

Item 4a **13/01042/FUL**

Case Officer **Caron Taylor**

Ward **Heath Charnock And Rivington**

Proposal **Proposed changes to site 4 of existing Go Ape course including a new zip line, removal of course infrastructure from trees 414 and 416, new path from site 4 and relocation of forest shelter (change to position of shelter approved under planning permission ref: 08/00553/FUL). Also, retrospective application for paths/surfacing around the pre-brief site (adjacent to the cabin) and linking paths to site 1, 2 and 3.**

Location **Go Ape Rivington Lane Rivington Bolton BL6 7RZ**

Applicant **Adventure Forest Ltd. (T/A) Go Ape**

Consultation expiry: 29 January 2014

Application expiry: 3 February 2014

Proposal

1. Proposed changes to site 4 of existing Go Ape course including a new zip line, removal of course infrastructure from trees 414 and 416, new path from site 4 and relocation of forest shelter (change to position of shelter approved under planning permission ref: 08/00553/FUL). Also, retrospective application for paths/surfacing around the pre-brief site (adjacent to the cabin) and linking paths to site 1, 2 and 3.

Recommendation

2. It is recommended that this application is granted planning approval subject to conditions.

Main Issues

3. The main issues for consideration in respect of this planning application are:
 - Principle of the development
 - Impact on the neighbours
 - Design and Layout
 - Ecology, Trees and Landscape
 - Ecology
 - Parking
 - Public Right of Way

Representations

4. Eight letters of objection have been received on the following grounds:

- In 2008 Go Ape said trees used for the course would be a minimum diameter of 35cm at breast height. Tree 0042 is less than this and is not mature or healthy;
- There is no evidence that the applicant has had the tree surveyed. It could possibly be a health risk;
- All the trees should be assessed by an independent arboriculturalist for safety reasons to ensure it conforms to EN15567:2007 and there is no such report;
- Tree 0042 is category U of the cascade chart for tree assessment;
- For public safety and because it will influence the development a tree report must be submitted to comply with BS5837:2012;
- The site plan doesn't show where 3m³ of concrete will be and a tree report is needed to ascertain if root damage will occur because of excavation near trees within and adjacent to the site area. This would show the Root Protection Area but without excavation details the true root damage cannot be assessed;
- No details are provided of how much excavation would be required for the landing zone or mention of what material will be used to fill the excavation. Excavation could cause damage to adjacent trees and therefore a tree report is needed to establish this;
- No details are provided regarding the termination point of the support wires, they must be at a safe height so as not to cause injury to anyone using the woodland at all hours;
- The zip wire is near a bridleway and there is a danger a horse could be startled by the noise from the course;
- Wildlife will be further disrupted;
- The shouting, screaming and swearing will get worse near to a primary school;
- Lever Park was left to the local people to enjoy free and uninterrupted leisure under the 1902 Lever Park Act;
- They will keep extending the course until the whole area is destroyed;
- Lever Park is a listed historic park and any work carried out should respect that, which should not include three concrete blocks;
- Go Ape is already encroaching significantly on the public access to that area of the park, additional fencing around the anchor wires, plus fencing around the proposed soft landing zone will considerably restrict access to the area;
- The park and countryside are a greater attraction than the course and the needs of the vast majority should be met;
- As the park is listed the paving material should be local stone, limestone grit is not appropriate;
- The understorey in the region of the Go Ape course has noticeably diminished since the course opened. The widespread use of chipped bark in the landing zones and on footpaths

appears to contribute to this as it becomes scattered with use (chipped bark is sold as a weed suppressant). Another landing zone filled with yet more bark will add to the problem;

- The application details are too vague;
- The area is a Biological Heritage Site (BHS) and disturbance of the ground flora is detrimental to this.

5. Friends of Lever Park object on the following grounds:

- A tree survey report is required in accordance with the British Standard;
- Tree 0042 is not fit for purpose and therefore cannot be considered as part of the development, the diameter of tree 0042 is less than the required minimum and could pose a serious health and safety risk to the public and support wires cannot be used on it;
- New ropes courses need to conform to the EN standard;
- The applicant states that the tree will be anchored to three 1m³ of concrete but no details are provided on the site plan as to where this will be, thus preventing comment against possible root damage to the trees in the area;
- There are no details of where the support cables will be attached to anchor points, thus preventing comment;
- Cables must be attached at a safe height to prevent serious injury and there are no details;
- Much of the woodland will require fencing off to prevent accidents to people using the park during all hours and they will prevent free access of the public under the 1902 Lever Park Act;
- No details of what material will be used to fill the landing site and what their depth will be after construction;
- Tree 0042 does not have a lifespan of greater than ten years;
- The proposed support wires will be very near a bridleway so it is important they are at a safe height in case a horse gets spooked and bolts;
- The area is a BHS and disturbance of the ground flora is detrimental to it;
- The new paths are to be constructed utilising limestone not local stone, which is not in accordance with a sustainability policy, nor the spirit of a BHS. Go-Ape had previously stated that all activities would be in the air, so why the need for these paths everywhere?;
- The landing zone does not have a detailed plan, and therefore there is no indication of the mode of construction, infill material, and the amount of excavation required. Again this is further encroaching into the BHS and impacting on the ground flora;
- The tree officer has stated that the application has minimal impact on trees within the woodland; this statement can only be referring to the pruning of trees because there seems little evidence within his written comment that he has addressed the implications of excavation and the damaging affect it will have on trees within the woodland;
- Previously for application 08/00553/FUL, Adventure Forest's support statement indicated that all trees used for the high wire course would be a minimum diameter of 35cm, why wasn't this considered for this application? There is no mention within the written comment that tree number 42 is only 14.6cms diameter and is therefore likely not to be fit for purpose.

Consultations

6. Lancashire County Council (Ecology)

The advice of LCC Ecology is that the applicant does not appear to have submitted any ecological information in support of this application to demonstrate that impacts on the Biological Heritage Site would be avoided, or that adequate mitigation and compensation would be delivered to offset impacts. Detailed comments on the elements of the application are as follows:

7. Proposed zip line

According to the Design and Access statement, the proposed new zip line replaces an approved but not implemented zip line (permission 08/00553/FUL) and would in fact result in less impact on biodiversity than the approved scheme. No ecological assessment is submitted, however site photographs suggest the proposals affect an area of beech woodland of limited biodiversity value.

8. If no trees would be felled, the proposed zip line does not affect any trees with potential to support roosting bats, and the proposed zip line affects an area dominated by beech trees, with little or no understorey/ ground flora, then significant impacts on biodiversity seem reasonably unlikely. The absence of impacts on biodiversity should be confirmed prior to determination however.

9. Proposed and existing (retrospective) paths

The Design and Access statement suggests that the proposed path would be formed from MOT limestone, as has been used on other paths on site. Clearly, it should be ensured that any materials used are locally appropriate in terms of biodiversity and the listed site.

10. It is not clear whether the existing or proposed paths have resulted in any impact on biodiversity (loss of vegetation, severance of habitat connectivity), although it must be assumed that hard surfacing within the woodland will not be a biodiversity gain. Is the applicant proposing any woodland management/ biodiversity enhancement to offset these apparently additional impacts on the BHS?

11. Relocation of the forest shelter

The application is not supported by any information on ecology/ biodiversity. However, if the proposal would result in impacts on biodiversity, then clearly mitigation and/or compensation would be appropriate to offset losses.

12. Lancashire County Council (Public Rights of Way Officer)

State they have no comments to make with regards to the proposed development.

13. Chorley's Conservation Officer

Policy 16 of the Adopted Central Lancashire Core Strategy, Policy BNE8 of the emerging Chorley Local Plan 2012 – 2026 (recently afforded 'significant weight' by the examining Inspector), section 12 of the Framework (the National Planning Policy Framework) and the PPS5 Practice Guide are all of relevance. All require local planning authorities to consider the impact of development proposals upon the significance of all heritage assets (designated or not) and also upon that significance imbued within their setting.

14. The application site, whilst located within Lever Park (a Registered Park and Garden and thus a designated heritage asset as defined by Annex 2 of the Framework) is not within the designed landscape, rather it is within the area of the park that comprises a natural area of woodland, albeit bordering a man-made reservoir. It is their considered opinion that this part of the park falls to be considered very low in terms of significance.
15. The site is also within the general locality of a number of Grade II listed buildings, also defined as designated heritage assets within Annex 2 of the Framework. These are located, at the very closest point, in the region of 100 metres from the site and are segregated by formal areas of car parking, landscaped areas and trees.
16. Given the scale and design of the proposed development and the separation distances between it and the listed buildings it is my considered opinion that the significance of these will be sustained as a result of the proposed development. Consequently they consider the application to be acceptable.

17. Chorley and District Natural History Society

Are concerned about the further work outlined in this application and its effect on the trees of the woodland. They are opposed to the further removal of trees, unless as a matter of safety. As far as they can make out, there is no safety issue. This is an application to make the "ride" more appealing to paying customers. A large amount of concreting is envisaged. Presumably this must involve significant excavation. Where is this to be and has the impact on adjacent root systems been fully assessed? Some trees (specifically tree 0042) are much thinner than the published minimum diameter for a support tree. Has its suitability been tested independently? They feel that these matters should be subject to independent assessment before work is allowed.

18. Lancashire Gardens Trust

Have previously expressed serious concerns about the appropriateness of the Go Ape development in Lever Park. It is noted that in the current application Section 13 of the application form indicates that there are no protected or priority species affected, and no designated sites, important habitats or other biodiversity features are affected. This disregards the Chorley Local Plan Map which indicates that the whole area of Lever Park is a Biological Heritage Site, and accordingly ecological issues may require to be addressed in the application.

19. The Lancashire Gardens Trust requested in the October 2008 letter the undertaking of a comprehensive Conservation Management Plan for Lever Park, to address the long term care of the historic features of the Park, within which parameters will need to be set for the continued operation of the Go Ape Course. It is recognised that the undertaking of this work is principally a task for the land manager, United Utilities, rather than Go Ape however, it is the Lancashire Gardens Trust view that no further planning permissions should be granted until this matter has been addressed between the various agencies.
20. They are against the principle of such a facility in a Registered Park and Garden, (or in its setting) and given this fundamental concern, does not propose to make lengthy comments on the additional features proposed in the construction or operation of the course. The location appears to be partly on United Utilities land not included within the Lever Park, (although all within the Registered Park and Garden) as well as affecting trees within the Park planted as part of Thomas Mawson's original design. However, the proposal requires further work to existing trees, and they would expect Lancashire County Council's arboriculturalist views to be obtained for this, and also in relation to the other parts of the course already completed. They raised concerns about nails in tree trunks in 2008, the use of which appeared to be inconsistent

with the methodology described within the original (2008) application documentation. However, the Design and Access Statement supporting the current application now indicates that nails will be employed in order to fix the sacrificial battens to the living trees. The proposed forest shelter adds to the clutter of features in the setting of the listed Great House Barn. The large existing tree at the end of the row is very close to the proposed shelter, and although modest branch removal is proposed, there will be conflict with the tree roots at least if the structure were to be placed in this location. If possible they would suggest relocation of the proposed structure at a greater distance from the existing trees.

21. Lever Park is dedicated to the People of Bolton, and the public generally, as set out in the provisions of the 1902 Liverpool Corporation Act. The greater part of the Go Ape Course is within the Lever Park, as defined by the Act, and it is Registered as a Historic Park and Garden. The National Planning Policy Framework Para 129 states 'Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise'. In the absence of this assessment, they object to the siting of the Go Ape Course within the Historic Park and Garden.
22. The setting of the listed Great House Barn is adversely affected by the course. The National Planning Policy Framework places importance on the setting of a heritage asset, and the harm done to it by traffic and busy thoroughfares. The National Planning Policy Framework Para 128 states 'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting'.
23. The current application fails to acknowledge the existence of the Biological Heritage Site. Arboricultural assessment is required in respect of the existing course as well as the proposed works. The method of attachment of fixings to tree trunks requires to be addressed. A Conservation Management Plan is required for the whole of Lever Park. The current application vindicates the LGT's initial concerns about the course undergoing enhancement and (arguably) growth over time.

24. Chorley Council's Tree Officer

In relation to the forest shelter the proposed relocation takes the shelter out of the woodland and into a more open location. This will have less impact on the trees within the woodland. To accommodate the relocation pruning works are requested to an early mature beech tree. Minimal pruning works are planned. The relocation will lessen the overall impact on trees within the area.

25. With regards to the zip line this will involve possible removal of a limb from tree 411. This limb as a weak union with possible included bark. The limb is monitored monthly. To accommodate the passage of the zip line from departure tree (411) to termination tree (0042) five branches will need to be pruned. This is minimal pruning work, no major limbs are affected. The removal of a small suppressed, poorly formed tree is requested to accommodate the zip line landing area. The zip line installation has been planned so that it has minimal impact on trees within the woodland.
26. The three anchor points for the cables to support the tree holding the zip line cable will consist of three separate one cubic metre concrete holding points. The excavations will have minimal impact on the existing trees within the location. They advise the excavations are carried out by hand digging to eliminate localised ground compaction from digging equipment. They would also advise that the anchor point excavation be lined with a non-permeable membrane to

reduce concrete or cementitious mortar washout from the excavations whilst the concrete is in its unset form. Concrete washout may affect the pH of the immediate area. The non-permeable membrane will contain any washout or leaching until the concrete is set.

27. They have no objection to the proposed tree work.

Applicant's Case

28. The changes are not to expand the course – either in terms of scale or visitor numbers –but to finish the course. The main focus is the submission of an amended zip line design to replace the un-built Zip Line 4, which unlike the original design, does not require any felling of trees, just some very minor branch removal.

29. The original course design (as approved by permission 08/00553/FUL) had five zip lines, one for each activity site. The zip line at Site 4 required a number of trees to be felled. However these trees were not identified within the original planning application. Go Ape accept that this was unacceptable and as such the zip line was not installed. Instead an additional rope ladder within a stockade was erected as a temporary method of descending from the activity site. This is the only activity site on the Rivington course or any Go Ape course with this arrangement. They would therefore like to finish the course and bring it up to the same operational standards as their other courses and improve the experience for customers by replacing this down ladder with an amended zip line design.

30. The reasons the courses always end with a zip line are:

- Operational:
 - Participants receive an obligatory training session on how to use the various elements of the course and safety attachments. The fewer elements and the more standardisation there is on the course, the easier and safer it is for participants (there is only one down ladder on the Rivington course);
 - When instructors open up each activity site at the start of the day they access the activity sites via the zip line. This is a safer method than using a ladder to access the course, which currently has to happen on Rivington Site 4.
- Customer Experience –
 - A zip line is an enjoyable way of completing an activity site and gives participants better value for money.

31. The installation of an amended zip line will also complete the course to match more closely to how it was originally designed.

32. This zip line will not mean that more people will be able to access the course, this application does not include an application to alter the permitted number of customers to use the course.

33. Existing Paths

The area around the pre-brief site (adjacent to the cabin), the area under activity Site 1 (training site) and the linking paths to Site 2 and 3 have been surfaced with hard standing to stop impacts from heavy use. The top layer of organic humus is removed to a depth of around 1 inch. A geotextile membrane is then laid down on top of the surface before wooden rails or planks measuring 1x4 inches are placed around the boundary. The area is then filled with limestone to a depth of around 4 inches. The timber edgings are kept in place with small wooden pegs and then excavated material is used to grade the surface of the path down to ground level. The surrounding natural material on the woodland floor helps to grade the paths down also.

34. This is the same technique which will be used for the path from the landing site for the proposed Site 4 zip line.

35. Forest Shelter

A forest shelter is a wooden construction which provides covered seating space for Go Ape participants and groups and other park users. The original approved application for the course included details of such a structure. Having extended the car park and built the picnic bench area on the grass bank to the north of the Go Ape cabin and car park, it seemed appropriate to reassess the position of the forest shelter with consideration of these new developments in order to see if the forest shelter could be better placed.

36. Having reassessed, they propose the slight relocation of the forest shelter so it is adjacent to the new picnic bench area. They believe the move will mean the shelter better serves the site as a whole. It is more obvious to people from the car park and more inviting than being under the shade of the trees. It seems natural to have an all-weather seating area adjacent to the existing outdoor seating area and this proximity means it can be used by anyone if there is a sudden downpour. The shelter will also provide shade in the summer and gives families and friends flexibility and the chance to use both areas if they so wish.

37. In order to fit the shelter into the proposed new location it will require the removal of up to four of the lower branches on the nearest tree.

38. The horse tethering fence which is currently adjacent to the western edge of the new picnic area will need to be moved as there will not be the required space for horses if the shelter is built. They propose to move the tethering fence to the opposite, eastern, side of the picnic area. This will allow owners to still secure their horses in this area and use the picnic area and the proposed shelter if they wish.

Assessment

Principle of the development

39. The application site is in the Green Belt. Since the original planning application was permitted for the Go Ape course the Government have released the National Planning Policy Framework (The Framework).

40. The Framework (unlike former Planning Policy Guidance Note 2 which it replaced) doesn't require facilities for outdoor recreation to be essential to be appropriate development in the Green Belt, but rather requires them to be appropriate with the same caveat that they preserve the openness and do not conflict with the purposes of including land within it. The Framework also states that engineering operations are appropriate subject to the same caveat.

41. All the elements covered by the application are considered appropriate for outdoor recreation and are therefore appropriate development in the Green Belt.

42. In terms of the emerging Chorley Local Plan 2012 – 2026 Policy BNE8 covers the Protection and Enhancement of Heritage Assets and Policy BNE10 covers Species Protection.

43. In terms of the weight to be given to the emerging Local Plan, on 25th October 2013 the Inspector issued her Partial Report on her findings into the soundness of the Chorley Local Plan. The Inspector's Partial Report is a material consideration in the consideration of this planning application. In summary, the plan is considered to be legally compliant. In relation to soundness, the plan is considered sound (subject to any modifications), with the exception of matters relating to Gypsies and Travellers. The examination of the local plan remains open, and the Inspector will reconvene the examination in 2014 to consider Gypsy & Traveller

Matters, which would hopefully enable adoption of the Local Plan by September 2014, following a supplementary report.

44. Paragraph 18 of the Partial Report states: *“For the avoidance of doubt, the Plan may not be adopted until it has been changed in accordance with all of the main modifications set out in the Appendix to this partial report and any which may be specified in the Appendix of my forthcoming supplementary report. However, because of the very advanced stage in the examination process that the main modifications set out in the attached Appendix have reached, significant weight should be attached to all policies and proposals of the Plan that are amended accordingly, where necessary, except for matters relating to Gypsies and Travellers.”*
45. The policies of the emerging Local Plan are therefore given significant weight in the decision making process, more than the current adopted Chorley Borough Local Plan Review adopted in 2003.

Historic Park and Garden and Impact on Listed Buildings

46. Policy 16 of the Core Strategy relates to heritage assets that states heritage assets will be safeguarded from inappropriate development that would cause harm to their significance. Policy BNE8 of the emerging Local Plan covers the Protection and Enhancement of Heritage Assets:
- a) Applications affecting a Heritage Asset or its setting will be granted where it:*
- i. Is in accordance with the Framework and relevant English Heritage guidance;*
 - ii. Where appropriate, takes full account of the findings and recommendations in the Council’s Conservation Area Appraisals and Management Proposals;*
 - iii. Is accompanied by a satisfactory Heritage Statement (as defined by Chorley Council’s advice on Heritage Statements) and;*
- b) Applications will be granted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of the heritage asset itself and the surrounding historic environment and where they show consideration for the following:*
- i. The conservation of features and elements that contribute to the heritage asset’s significance and character. This may include: chimneys, windows and doors, boundary treatments, original roof coverings, earthworks or buried remains, shop fronts or elements of shop fronts in conservation areas, as well as internal features such as fireplaces, plaster cornices, doors, architraves, panelling and any walls in listed buildings;*
 - ii. The reinstatement of features and elements that contribute to the heritage asset’s significance which have been lost or damaged;*
 - iii. The conservation and, where appropriate, the enhancement of the setting of heritage assets;*
 - iv. The removal of additions or modifications that are considered harmful to the significance of any heritage asset. This may include the removal of pebbledash, paint from brickwork, non-original style windows, doors, satellite dishes or other equipment;*
 - v. The use of the Heritage Asset should be compatible with the conservation of its significance. Whilst the original use of a building is usually the most appropriate one it is recognised that continuance of this use is not always possible. Sensitive and creative*

adaptation to enable an alternative use can be achieved and innovative design solutions will be positively encouraged;

vi. Historical information discovered during the application process shall be submitted to the Lancashire Historic Environment Record.

47. Although within the designated boundary of the registered park and garden, none of the elements covered by the application will be in the 'designed' element of Lever Park. It is not therefore considered the proposal will have a detrimental impact on the Historic Park and Garden, they will also be viewed in the context of the existing Go Ape course and its associated development.
48. In terms of the setting of Listed Buildings, Great House Barn, Great House Cottage and the adjacent Information Centre are all Grade II listed buildings. They are over 90m from the nearest part of the development (the forest shelter) and separated by the existing car park which is immediately to the rear of these buildings, and the development the subject of this application will always be viewed in its context. It is not therefore considered that the proposal will have a detrimental impact on the setting of the listed buildings. The Council's Conservation Officer also considers the application to be acceptable in this respect.
49. The application is therefore considered acceptable in terms of Core Strategy Policy 16 and emerging Local Plan Policy BNE8.

Impact on the neighbours

50. It is not considered the elements covered by the current application would have a detrimental impact on any neighbouring properties. The nearest residential property is Great House Cottage adjacent to Great House Barn which would be over 90m from the nearest element covered by this application; the forest shelter and would be separated from it by the existing car park.

Design and Layout

51. There are a number of elements to the development the subject of this application.

Forest Shelter

52. The proposed forest shelter will be instead of the original forest shelter approved under permission ref: 08/00553/FUL that has never been erected, however that permission remains extant and therefore it could still be erected. The proposed forest shelter will be situated adjacent to the existing picnic area further to the northeast than the previously approved location. The proposed forest shelter is identical in its design and size from the one previously approved. The design is considered acceptable. Although its location will require the removal of up to four of the lower branches on the nearest tree these are considered minimal and it is considered that its proposed location is acceptable being sited next to the existing picnic area. This element is therefore considered acceptable.
53. Proposed changes to site 4 of existing Go Ape course including a new zip line, removal of course infrastructure from trees 414 and 416.

The alterations and new zip line relate to site 4 within the course. The 2008 permission (08/00553/FUL) permitted site 4 so it ended in a long zip wire (approximately 154m long), however Go Ape decided not to go ahead with it as more trees would have to have been felled than were identified in the 2008 application. Therefore the zip line was not put in, but rather site 4 finished with a down ladder.

54. Go Ape now wish to end the course with an alternative zip wire rather than the down ladder. The proposed zip wire will be shorter than the one previously approved at approximately 54m long. Site 4 will be reconfigured as the proposed zip line will depart from the tree currently used to ascend up to site 4. The site will therefore run from north to south to the new zip line, rather than south to north as at present. Course infrastructure will no longer be on trees 414 and 416 (as labelled on plans accompanying the application), the proposed zip line will depart from tree 411. There is an existing security stockade around the 'up' and 'down' trees at site 4. These will be replaced by one stockade around the new tree at the beginning of the site.
55. The reconfiguration of the course in the trees is considered acceptable and will not differ significantly from the current layout.
56. The additional zip line will end in a new landing zone with a maximum size of 15m long and 4m wide. Its height will vary from 1.3m to 2.3m due to the topography of the land which slopes from northwest to southwest towards the reservoir, though when the zip wire is hung on site, the landing area may be smaller than this (it depends of the loading weight on the zip line and therefore cannot be calculated exactly at planning stage, so may be smaller than the above sizes). It has been confirmed with Go Ape that no excavation of the existing ground will be necessary to create the landing zone, and it will be filled with soil topped with bark shavings as per the other existing landing zones. It will be retained by logs and planks. As per previous applications for landing zones, in design terms, the visual impact of these elevated landing zones is considered acceptable, they are constructed of materials which are easily removed from the land and are appropriate to the woodland setting and therefore are considered compatible with the character and appearance of the area.
57. It is clear on site that the route of the new zip line is on a line through the woodland that requires little work to existing trees. Works that will be required are limited branch removal (of six branches) and the removal of an existing shrub/suppressed tree. These are considered minimal and acceptable works to allow the zip line to be put in place.
58. The proposed zip line will terminate at a tree labelled as 0042 on the submitted plans and due to its size it will require additional supports in the form of ground anchors (a maximum of three will be required). These will be in the form of a hole up to one metre cubed dug in the ground and filled with concrete. A metal rod with an eyelet will be set into the concrete and a support cable will then be strung between the zip termination tree 0042 and the ground anchor. A small post and rail fence will be positioned around the ground anchors to stop them from being a trip hazard. It is not considered the anchor points will be unacceptable in the woodland, they will be viewed in the context of the Go Ape course and the concrete anchor points will quickly become hidden amongst the floor of the woodland. The low post and rail fence will be constructed of wood and is considered an appropriate design and material for a rural setting.

59. Paths and surfacing

A new path will be added to the course from the new landing zone proposed to the path/bridleway that runs to the north west of site 4. This will be in the form of a single file path edged with timber and filled with limestone. The top layer of ground material is removed to a depth of around 1 inch. A geotextile membrane is then laid down on top of the surface before wooden rails or planks are placed around the boundary. The area is then filled with limestone to a depth of around 4 inches. The timber edgings are kept in place with small wooden pegs and then excavated material is used to grade the surface of the path down to ground level. This is the same as previous paths created at the course.

60. This application also applies for retrospective permission for paths/surfacing around the pre-brief site (adjacent to the cabin) and linking paths to site 1, 2 and 3. These are constructed in the same way as set out above.
61. Once the paths have been created they are not readily visible and they appear appropriate in the landscape. The surfacing and paths are therefore considered acceptable.

Ecology, Trees and Landscape

62. Policy BNE10 covers Species Protection. The elements of the application are within a Biological Heritage Site (BHS).
63. The areas where the paths and surfacing have already been created were already subject to high levels of pedestrian activity and therefore disturbance, as they are 'desire lines' for people using them to move from one part of the course to the other or where pre-course briefings take place. These areas are therefore already subject to high levels of disturbance and it is not considered that they have had a greater impact on biodiversity. For the same reason, it is not considered that the proposed path will have a detrimental impact on biodiversity. The formation of a path from the proposed landing zone to the bridleway will create a clear route and reduce additional desire lines created in the immediate area.
64. It is not considered the relocation of the forest shelter will have an unacceptable impact on biodiversity. It will be positioned on an area of managed grassland adjacent to the existing car park and picnic area and will require the removal of four branches as a maximum.
65. It is not considered the new landing zone and zip line will have an unacceptable impact on ecology. There would be minimal works to trees in the form of removal of small branches and the removal of one shrub/suppressed tree that is not of sufficient size or age to have habitat features for roosting bats. No trees will be felled and the area where the zip line and landing zone will be located is considered an area of limited biodiversity due to the shade of the beech woodland canopy and suppressed by the layer of leaf litter beneath. The previously approved permission (08/0553/FUL) for the longer zip would have resulted in the removal of numerous trees which would have a much greater impact on ecology than the zip line now proposed, the location of which takes account of the location of existing trees. The proposal is therefore considered to bring about ecological advantages over the previous scheme having less impact on biodiversity.
66. In terms of the anchor points proposed the Council's Tree Officer states that the excavations will have minimal impact on the existing trees within the location but advise the excavations are carried out by hand digging to eliminate localised ground compaction from digging equipment. They also advise that the excavation be lined with a non-permeable membrane to reduce concrete or cementitious mortar washout from the excavations whilst the concrete is in its unset form to avoid it affecting the pH of the immediate area. Subject to this the anchor points are considered acceptable.
67. It is not, for the reasons set out above considered that the proposal will have significant impacts on biodiversity interest of the BHS as the application area is of relatively low biodiversity value due to its characteristics and the existing high levels of recreational disturbance.
68. The proposals are in accordance with the requirements of biodiversity planning policy and guidance of Policy BNE10 and the National Planning Policy Framework. Conditions are proposed requiring the excavation or the concrete anchor points to be hand dug and lined with a non-permeable membrane as advised by the Council's Tree Officer.

Parking

69. The proposal will not result in an increase in the number of participants that can start or use the course at any one time. Additional parking will not therefore be required and the proposal is considered acceptable in this respect.

Public Right of Way

70. The application would not result in any alterations to bridleway (number 15) that runs from Rivington Lane down towards the reservoir. Although the landing zone would be approximately 15m from the bridleway this is considered a sufficient distance away. The comments regarding the safety of horses and the height of the zip wire are noted, however it is not considered that this is a problem as the zip line would be situated within the woodland, separated from the bridleway by trees which already have low overhanging branches.

Coal

71. The site is in a low risk coal mining area as defined by The Coal Authority. This requires an informative note to be placed on any permission.

Other issues

72. Other issues have been raised as part of the representations to the application:

73. Representations state that in 2008 Go Ape said trees used for the course would be a minimum diameter of 35cm at breast height, tree 0042 is less than this, is not mature or healthy. To respond to this the 2008 application does state that the trees that were to be used as part of that application would be a minimum diameter of 35cm at breast height, however nowhere does the 2008 documentation state that the trees must be a minimum of 35cm. In this application tree 0042 is to be supported by ground anchors.

74. Representations also state that tree 0042 could be a health risk and therefore needs to be independently assessed and a tree report produced as part of the application for safety reasons. It is not the role of the planning system to check the safety of any of the trees to be used for the course. Go Ape as an experienced high ropes course provider will know that the course is subject to other requirements as well as planning. The suitability of tree 0042 or any other tree in terms of safety of the course is the responsibility of Go Ape, not the planning system.

75. The position of the three anchor wires are shown on the plans submitted with the application, however, for completeness more information on the position of three concrete areas where the anchor points will be has been sourced from the applicant, as have details of the fencing around them and clarification on whether any excavation will be required for the landing zone and all have been found to be acceptable.

76. It is not considered that the anchors will cause injury to the public as a small post and rail fence will be placed around them so the public will be aware they are there.

77. It is not considered the application will have an unacceptable impact on Rivington Primary School from screaming or shouting as the nearest part of its boundary will be over 150m from the zip wire now proposed.

78. In relation to the Liverpool Corporation Act, this issue has been addressed in previous planning application reports relating to Go Ape and the Council's Head of Governance comments are repeated below:

'The Liverpool Corporation Act of itself does not prevent the grant of planning permission. Neither does the grant of planning permission authorise the breach of any provisions of that Act. Planning permission simply provides that the proposed use or development is acceptable in planning terms. It is not appropriate to condition compliance with the Act in this case, either the landowners (United Utilities) feel that the use is appropriate and in compliance with the Act whereupon they will grant a lease to the applicant, or they will not and the applicant will have no authority to enter the land and undertake the works. Either way, the operation of the Liverpool Corporation Act is a matter to be dealt with by the landowner and the applicant'.

79. The Chorley and District Natural History Society state they are opposed to further removal of trees, however no trees are proposed to be removed by the development apart from one small suppressed, poorly formed tree which has been found to be acceptable.
80. The comments of the Lancashire Gardens Trust are noted however it is not considered a Conservation Management Plan for Lever Park can be secured through the current application. In addition Chorley Council cannot decline to grant further planning permissions until this matter has been addressed between the various agencies. The Council as Local Planning Authority must determine any planning application put before it on its own merits.
81. Further clarification has been sought on the fixing of the alterations to the course to the trees. Batons are held in place by nails into the trees, however Go Ape have the course inspected annually and rely on the good health of the trees to allow to course to operate. It is not considered that the batons do long term damage to the trees. This aspect is therefore considered acceptable.
82. The comments regarding a tree survey to the British Standard not being submitted are noted. It is accepted that the tree survey that accompanies the application has not been done to a prescribed standard, however the Council must consider when requesting information from applicants whether it is reasonable and proportionate to enable an application to be determined. It is considered a British Standard tree survey would have added little to the local authority's understanding of the development proposal.
83. The information submitted is considered sufficient to determine the application and the Council's Tree Officer has reviewed the information submitted and visited the site and considers the proposals acceptable in terms of impact on trees.

Conclusion

84. The application is considered acceptable for the reasons set out above the application is recommended for approval subject to conditions.

Planning Policies

National Planning Policies:

The National Planning Policy Framework

Emerging Local Plan

BNE8, BNE10

Planning History

08/00553/FUL Proposed high wire adventure course with associated equipment, cabin and shelter, and extension to existing car park. Permitted 24.07.2008.

11/00466/FUL Retrospective application for the building up (raising) and enlargement of two zipwire landing sites at Go Ape course (landing area for site 2 located near site 3, and landing area for site 3 located near site 4). Permitted 07.09.2011.

11/00938/FUL Extension of car park to Go Ape (enlargement of car park as built). Permitted 10.05.2012.

13/01149/ADV Application for Advertising Consent for three signs: additions to three existing ladder board signs and one 'gallows' style sign (please see application for full details). Application under consideration

Recommendation: Permit Full Planning Permission

Conditions

1. The proposed development must be begun not later than three years from the date of this permission. *Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.*
2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Title	Received date
Location Plan	29 th November 2013
Support Cables Plan	20 th February 2014
Support Cables Fencing	20 th February 2014
Proposed Shelter Relocation Plan	29 th November 2013
Development Proposals	5 th November 2013
Proposed Shelter Relocation Plan	5 th November 2013
New Landing Zone Elevations	5 th November 2013
Hardstanding Cross Section	5 th November 2013
Go Ape Forest Shelter	5 th November 2013
Tree Works Information	29 th November 2013

Reason: For the avoidance of doubt and in the interests of proper planning

3. The horse tethering fence shall be moved to the location shown on approved Forest Shelter Relocation Plan within one month of its removal from its current location. *Reason: To ensure there continues to be a facility to secure horses in the area.*

4. The forest shelter hereby permitted is an alternative to the shelter permitted by planning permission ref: 08/00553/FUL. The shelter approved under planning permission ref: 08/00553/FUL

shall not be erected. *Reason: To ensure only one shelter is erected to reduce the impact on the Green Belt.*

5. The development shall be carried out in accordance with the Tree Works Information accompanying the application. *Reason: To ensure the development has an acceptable impact on the trees.*

6. The forest shelter hereby approved shall be erected as an alternative to the forest shelter permitted under planning permission ref: 08/00553/FUL. The forest shelter permitted under planning permission ref: 08/00553/FUL shall not be erected. *Reason: So that only one forest shelter is erected, to reduce its impact on the Green Belt.*

7. The excavations for the concrete anchors shall be carried out by hand digging to eliminate localised ground compaction from digging equipment and the excavations shall be lined with a non-permeable membrane prior to them being filled with concrete. *Reason: In order to eliminate localised ground compaction from digging equipment and prevent any leaching of the concrete into the surrounding ground before it sets.*