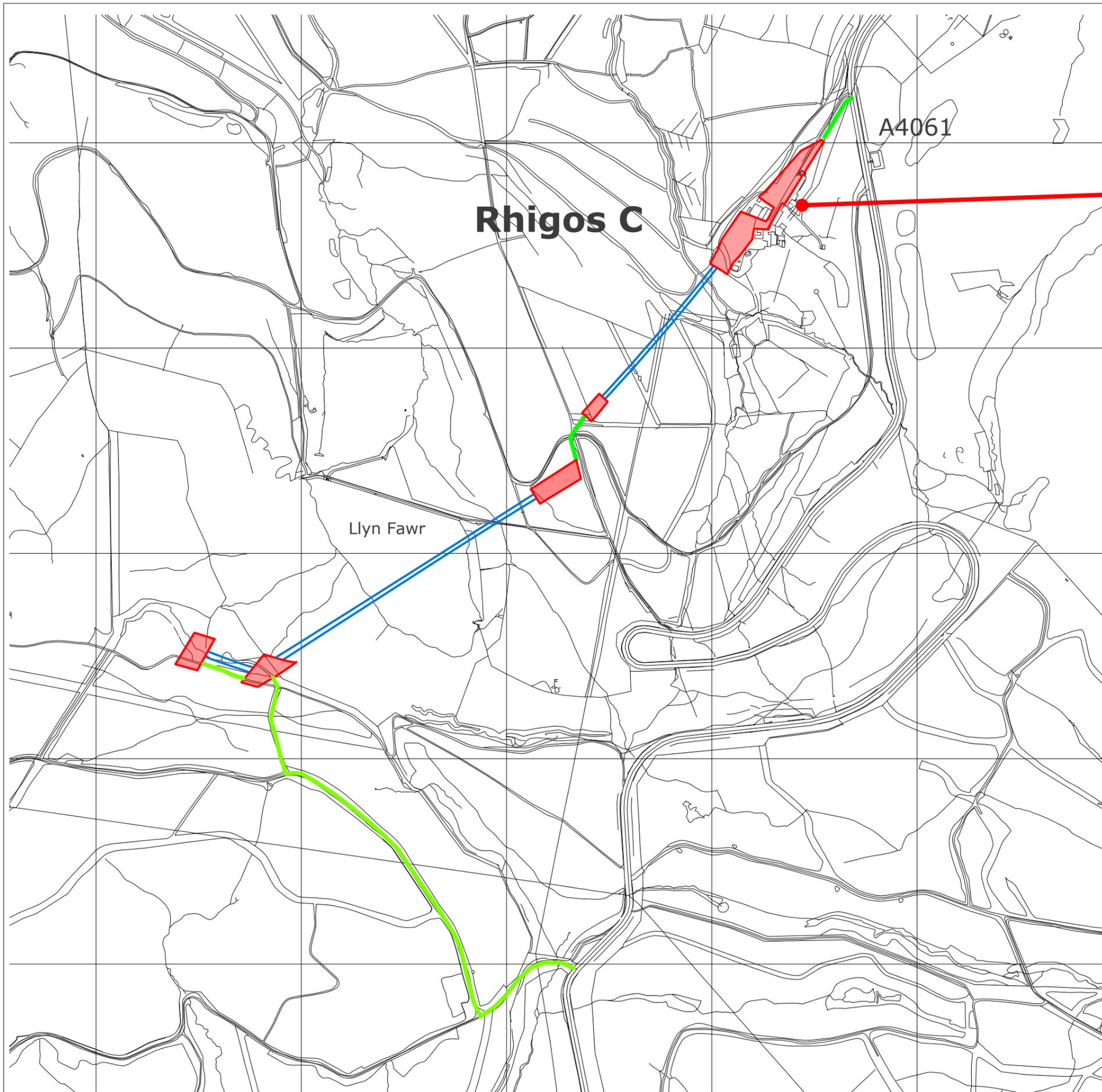
15. Prior to construction works commencing on site there shall be submitted, for the written approval of the Local Planning Authority, an Employment and Skills Plan setting out how it is proposed to offer training and employment opportunities through the course of the development. The development shall be carried out in accordance with the approved Plan.

Reason: In order to ensure the proposal makes adequate provision in respect of Employment and Skills Training, having regard to the Council's adopted Employment and Skills SPG (dated June 2015)

16. No excavation work shall take place until drainage arrangements have been submitted to, and approved in writing by, the Local Planning Authority. The drainage shall be carried out in accordance with any approval.

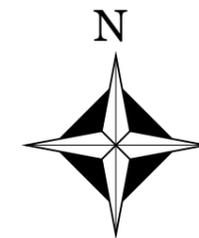
Reason: To ensure that adequate disposal of foul and surface water drainage in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

Appendix 1



Grid Ref:
SN 92636 04336

-  Operational Area
-  Access
-  Flight path



Scale 1:10000 @ A3



Ein cyf/Our ref: CAS-104068-G9Y4
Eich cyf/Your ref: 19/1192/10

Rivers House,
St Mellons Business Park,
St Mellons,
Cardiff,
CF3 0EY

Rhondda Cynon Taf,
County Borough Council,
Sardis House,
Sardi Road,
Pontypridd,
Rhondda Cynon Taf, CF37 1DU

ebost/email:
southeastplanning@cyfoethnaturiolcymru.gov.uk
Ffôn/Phone: 03000 65 5027

28/11/2019

Annwyl Syr/Madam / Dear Sir/Madam,

BWRIAD / PROPOSAL: ERECTION OF THREE ZIP WIRE COURSES (4 ZIP LINES), LAYING OF HARD STANDING, CREATION OF INTERNAL ACCESS ROADS AND PEDESTRIAN ROUTES, TEMPORARY SITING OF CABINS AND USE OF LAND FOR CAR PARKING

LLEOLIAD / LOCATION: LAND AT RHIGOS MOUNTAIN AND FORMER TOWER COLLIERY SITE, HIRWAUN, ABERDARE

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 8 November 2019.

We received a statutory pre-application consultation notice for this proposal under Article 2D of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2012. We provided a substantive response to that consultation on 6 November 2019. A copy of our response to the statutory pre-application consultation (and a previous statutory pre-application consultation response dated 14 March 2019) is contained in Appendix I of the pre-application consultation report submitted to support the application.

We have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if the following requirement is met and you attach the following condition to the permission. Otherwise, we would object to this planning application.

Requirement 1: Protected species, birds – Further information on mitigation and alternative nesting locations to demonstrate that there would be no significant effect on the range and population of peregrine falcon, or that the proposal would be able to conform with the statutory species protection provisions.

Condition 1: Designated Sites – Submission of a Construction Environment Management Plan

Requirement 1: Protected species

We note the habitat survey entitled 'Zip World Ltd, Proposed Rhigos Mountain Zip Wire, Habitat survey 2018/ 2019' dated September 2019 by Sturgess Ecology and the 'Proposed Rhigos Mountain Zip Wire, Peregrine observations: Spring 2019' dated June 2019 by Sturgess Ecology.

Please note that we have not previously reviewed the latter document, as it was not submitted as part of the formal pre-application consultation.

Birds

As you are aware, we are concerned about the potential of the proposal to affect nesting peregrine. Peregrine falcon, is listed on Schedule 1 of the Wildlife and Countryside Act 1981 (as amended) which makes it an offence intentionally or recklessly to:

- Disturb a Schedule 1 bird while it is building a nest or is in, on or near a nest containing eggs or young; or
- Disturb dependent young.

The peregrine is one of several species that can become inured to the effects of at least some human disturbance, as witnessed by its occupation of nest sites such as working quarries and urban centres, though tolerance in this species is likely to be dependent on the regularity and form of disturbance which occurs as 'background'.

We therefore welcome that survey has been undertaken to establish the presence of breeding peregrine falcon and flight routes in relation to nesting location, and the submission of the June 2019 Peregrine Observations report. This report includes a review of studies of the risks of development to peregrine falcon, including those in relation to disturbance effects. This includes reference to a synthesis of scientific published papers by Ruddock and Whitfield (2007). This synthesis indicates a minimum disturbance distance of 400m and a maximum distance of 800m. It also cites several studies indicating that breeding peregrines are most likely to be disturbed by activities taking place above their nest.

The applicants' survey indicates that the current nest site and favoured perch location are well within the cited minimum disturbance distance from the proposed zip wire B. It also indicates that the regularly used flight routes to those locations are at ridge-top height, following the crag-lines and passing the proposed zip-wire location at circa zip-wire height.

We consider that in coming to its conclusions, the Peregrine Observations report has given too much weight to case studies where disturbance was from below the nest site. Based on the information provided in the submission, we consider that the proposed zip wire is likely to cause disturbance and displace nesting from the current location.

Whilst we recognise that the specific peregrine nesting location may vary from year to year, from the information provided, it would appear that the crags with greater nesting potential lie within the disturbance distances from the zip-wire. We note the report recommends potential mitigation, suggesting that alternative nesting locations could be provided in the vicinity (but outside the cited disturbance distances), however, there is no evidence that this is achievable. The proposals are presented only in outline and they would require control over land outside of the red-line boundary of the application. Crags to the west, which are outside of the disturbance distance, appear to be lower and therefore may not be suitable for mitigation. Furthermore, any mitigation proposal would need to be consistent with maintaining and enhancing the special interest of the Craig y Llyn SSSI.

In summary of the above, we consider that there is insufficient information to demonstrate that there would be no significant effect on the range and population of peregrine falcon or that the proposal would be able to conform with the statutory species protection provisions. Based on the information submitted to date, we consider displacement of the nesting location is likely. We therefore seek further information to demonstrate that suitable mitigation could be delivered, as indicated above.

The further information should include an assessment of the crags beyond 400 metres of the zip wire, assessing in detail their nature and suitability for delivering alternative nesting locations and the likelihood of being used.

We would also recommend that the applicant tries to identify members of the former peregrine watch group, as they may be able to provide more detail on locations of past nesting sites and whether crags outside of the cited disturbance distances have previously been used.

We would be happy to meet with yourselves and the applicant to have initial discussions about whether suitable mitigation could be secured.

Bats

We note the recommendations of the habitat survey that further bat surveys should be carried out if any buildings or large trees are likely to be affected. We recommend that you seek the advice of the LPA ecologist to determine if there is a reasonable likelihood of bats, a European Protected Species, being present within the application site. If so, in accordance with TAN5 (paragraph 6.2.2) a bat survey may be required.

The survey should be carried out in accordance with 'Bat Surveys; Good Practice Guidelines 3rd Edition' published by the Bat Conservation Trust 2016.

Condition 1: Designated sites

The Craig-y-Llyn Site of Special Scientific Interest (SSSI) lies directly beneath the zip wire route. The high cliffs, ravines and flushes of Craig-y-Llyn support many important montane species.

We note from the habitat survey that the proposed works will be located close to the edge of the SSSI. Surface water runoff from the site including up-lift road, stanchions, car park area and tree felling plan has potential to impact on the SSSI during construction works and during operation. As such details need to be provided as to how surface water runoff will be managed and treated, such as silt mitigation measures. We refer you to 'Guidance for Pollution Prevention 5: Works and maintenance in or near water: GPP 5', to avoid creating run-off that could affect the designated features and have negative impacts on the species. These measures should also protect the Dŵr Cymru Welsh Water owned Llyn Fawr reservoir (a drinking water supply reservoir solely dependent on rainwater supply) from the impacts of sedimented water run-off. Water leaving the construction area and operational areas should be clean and management of water should ensure that new flow paths are not created that could change water quality, flow rates and scour to sensitive habitats or species. This information may be provided in a Construction Environment Management Plan (CEMP) for the construction and operation stages of the development, to be submitted for approval prior to the commencement of the development. We are satisfied that submission of a CEMP can be conditioned.

For your information a trade effluent permit for surface water may be required for the proposal. For further information: <https://naturalresources.wales/permits-andpermissions/water-discharges-and-septic-tanks/discharges-to-surface-water-andgroundwater/environmental-permitting-for-discharges-to-surface-water-andgroundwater/?lang=en>

Landscape

We have reviewed the document 'Zip Lines, Tower Colliery, Rhigos, Landscape Statement (LVIA) AMENDED DRAFT Prepared for Zip World by Bronwen Thomas Landscape Architect February 2019' amended October 2019.

We have no objection to the proposals. Whilst it is unlikely the proposal would have a substantial adverse impact on the National Park, the proposal would have some adverse impact on landscape character of the local landscape within its setting and views towards the National Park.

We welcome the proposal to use 'stealth trolleys' (as at Penrhyn Quarry) for the zip wire as they are stated to be significantly quieter than standard aluminium trolleys.

With regard to the Design, Access & Planning Statement we note: 4.24 refers to tree removal at the base of Zip course B, with a reinforced tree line proposed to provide a buffer between the landing gantries for Zip B & the nearby bridleway & fencing to Tower Colliery, otherwise no other landscaping is proposed.

4.25 states that a 100m swathe of mature conifers near the end of Zip B would be removed and a further section on Zip C with adjacent blocks also to be felled. It is stated that these would be seen as straight lines in a flowing landscape, but not generally seen 'head-on' and therefore not too conspicuous.

The Tree Removal Plan indicates areas to be removed, but provides little detail and no information on replacement planting or enhancements.

With regard to the Landscape & Visual Statement we note: 2.4 states that LANDMAP data was last updated in 2013, however it should be noted that LANDMAP datasets have been updated in 2018 & 2019. Information and updated mapping can be found on the Natural Resources Wales website. Information on the Scarps & Cwms and Forested Foothills Landscape Character Areas notes the 'unspoilt' sense of remoteness and tranquillity, major landscape and high/moderate impact on the Special Landscape Area, along with a major perceptual effect on Viewpoint 1.

6.2 notes that there is potential to reduce the impact of the cut swathe through the forestry by softening the straight edges of the felling, retaining some mature conifer groups and planting native trees and shrubs at the edges. We are in agreement with this recommendation.

Given the proximity to the National Park and noted qualities of remoteness and tranquillity within the local character areas in the Landscape & Visual Statement, proposals to avoid lighting and minimise noise would be welcomed.

Foul Drainage

We note that a package treatment plant is proposed to deal with foul drainage. We have no objection in principle to this method of foul drainage disposal. However, we consider that the Applicant should be made aware of the following:

With respect to the discharge of effluent to ground or surface water, the Applicant will need to apply for an environmental permit or register an exemption with us. Septic tanks and small sewage treatment works may be registered as exempt from the requirement to obtain an environmental permit if certain criteria are met. Please note, should a permit be required, further information may be required as part of that application. We advise holding pre-application discussions with our Permitting Team on 0300 065 3000, at the earliest opportunity, to try to ensure that there is no conflict between any planning permission granted and the permit requirements. It is important to note that a grant of planning permission does not guarantee that a permit will be granted, should a proposal be deemed to be unacceptable (either because of environmental risk or because upon further investigation, a connection to mains sewer was feasible). All the required permissions, consents, permits and any other approvals should be in place prior to commencement of works on the site.

More information, including a step by step guide to registering and the relevant application forms are available on our website. Where private sewage treatment/disposal facilities are utilised, they must be installed and maintained in accordance with British Standards 6297 and Approved Document H of the Building Regulations. Guidance for Pollution Prevention 4 on the NetRegs website, also provides further information.

Other Matters

Our comments above only relate specifically to matters included on our checklist, *Development Planning Advisory Service: Consultation Topics* (September 2018), which is published on our [website](#). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our [website](#) for further details.

If you have any queries on the above, please do not hesitate to contact us.

Yn gywir / Yours faithfully

Annabelle Evans

Cynghorydd - Cynllunio Datblygu / Advisor - Development Planning
Cyfoeth Naturiol Cymru / Natural Resources Wales