



**CYNGOR**  
**Sir Ddinbych**  
**Denbighshire**  
**COUNTY COUNCIL**

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Heading:

45/2013/0024  
Marine Lake  
Rhyl

14



Application Site

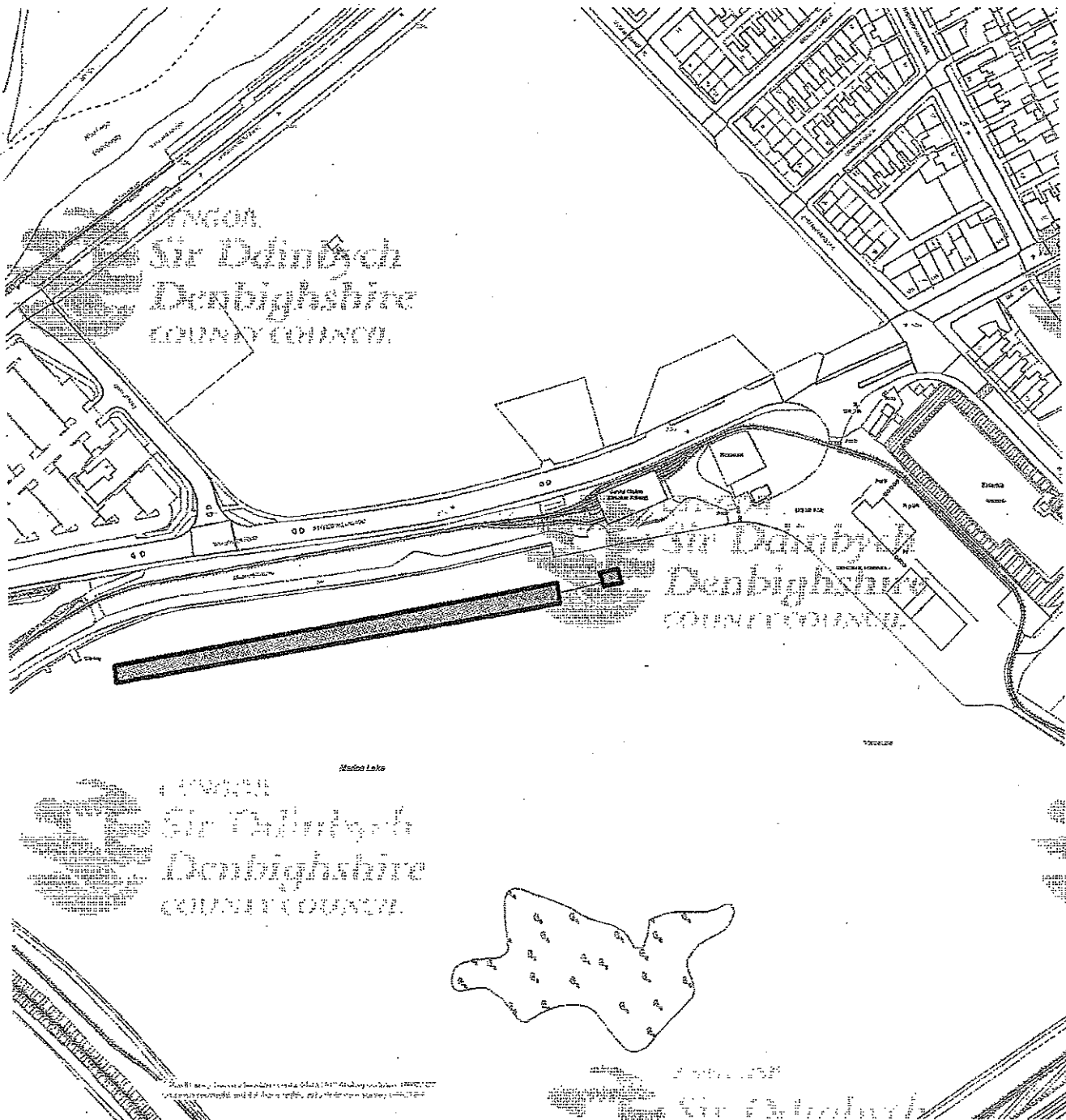


Date 7/3/2013

Scale 1/2500

Centre = 299903 E 380674 N

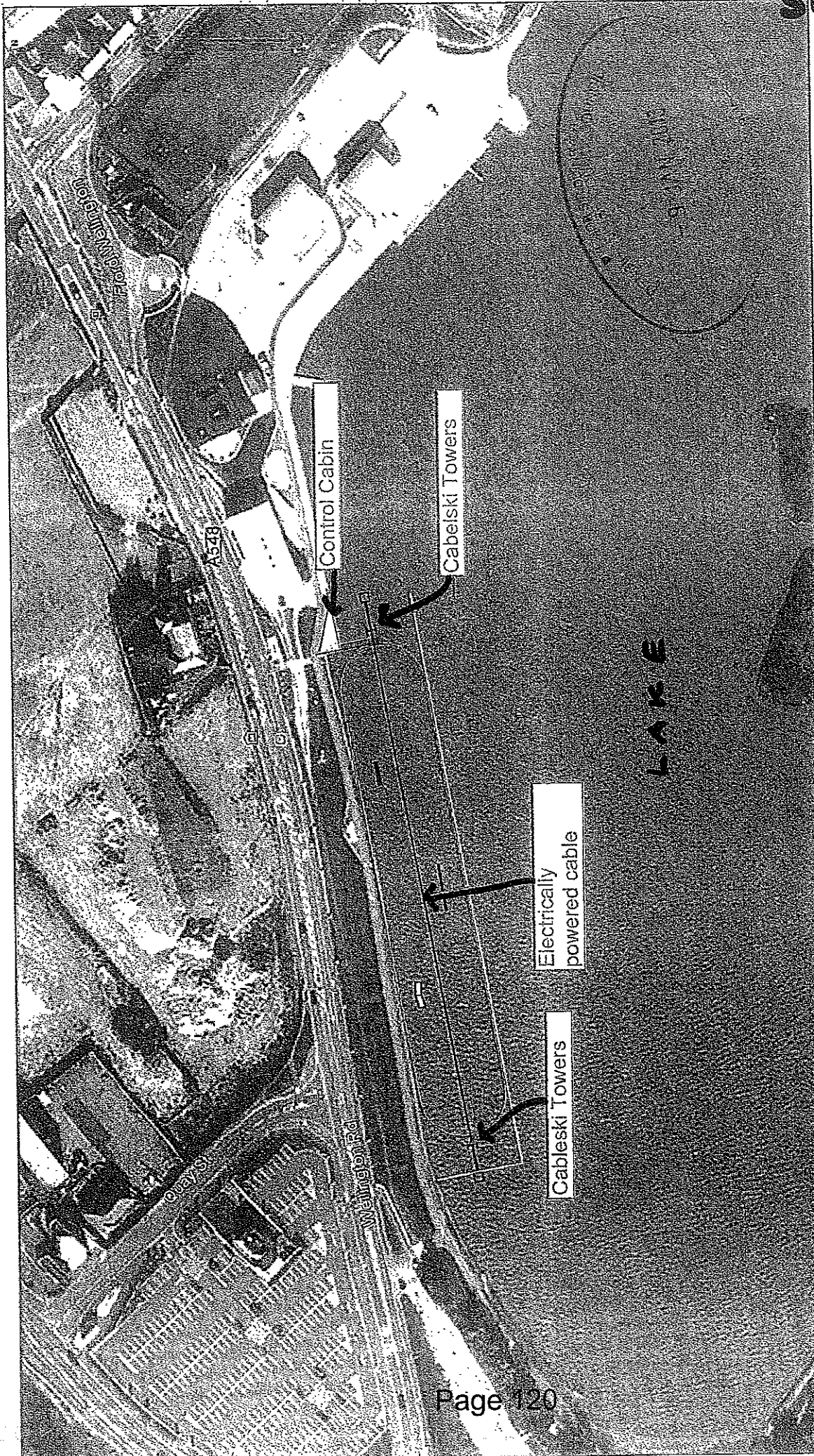
This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection prior to the meeting.



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# SITE PLAN



Remarks:  
System 2.0 is about 180m long  
3 x Obstacles: Incline, Straight 16m and  
Spline

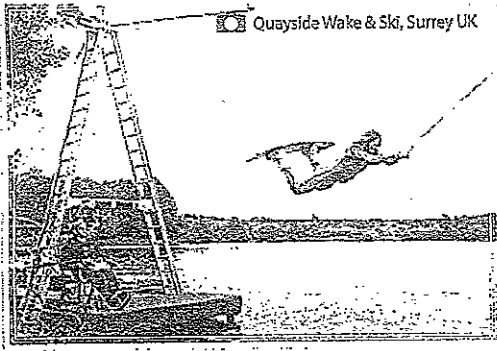
Drawn By: Joann Lim  
Date: 18/09/2012  
Contact Person: Mr. @  
Contact: @

Reference Number: 2012 S015B  
Project: RHYL MARINE LAKE  
Location: UNITED KINGDOM



**Sesitec living water**  
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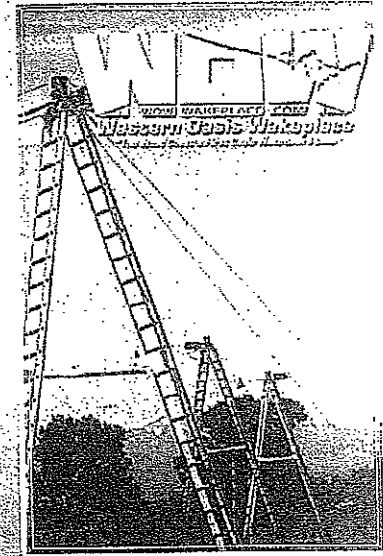
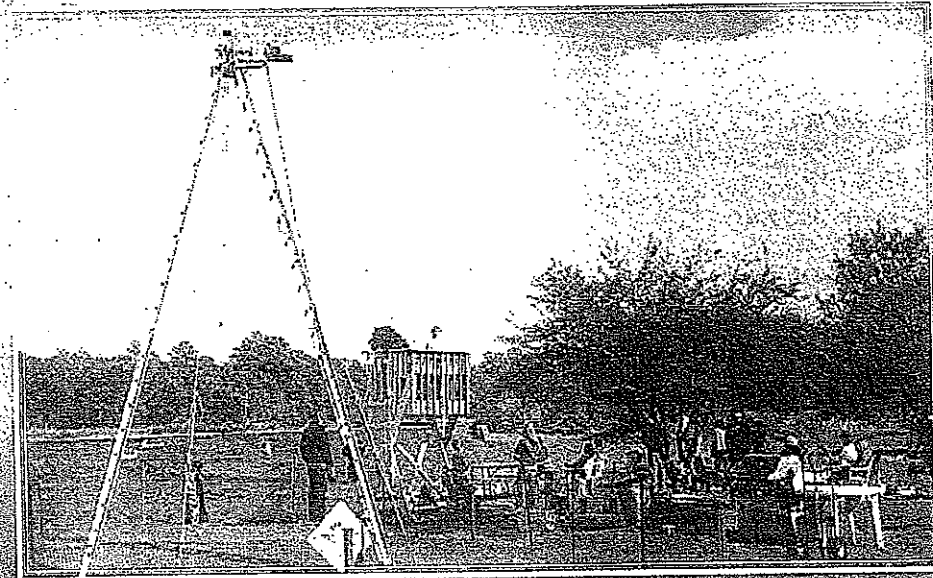
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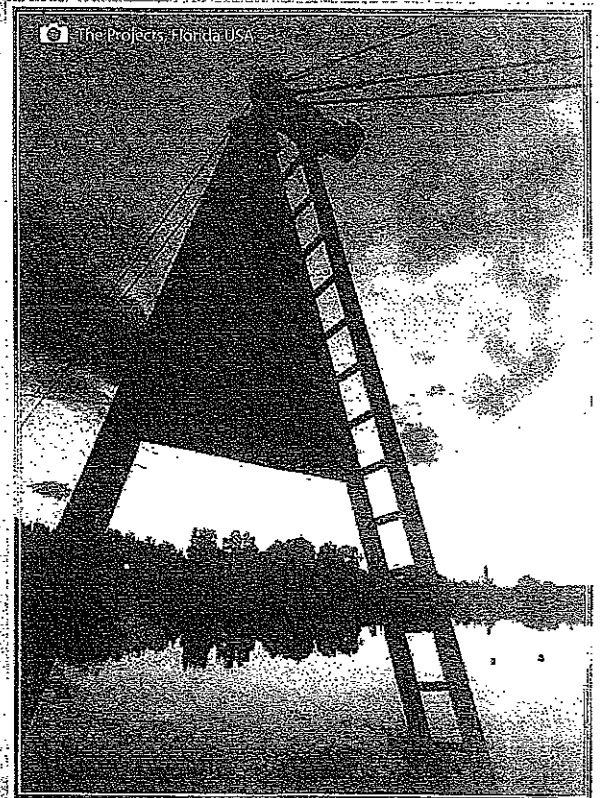
There are currently over 80 System 2.0 Wake Parks around the world, making it the most commercially used 2-tower cable system on the planet!

### ● ILLUSTRATIVE MATERIAL

System 2.0 Wake Parks use multiple System's to increase capacity, revenue and profit. 'WOW Wakeplace' in California uses 4 System's on one site. The Projects in Florida currently have 3 Systems in operation.



INDUSTRY 12



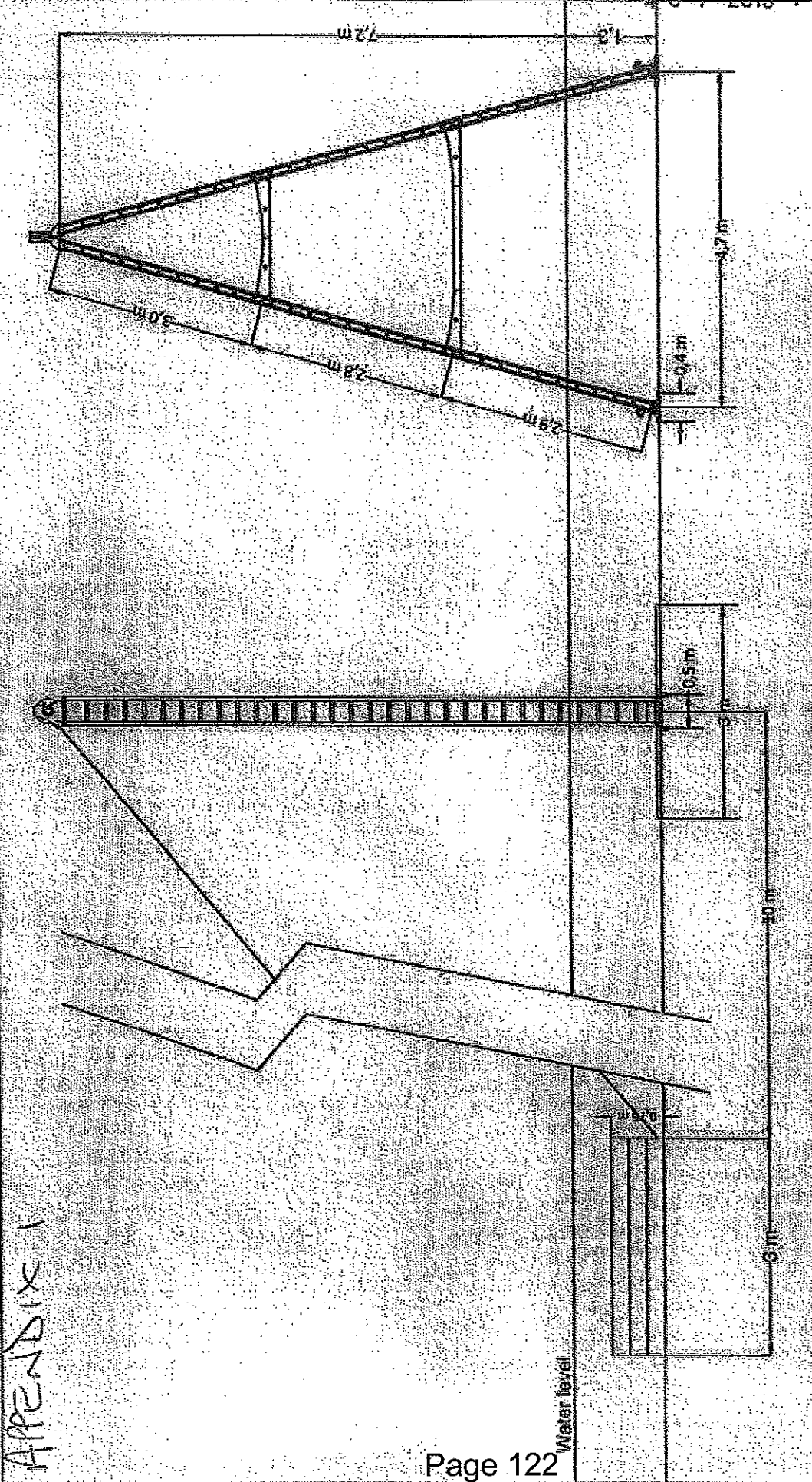
### The System 2.0 cable is

- A cost effective way to open a Wake Park, making it highly profitable
- Environmentally Friendly
- Able to cater for all levels of riding, from beginner up to professional
- Reliable and safe system
- Has very low running costs



**CABLESKI TOWER**

15 / 2013 / 0024 / P1

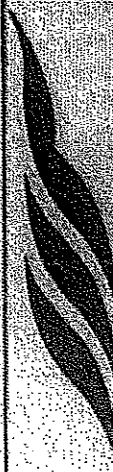


Appendix 1

Remarks:  
tower @ about 9.5m with water anchor  
© 2013  
DEVELOPMENT COUNTY COUNCIL  
RECEIVED  
- 9 JAN 2013  
PLANNING DEPARTMENT

Drawn By: Joana Lim  
Date: 18/09/2012  
Contact Person: MY  
Contact:

Reference Number:  
**2012 S015B PAGE 2**  
Project:  
**RHYL MARINE LAKE**  
Location:  
**UNITED KINGDOM**



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**ITEM NO:** 14

**WARD NO:** Rhyl West

**APPLICATION NO:** 45/2013/0024/ PF

**PROPOSAL:** Installation of single-line Cableski system with associated power supply and control cabin

**LOCATION:** Marine Lake Wellington Road Rhyl

**APPLICANT:** Mr Luke Knightly Knightlys Fun Parks

**CONSTRAINTS:** C1 Flood Zone  
Wildlife Site

**PUBLICITY UNDERTAKEN:** Site Notice - Yes  
Press Notice - No  
Neighbour letters - No

**REASON(S) APPLICATION REPORTED TO COMMITTEE:  
Scheme of Delegation Part 2**

- Recommendation to grant / approve – 4 or more objections received
- Member request for referral to Committee

**CONSULTATION RESPONSES:**

**RHYL TOWN COUNCIL**

Following deferral of the application at the March Committee, the Town Council have met with the Council's Principal Officer, Rhyl Going Forward to discuss issues relating to the scheme.

"The Town Council have now confirmed they have NO OBJECTIONS to the proposals. They ask that any signage associated with the business adopt a bilingual format".

**CONWY COUNTY BOROUGH COUNCIL**

No objections.

**ENVIRONMENT AGENCY WALES**

Do not consider that a Flood Consequences Assessment is required and has no flood risk objection to the proposal.

**COUNTRYSIDE COUNCIL FOR WALES**

Does not object to the proposals.

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –**

**HEAD OF TRANSPORT AND INFRASTRUCTURE**

No objection.

**SENIOR BIODIVERSITY OFFICER**

No objection to the proposal, provided the following (referenced in the ecological statement) are conditioned and followed:

- A construction method statement is submitted for approval which details how biodiversity interests will be protected during the construction phase. This should include details of storage of materials and machinery to ensure they cannot be accessed by otter, protection of all potential otter commuting routes and wildlife corridors etc
- EA guidelines relating to working near watercourses should be followed
- Working times should be limited to 8am to 5pm
- Site ecologist to monitor nesting birds immediately prior to work commencing
- Submission of a biosecurity risk assessment
- Post construction monitoring of bird disturbance once facility operational"

#### ASSET OFFICER

Has raised concerns that the information that has been provided fails to explain how the physical barriers created as part of the proposal that prevent inclusive use will be overcome, e.g. how will "the nature of the sport its use to people with certain disabilities?" Suggests that the Design and Access Statement fails to explain how access will be achieved and also fails to show how the relevant local development documents have been taken into account.

#### POLLUTION AND PUBLIC HEALTH

Have queried the noise levels which will be generated by people using the facility, and also consider that the 2100 hours finishing time seems late.

#### RESPONSE TO PUBLICITY:

##### In objection

Representations received from the public:

Glyn Stockin, 6 Llys Dewi, Rhyl

Richard Brown, Prestatyn

Barry Matthews, 18a Dyserth Road, Rhyl

W. Newton, 9, Trehearn Drive, Rhyl (neither support nor object)

D. Thomas, 15, Arfon Grove, Rhyl

Summary of planning based representations in objection:

##### Visual Amenity

The scheme will be an eyesore to Rhyl and will spoil one of the last places in Rhyl yet to be ruined by planning ineptitude.

##### Parking

No additional parking proposed/would lead to on-street parking.

##### Other matters raised

##### Impact on operation of Lake

The Cableski should not bring about any restrictions of usage of the lake for any on and off water activities or a reduction in Club water based activities as agreed in the Usage Timetable/concern at the longer-term viability of the Cableski to remain profitable and the negative impact this will have on the area if it is unsuccessful – the operator must be responsible for the removal of all equipment and installations if this happens/further loss of open water space/increased wave action/the area intended for development is the best part of the lake for sailing as it is a uniform and sufficient area of depth and this will be lost/no specified area for spectators/conflict with other users/the lake is already quite congested at times when the sailing club and the sea cadets use it so there is no room for this development/safety concerns over use and impact on lake bed and walls.

Representations received from local organisations:

## RHYL ENVIRONMENTAL ASSOCIATION

The Association raise a number of points of detail on the submission:-

Response to Q4 No mention of the Marine Lake being a wildlife site.

Marine Lake is part of the Clwyd Estuary & Adjacent Fields wildlife site. Similarly non-recognition that the site is designated and it has trees and hedges (Q14 & Q16.)

Response to Q6A claims that consultation was carried out Nov 12 to Dec 12.

This was a combined consultation covering both the Cableski and the showers/changing rooms/Club house proposal. These two proposals were also linked in the two newspaper articles that appeared in November.

The Supporting and Justification document (doc 944245) consists of the results of the pre-application questionnaire mentioned above, (this was available on line or by requesting a paper copy). Only Q3 of the questionnaire is specifically about the Cableski proposal, it states 'Having a Cableski system at the Marine Lake is a good idea and will make the Lake more exciting' (agree/neither agree nor disagree/disagree).

Q4 again was linked to the Cableski and the showers/changing rooms/Club house proposal. The questionnaire allowed for further comments to be made on Q1, 2, 3 & 4 these have not been reported on. Only 72 questionnaires were returned and of these only 40 were from Rhyl residents out of a population of approximately 29,000(0.145%). We believe that this 'evidence of support' for the Cableski project is flawed.

Response to Q11 Re 200 available parking spaces.

There are less than 40 car parking spaces on the Marine Lake car park close to the Sea Cadets building this includes 2 for disabled drivers and 3 for vehicles with boat trailers. If the Blue Bridge car park is to provide the remaining 160 car parking spaces referred to, this will involve major and expensive work including removal of grassed area, resurfacing and marking out the additional parking spaces.

Response to Q21 Hours of operation

Our Association feels that the requesting usage of the Cableski from 9am to 9pm on every day of the year is excessive.

i) The Environmental Statement states, with regards to the island's importance to winter birds roosting, that the Cableski is only 'likely to be used only between March and October'.

ii) The water in the Lake is dropped for inspection and removal of rubbish in the early part of each year usually around February so the Cableski could not operate during this period

iii) The long periods of operation asked for could affect those living near the Lake.

Other comments:

a) The position of the Cableski run on the Wellington Rd side of the Lake and immediately next to the footpath could bring spectators and waiting customers in contact with other Lake users such as walkers, joggers and cyclists and this could create a safety issue.

b) The presence of the cable-ski would change the atmosphere of the Marine Lake site, we feel that it is intrusive and will take up too much of the Lake area.

c) The 8.5 metre high stanchions will intrude and detract from the site's otherwise appealing and valued landscape views.

d) Concern that the concrete supports for the stanchions that are to be placed on the clay bed of the Lake could cause damaging either in the short or long term.

e) The area of Lake needed for the cable-ski run and its safety buffer zone will automatically take water craft nearer to the island with the potential for more disturbances to the birds on the island particularly if the Cableski is to be used all year round as indicated in the application. The island is particularly important for roosting birds during the winter months and for nesting birds March to October. (See Environmental Statement)

Conditions the Association feel should be imposed if the application is allowed to proceed

i) If the cable ski project goes ahead, we would like to see markers of some sort placed on the cable to alert passing birds to the danger of collision.

- ii) That any damage to the planted areas or path caused by the laying the power cable should be made good by the developer. Grant money has been spent on the improvement and planting up of this area.
- iii) That any damage to the clay bed of the Lake caused by the concrete bases for the stanchions should be made-good by the developer. Such damage could create a leak and cause the water level in the Lake to drop.
- iv) That the developer should be responsible for maintaining the Cableski structure during its operation and in the event of its closure the developer should be responsible for removing it from the site."

#### RHYL SEA CADETS

The management committee of T.S. Rhyl (sea cadets) are strongly opposed to the proposed development at marine lake.

Firstly we are saddened by the council proposal of this very "tacky" none tourist attraction (i.e. the proposed price of the so called ride.) Yet again the council has not thought about the economic situation in Rhyl and the north west which is where most of our day trippers hail from.

1. The safety of users, be it foot or cycle users as you will be aware there is only one path around the lake.
2. The proposed commercial application will cause a considerable loss of useable water space.
3. The parking space is not enough to accommodate any more vehicles."

**EXPIRY DATE OF APPLICATION: 07/03/2013**

#### **REASONS FOR DELAY IN DECISION (where applicable):**

- Councillor Ian Armstrong asked for the application to be deferred until March and that it goes before the Planning Committee to allow for it to be thoroughly debated.

#### **PLANNING ASSESSMENT:**

##### **1. THE PROPOSAL:**

##### 1.1 Summary of proposals

- 1.1.1 Members will recall that consideration of this item was deferred at the March 2013 Committee to allow opportunity for the applicant/agent to meet with Rhyl Town Council to outline the proposals and assist with questions over management issues. The Town Council's latest response at the start of the report follows a meeting with the Rhyl Going Forward Officer in late March.
- 1.1.2 The application proposes the installation of a single-line Cableski system together with its power supply and a control cabin. The Cableski line will have a length of 170 metres and is supported by a tower at each end which has a height of 7.2 metres from its base which is set onto a sea anchor measuring around 1.3 metres deep. Each tower has a width at its base of 4.7 metres and is triangular in appearance leading up to a point where the cable is set.
- 1.1.3 The only other 'built' structure in connection with the Cableski is the control cabin which proposed to take the form of a portacabin style building at the edge of the lake. Whilst a photograph indicating a typical such cabin has been provided with the application, no dimensional details have been submitted and this aspect will need further clarification and/or condition for details of its appearance should permission be granted.
- 1.1.4 The Cableski line is proposed to run parallel with the northern edge of the lake which is broadly straight and will be set off the shoreline by around 20 metres. The control cabin is proposed to stand on the edge of the lake close



to the eastern tower which will be set at around 15 metres from the Station buildings for the lake railway. An extract from the supplementary information submitted by the agent for the scheme (Rhyl Going Forward) is provided at paragraph 1.6 of this report for the benefit of Members. The plan at the front of the report shows the main elements of the proposals, along with basic details of the towers and control cabin.

## 1.2 Description of site and surroundings

1.2.1 Rhyl Marine Lake is a 12.6ha man-made reservoir that is sited at the western end of the town with the mouth of the Clwyd estuary beyond to the west. The Lake was opened in 1895 and the area accommodates a number of recreational uses including sailing as well as the railway around its periphery and walking/cycling around the edge of the lake.

1.2.2 To the north of the lake across the road lies the site of the former funfair and a public car park, with the River Clwyd to the west, the mainline railway line to the south, and residential properties to the east. The topography of the general area is level.

## 1.3 Relevant planning constraints/considerations

1.3.1 The site lies within the Development Boundary of Rhyl and is allocated as part of the Coastal Planning Zone, as Open Space/Recreation, as Foryd Harbour Area/Ocean Beach and has its own allocation as the Marine Lake.

## 1.4 Relevant planning history

1.4.1 The railway around the lake has been subject to applications for its buildings, but there is no directly relevant planning history given the unusual nature of the proposal.

## 1.5 Developments/changes since the original submission

1.5.1 None.

## 1.6 Other relevant background information

1.6.1 During general discussions with the case officer relating to the proposal, the agent has submitted additional information, in relation to the users and uses of the lake, to assist assessment of the application:

- 3 existing clubs use the lake, for sailing, canoeing, water skiing and wake boarding.
- In response to concerns over:-
  - a) Effect on other users. Proper management of the lake uses would ensure no interference with existing activities. There is evidence of support for the proposals from a Lake Users Forum. Capacity and over use are not a matter of concern given recent activity, certainly compared with previous uses as a funfair site with pleasure boats.
  - b) Costs of use. The proposals are intended to be available to all, offering further variety in the scope of attractions. There are potentials for developing partnerships with the County's schools and youth groups.
  - c) Environmental impact. The Environmental Statement suggests limited impacts from the proposals.

- Overall, there are clear benefits from the proposal – income from the site for the County Council, development of an underused asset, support for Rhyl's many strategies, etc.

In relation to the scale of use:-

The agent has also advised that the cableski accommodates only 4 people an hour, i.e. 4 people riding the facility at one time. He confirms the current use of the lake is divided into sail and power sessions, with the Yacht Club having 'club nights' where up to 35 children/adolescents are being trained to sail, and there are possibly 10 cars in the car park. The Waterski Club have a club night on Mondays and use of the lake on a Friday, up to 2100 hours. It is respectfully suggested the potential noise generated by a speedboat would far exceed the noise (if any) from a cableski; and the scale of other uses would far exceed the 4 people using the cableski at any one time.

## **2. DETAILS OF PLANNING HISTORY:**

2.1 None.

## **3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

### **3.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)**

Policy CPZ 1 – Coastal Planning Zone

Policy CPZ 7 – Marine Lake

Policy REC 3 – Open Space / Recreation Allocation

Policy TSM 14 – Foryd Harbour Area / Ocean Beach

Policy ENV 5 – Wildlife Site

Policy GEN 6 – Development Control Requirements

### **3.2 GOVERNMENT POLICY / GUIDANCE**

Planning Policy Wales Edition 5 November 2012

## **4. MAIN PLANNING CONSIDERATIONS:**

4.1 The main land use planning issues are considered to be:

- 4.1.1 Principle and Visual Amenity
- 4.1.2 The Marine Lake Policy
- 4.1.3 Biodiversity, Ecology and Wildlife
- 4.1.4 Access and Parking
- 4.1.5 Residential Amenity
- 4.1.6 Tourism

4.2 In relation to the main planning considerations:

### **4.2.1 Principle and visual impact**

Policy CPZ 1 only allows for development which is essential to have a coastal location and does not unacceptably harm the appearance, character and landscape value of the coast. It is therefore considered that the proposal is acceptable in principle since as an entirely water-based use, the Cableski needs to be located as proposed. The appearance of the two relatively low-level towers with the cable and control cabin would not have a significantly detrimental adverse visual impact to justify a refusal of permission.

### **4.2.2 The Marine Lake Policy**

Policy CPZ 7 states that a water-based sports centre and informal recreation/leisure area at the lake will be permitted provided that: (i) built development or operational activities in association with water sports are located at the eastern edge of the lake; (ii) environmental improvements are

undertaken to the perimeter of the lake; and (iii) measures are taken to safeguard the nature conservation value of the lake.

The subject scheme is located adjacent to the northern edge of the lake rather than the eastern edge and as such the cabin as the only land-based structure in conjunction with the use should be located further east if the terms of Policy CPZ 7 are rigidly applied. However, all applications must be treated on their own merits and the agent for the scheme has confirmed that the cabin needs to be sited as shown in order to be close to the existing power supply and to be as close as possible to overlook the line of the Cableski for safety purposes. The route of the Cableski has been discussed with the agent who has confirmed that for ease of access as well as the power supply the route parallel to the northern edge of the lake is the ideal location, given that the eastern side of the lake is not straight unlike the northern side.

As a water-based recreational use, the proposed Cableski is adjudged to comply with the adopted Policy CPZ 7 for the lake.

#### 4.2.3 Biodiversity, Ecology and Wildlife

As an identified Wildlife Site under Policy ENV 5, developments which would unacceptably harm the conservation value of the lake will only be permitted where appropriate mitigation measures can be taken. However, this has to be balanced against the promotion of recreational uses under Policy REC 3 which also applies to the lake.

The comments made on the application by the Council's Senior Biodiversity Officer confirm that no objection is raised subject to the submission of an appropriate method statement and adherence to certain working practices as well as the monitoring of bird impact. The comments offered by CCW also confirm that they too have no objection to the scheme and an environmental statement was submitted with the application which concludes that the residual effect of the construction and operational activities on all habitats are not considered to be significant.

On the basis of the specialist advice received, the proposal is not considered likely to result in harm to the biodiversity interests of the wildlife site to justify a refusal.

#### 4.2.4 Access and Parking

Policy TRA 9 of the Unitary Plan requires development to be serviced by appropriate parking and servicing facilities.

Parking for the lake is provided at its eastern side and also in the large public car park to the north. It is also noted that the Council's Highway Officer has raised no objection to this aspect of the scheme and as such it is considered to be satisfactory.

#### 4.2.5 Residential Amenity

Residential amenity considerations are set out in Policy GEN 6 which require due assessment of impact on occupiers of residential properties.

The only area where residential properties abut the lake is to the eastern corner of the area which lie around 170 metres away from the eastern tower for the Cableski. There are no representations from individuals expressing concerns over impact on amenity.

In Officers' opinion, there are only limited impacts anticipated from a cableski

use in this location, and at the distances involved from residential property, it is not considered there are any unacceptable effects likely on residents.

#### 4.2.6 Tourism

Policy TSM 14 states that proposals for attractions or infrastructure to develop the Foryd Harbour/Ocean Beach area as a major tourism development will be permitted provided that they bring about an overall improvement in the tourism appeal of an area and also include an assessment of the impact on the locality.

One of the primary points made by the agent for the scheme is that the Cableski will generate a great deal of interest and will encourage additional people to the lake and to the wider area of Rhyl which will be to the benefit of the town.

In noting the confidence of the agent in making the area more attractive there is a potential that the activity and disturbance associated with the proposed use could make the lake area less attractive to existing users for sailing, bird watching, riding on the lake railway, walking, running and cycling, if it were to impact on the tranquil nature of the setting. However, it is considered that on the basis of the information presented with the application in terms of visual impact and noise that the Cableski would be an overall benefit to tourism in the area.

#### Other matters

Many of the public comments submitted raise concern at the potential long-term harm to the area if the Cableski fails as an economic enterprise, as this would leave the towers, cabin and cable in place which would spoil the appearance of the lake. The example of built remnants of other failed tourism attractions in the town have been referred to as example of the long-term visual harm which can occur. It may therefore be appropriate to impose a condition to require removal of all associated equipment in the eventuality that the Cableski does close.

#### Impact on Other Users of the Lake

Many comments from the general public and from local organisations raise concern at the potential for conflict between the Cableski and existing lake uses as well as a reduction in the area available for use by existing organisations and individual sailors.

It is to be noted that a number of the representations make reference to the fact that the lake does have a usage agreement currently in operation, and therefore given the relatively small area of the lake which will be used by the Cableski it is not considered that the conflict with existing users will be so great as to be detrimental to their enjoyment of the facility. The western end of the Cableski will stop short of an existing area for launching of boats and other such facilities can be found along the periphery of the lake. Overall therefore this issue is not considered to represent a justifiable reason for refusal of the planning application as use of the lake can be controlled via agreement; a matter for the County Council to address in its separate role as manager/landowner.

#### Charges for users

With respect to questions raised over the Council's likely levy for use of the lake, this is not a matter of any relevance to the planning merits of the application.

Negotiations on such financial and legal matters are ones for resolution between the respective legal representatives of the parties and have no bearing on the land use planning considerations which have to be addressed by the Committee.

## 5. SUMMARY AND CONCLUSIONS:

5.1 Overall, it is considered that the tourism and recreational benefits of the proposed Cableski outweigh the potential harm to the existing nature of the setting in terms of visual intrusion and noise/ disturbance. Given that the aforementioned planning policies encourage the use of the lake for recreational uses and the scale and nature of use to which the lake has been put previously, it is considered that the application is worthy of support.

### **RECOMMENDATION: - GRANT** subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The proposed control cabin shall not be brought onto the site until the written approval of the local planning authority has been obtained to the detailing thereof.
3. No sound amplification equipment or loudspeakers shall be operated at the premises other than in accordance with details to be agreed in writing with the Local Planning Authority.
4. The uses permitted by the proposed development shall not commence until the written approval of the Local Planning Authority has been obtained to the proposed hours of operation and the maximum permissible noise levels.
5. The development shall be carried out strictly in accordance with the range of Mitigation proposals outlined in the submitted Environmental Statement, relating to species mitigation, works near watercourses and submission of a biosecurity risk assessment.
6. If on completion of the development, it ceases to operate for a period in excess of 12 months, proposals shall be submitted within a period of 2 months for the consideration and approval of the Local Planning Authority, for the removal of the cableski system and its associated elements, including a timescale for removal and reinstatement. The system shall be removed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
7. **PRE-COMMENCEMENT CONDITION**  
No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - i. the parking of vehicles of site operatives and visitors;
  - ii. loading and unloading of plant and materials;
  - iii. storage of plant and materials used in constructing the development;
  - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - v. wheel washing facilities if necessary;
  - vi. measures to control the emission of dust and dirt during construction;
  - vi. a scheme for recycling/disposing of waste resulting from construction works.
8. **PRE-COMMENCEMENT CONDITION**  
No development shall be permitted to commence until there has been submitted to and approved in writing by the Local Planning Authority, details of proposals to ensure ease of access and use of facilities for persons with disability. The development shall be carried out strictly in accordance with the approved details.

The reason(s) for the condition(s) is(are):-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of visual amenity.
3. To protect the amenities of occupiers of nearby properties.



4. In the interests of residential amenity.
5. In the interests of ecological and other safeguarding.
6. In the interests of visual amenity.
7. To ensure a satisfactory scheme for controlling construction activity.
8. In order to ensure adequate provision for access by persons with disability.

**NOTES TO APPLICANT:**

You are strongly advised to arrange meetings with the range of groups using the lake, and local residents as part of the development process.

You are advised to liaise with the Environment Agency over procedures involving works near watercourses.