



Llywodraeth Cymru  
Welsh Government

From: [REDACTED]

Planning Casework Branch  
Planning Directorate  
0300 025 1619

Cleared by: [REDACTED]

Date: 24 October 2025

## MINISTERIAL ADVICE

**For decision by: Rebecca Evans MS, Cabinet Secretary for Economy, Energy and Planning**

<b>Subject</b>	Call-In Request – Outline application for a mixed use leisure development at Rhydycar West, Merthyr Tydfil.
<b>100 word summary</b>	The Cabinet Secretary is asked to make a decision on whether to call in this planning application for determination by the Welsh Ministers.
<b>Timing</b>	Routine.
<b>Recommendation</b>	To call in the planning application for determination by the Welsh Ministers.
<b>Decision report</b>	This decision requires a Decision Report, which may be published no earlier than the date the decision is issued.

**ADVICE****Background**

1. The Welsh Ministers have been asked to call in an outline planning application for erection of a mixed leisure development at land to the south west of the A470/A4102 roundabout at Rhydycar West, Merthyr Tydfil, comprising of the following:
  - Indoor Snow Centre (up to 39,200 sq m);
  - Water park (up to 7,500 sq m);
  - Indoor Activity Centre (up to 9,000 sq m);
  - Outdoor Activity Centre;
  - Hotel Accommodation (up to 418 bedrooms);
  - Woodland Lodge accommodation (up to 30 units);
  - car parking (up to 830 spaces); and
  - associated earthworks, access, drainage, servicing and utilities connections/infrastructure..
2. The planning committee of the local planning authority (LPA), Merthyr Tydfil County Borough Council, resolved to approve the application on 12 March 2025, contrary to officer advice. Officials have since been in discussion with council officers regarding draft conditions the council might propose.
3. A direction under article 18(1) of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (the DMPWO) was issued on 15 March 2024. This prevents the LPA from granting planning permission until the call in process is concluded.
4. There have been several call-in requests for this application, from members of the public.
5. You are not being asked to make a decision on the merits of the planning application. This decision concerns only who should determine the planning application; either the Welsh Ministers or the LPA.

**Advice**

6. The main issue to consider in assessing whether an application should be called-in by the Welsh Ministers is whether the application raises issues of more than local importance. The Welsh Government's policy on calling in planning applications is set out in Planning Policy Wales (PPW). It sets out six examples of situations which may persuade the Welsh Ministers it is appropriate to call in an application. These include when applications:
  - are in conflict with national planning policies;
  - could give rise to substantial controversy beyond the immediate locality;
  - are likely significantly to affect sites of scientific, nature conservation or historic interest, or areas of landscape importance;
  - raise issues of national security;
  - may have wide effects beyond their immediate locality; or
  - raise novel planning issues.

7. The planning issues raised in the call in requests can be summarised as follows:

- Transport impacts;
- Impacts on protected sites;
- Potential impacts on the historic environment;
- Effects on public rights of way;
- Impact on water courses;
- Proposed site is located in the open countryside;
- Potential impacts on existing coal tips;
- Potential impacts on protected species;

### **Transport impacts**

8. The Officer's Report to planning committee advises that both the council's Head of Engineering and Highways and the Welsh Government had initial concerns about the proposed development.
9. Welsh Government highways department were concerned due to proposed changes to the access onto the A470 trunk road and required the works to be completed, prior to any other development on the site taking place.
10. The highways department of the council raised a number of concerns and advised that, given the scale of the proposed development, a secondary emergency access is also required by the highway authority. The proposed emergency access route passes through an existing A470 underpass which measures approximately 4 metres in width. The existing approach road to the underpass is irregular along its length and narrows to circa 3.5 metres in places. As such, this proposed access is insufficient to accommodate 2-way traffic flow along its length. As an emergency route such width restrictions meant that, should the need arise, the route could not safely accommodate large emergency vehicles travelling in both directions simultaneously. The council therefore concluded that this emergency route would not be suitable, given the scale of the development and the nature of its use, should there be a major incident on the site.
11. In conclusion the council's highways department made the following representations:
- The proposed secondary emergency access is sub-standard and its use would result in traffic hazards to the detriment of highway safety and the free flow of traffic.
  - Insufficient information has been submitted to demonstrate that the proposed off-street parking provision of 830 spaces for vehicles is sufficient to meet the development's demands at peak times, resulting in the potential for on-street parking demand in the vicinity to the detriment of highway safety and the free flow of traffic.
  - The proposed scheme is contrary to both the Wales Transport Strategy (WTS) and Planning Policy Wales (PPW). In so far has it has not demonstrated within the documentation evidence to show that the proposed mitigation measures will achieve a target of 45% of journeys into the development will be undertaken by alternative modes of

transport and providing only minimal enhancement of local cycle/ pedestrian links.

12. Following submission of further information both the Welsh Government highways department and the local highway authority consider the proposal could be acceptable, provided appropriate conditions are attached, although it is a matter of concern that the separate emergency access, will not be able to access the site, should an incident occur.

### **Impacts on protected sites**

13. The Officer's Report carries out an assessment on the potential impacts of protected sites. The Officer's Report advises that given the requirements of Planning Policy Wales, edition 12 (PPW12), which clearly outlines that development within a SSSI is in principle unacceptable and that the SSSI should not have formed part of the search area for the development, it is considered that the proposed development is unacceptable and is not justified. The report considers that while the applicant has applied the step-wise approach, PPW12 is clear that development in SSSI's should be 'avoided' and as such further application of the 'step-wise' approach is not appropriate.

### **Potential impacts on the historic environment**

14. The Officer's Report advises that LDP Policy CW1 relates to the historic environment and states that development proposals will only be permitted where it can be demonstrated that they would preserve or enhance the architectural quality, character or the historic or cultural importance of our designated historic environment assets. It also covers undesignated historic environment assets including Landscapes of Outstanding Historic Interest and requires development to have regard to the special character of the landscape designation.
15. Cadw and Heneb (previously GGAT) were consulted on this application. Cadw advised that it had significant concerns over the proposed development and its impact upon the scheduled monuments and listed building. However, Cadw considered that if mitigating measures were undertaken, those concerns would be reduced.
16. Cadw concurs with the findings of the surveys and reports which have been submitted in support of this application in relation to the historic environment and assets of the site and considers that the proposed mitigation/compensation which includes improvements to the physical condition of the designated heritage assets, would outweigh the indirect adverse impact to their settings. The Officer's Report concludes that provided appropriate conditions are attached to any consent, the proposal could be deemed to comply with Policy CW1.

### **Effects on public rights of way**

17. The Officer's Report notes that there are a number of registered rights of way. The Rights of Way Officer is satisfied that suitable measures can be put in place to either divert or extinguish routes affected by the development.

### **Impacts on water courses**

18. The Officer's Report carries out an assessment on potential impacts on hydrology and hydrogeology, drainage and geology and ground conditions.
19. Natural Resources Wales (NRW) and Dwr Cymru/Welsh Water were consulted as part of the application process. Although both raised concerns about the proposed development, they consider that any impacts can be managed through the imposition of appropriate conditions.

### **Proposed site is located in the open countryside**

20. The Officer's Report advises the proposed site is regarded as being located within the open countryside. It also advises that the proposed development would introduce a significant amount of built form to an undeveloped landscape.
21. The application site is visually isolated from the existing built form and although the site is within relatively close proximity of built development in the urban environment, the intervening topography and infrastructure, (in the form of the A470 dual carriageway) provides definitive and defining breaks that allows the site to be viewed as open countryside, visually isolated from the neighbouring built form.
22. The Officer's Report states the site contributes positively to the landscape character of the area due to its significant green infrastructure and topography which is readily visible from a number of vantage points and for long reaching views. The site forms part of the Merthyr Tydfil Landscape of Outstanding Historic Interest and is recognised for its positive visual contribution. PPW seeks to protect areas on the register of historic landscapes in Wales.

### **Potential impacts on existing coal tips**

23. The Officer's Report refers to coal tips, but only insofar as to the potential impact on protected sites such as the Cwm Glo and Glyndyrys SSSI. The Officer's Report also carries out an assessment on geology and ground conditions. The Officer's Report also advises that the site forms part of an area previously used for coal mining, the Mining Remediation Authority has been consulted on this application and has reviewed the supporting survey work submitted. They highlight that the site lies in their defined High Risk Area.
24. The Mining Remediation Authority raised no objection to the proposed development subject to conditions to secure the investigation & remediation of coal mining legacy affecting the site. Similarly, NRW considered the submitted documents and advised that risks from the development to contaminated land and groundwaters can be managed through appropriate planning conditions.

### **Potential impacts on protected species**

25. The Officer's Report carries out an assessment on the potential impacts on protected species. Both NRW and the council's Ecologist were consulted as part of the application process. NRW advised that any concerns could be

addressed, provided that appropriate conditions are attached to any consent. In addition, a European Protected Species (EPS) Licence would need to be obtained before any development could take place. The council's ecologist, however, has maintained an objection to the application on the basis that insufficient and out-of-date information has been used to support the application, and a net benefit for biodiversity and ecosystem resilience has not been fully demonstrated.

### **Consideration of the local planning authority**

26. The Officer's Report concludes that the application should be refused for the following reasons:

*"The proposed development would result in the loss of part of the Cwm Glo and Glyndyrus SSSI, it is not necessary for the management of the SSSI and there is no agreed position in the development plan. Therefore, it fails to demonstrate wholly exceptional circumstances as required by paragraphs 6.4.25 - 6.4.27 of PPW 12. The proposal therefore fails to support the aims of Policy 9 of Future Wales: Resilient Ecological Networks and Green Infrastructure and is contrary to Chapter 6 of PPW 12 and Replacement LDP Policies EnW1 and EnW2.*

*The proposed development does not provide appropriate mitigation and compensation measures in relation to the impact on the Rhydycar West SINC, by virtue of insufficient and out of date information, which fails to demonstrate a net benefit for biodiversity and ecosystem resilience and fails to satisfy the requirements in relation to obtaining an EPS licence. Therefore, the proposal is contrary to the Section 6 duty in the Environment (Wales) Act 2016 to maintain and enhance biodiversity, and to paragraph 6.4.5 of PPW 12 and Replacement LDP Policies EnW1 and EnW3.*

*The proposed development by virtue of its scale, mass and changes to the landform would fail to effectively integrate with the surrounding context resulting in an unacceptable adverse visual impact on the landscape setting of the County Borough and the character of the Merthyr Tydfil Landscape of Outstanding Historic Interest, including a direct impact on the Merthyr West Flank SLA, contrary to the requirements of the Replacement LDP Policies SW11 and EnW5."*

27. When reported to the Planning Committee, members were minded to approve the application on the grounds that the potential economic, employment and tourism benefits outweighed the other issues raised by the application. Although no specific planning reasons were given.

### **Consultation**

28. Planning Division's Policy Branch was consulted, and its advice is as follows:

*"The application site has significant biodiversity value which is reflected through a number of designations - the Cwm Glo and Glyndyrus Site of Special*

*Scientific Interest (SSSI), the Rhydycar West Site of Importance for Nature Conservation (SINC) and the Cwm Glo SINC as well as Ancient Woodland, woodland covered by TPOs and the presence of European Protected Species. Approximately 6ha of the site lies within the boundary of the SSSI and the whole of the site sits within the SINC boundary. The internal advice (available on the local planning authority website) from the County Ecologist in considering the application notes that the supporting biodiversity information accompanying the application is in places out of date and incomplete.*

*The Officer's report identifies a number of conflicts between the proposed development and national policy as set out in Chapter 6 of PPW and Policy 9 (Resilient Ecological Networks and Green Infrastructure) of Future Wales. The analysis of this conflict outlined in the Officer's report is unambiguous and comprehensive, the Report concludes that, "the proposed development would result in the loss of part of the Cwm Glo and Glyndyrus SSSI, it is not necessary for the management of the SSSI and there is no agreed position in the development plan. Therefore, it fails to demonstrate wholly exceptional circumstances as required by paragraphs 6.4.25 - 6.4.27 of PPW 12. The proposal therefore fails to support the aims of Policy 9 of Future Wales: Resilient Ecological Networks and Green Infrastructure and is contrary to Chapter 6 of PPW 12 and Replacement LDP Policies EnW1 and EnW2. 2". The Officer's report further adds that, "the proposed development does not provide appropriate mitigation and compensation measures in relation to the impact on the Rhydycar West SINC, by virtue of insufficient and out of date information, which fails to demonstrate a net benefit for biodiversity and ecosystem resilience and fails to satisfy the requirements in relation to obtaining an EPS licence. Therefore, the proposal is contrary to the Section 6 duty in the Environment (Wales) Act 2016 to maintain and enhance biodiversity, and to paragraph 6.4.5 of PPW 12 and Replacement LDP Policies EnW1 and EnW3".*

*Reviewing the details of the proposed application, the above Officer's conclusions are supported, particularly with regard to Step 1b of the Step Wise Approach and the SSSI policies (PPW policy 6.4.15 and 6.4.25-27). Whilst the conflict between the application and national policy has been identified in an appropriate manner, it remains unresolved and given the application is likely to give rise to effects beyond the immediate locality and it significantly affects a nature conservation interest, it is therefore considered that the local planning authority are not best placed to take the decision on this application and **call-in is recommended.***

## Conclusion

29. This planning application is a classic example of how economic development can be in direct conflict with nature conservation. While national planning policies seek economic development that enhances biodiversity and other ecological interests, in this case the applicant has presented an application that forces the decision maker to choose one over the other.

30. While the LPA is minded to choose the economic benefits over the environmental damage, the decision before the Cabinet Secretary is not on the merits of that decision. Instead it is simply about whether the Welsh Ministers should make the decision rather than the LPA.
31. Paragraph 6 of this advice sets out the Welsh Government policy on call in including some the issues that may persuade the Cabinet Secretary the application raises issues of more than local importance.

## Options

32. There are two options:

- (a) Call in the application

Calling in the application would be recognising the application raises issues of more than local importance. Considering the above analysis of the issues raised in the call in requests, the strongest of these is the impact on the SSSI. Constructing the ski slope over part of a SSSI raises the issue of conflict with national planning polices that seek to protect such sites. Calling in the application on this issue alone would be justified.

Calling in the application would mean the case handed to a planning inspector appointed by PEDW who would hold an examination of the case and make a recommendation to the Welsh Ministers whether or not planning permission should be granted. The process could take around six to 12 months.

- (b) Not call in the application

Not calling in the application would leave the decision with the local planning authority. Pursuing this option would be recognising that while national policy conflicts existed, the scale and complexity of the issues raised were ones that could be considered by the LPA.

The LPA is aware it has to undertake appropriate assessment under the Habitats Regulations to consider the effect on the Blaen Cynon Special Area of Conservation (SAC). NRW has concerns about compliance with national planning policy, that is, where SSSIs are involved, development of the site should have been avoided as a matter of principle. They have, however, agreed that if development can be justified, that impact on the notified features has been minimised through siting and orientation, mitigation can be secured through a Construction Environmental Management Plan and acknowledges 17 hectares of land outside but adjacent to the SSSI would be managed to compensate for the loss of 6 hectares of SSSI.

33. If you decide not to call in this planning application, then the relevant Direction issued under Article 18(1) of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 will be withdrawn, and the LPA's decision of 12 March 2025 to grant planning permission will take effect.

## **Recommendation**

34. The call in policy is designed to enable the Welsh Ministers to call in applications if they wish, acknowledging the law has given LPAs the task in the first instance, it will be rare to take a decision away from them.
35. You must consider the Welsh Minister's call in policy. In doing so you must consider the substance of the requests made to call in the application. If you wish to depart from the policy, you must give adequate reasons. However, the policy gives the decision maker a fair degree of discretion.
36. Officials are of the view that the application raises issues of more than local importance and should be called in.

## **Well-being of future generations (Wales) Act 2015 (“the WFG Act 2015”)**

37. The well-being duty in the Well-being of Future Generations (Wales) Act 2015 (WFG Act) has been considered by officials in drafting this advice. Section 2 of the Planning (Wales) Act 2015 requires decisions on planning applications to be made in accordance with the WFG Act and applies whether the Welsh Ministers or the local planning authority determine this application.

## **Legal Advice**

38. No legal advice was sought for this submission.

## **Financial Issues**

39. Should you choose to call in the application, the administrative costs for calling in and subsequently determining the application would be met from within the existing Planning Directorate budget.

## **Communication and media handling**

40. There is expected to be high press interest in this submission. We will work with the press office to provide appropriate lines if needed.

## Annex 1: ASSURANCE AND COPY RECIPIENTS

## CLEARANCE TRACKING

Aspect	Tracking	Yes	No	N/A	Clearance no.
Finance	Financial implications over £50,000?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	Cleared by Group Finance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	Cleared by Budget & Government Business Division?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	Cleared by Local Government Finance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Legal	Legal issues?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	Cleared by relevant lawyers?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Governance	Novel and contentious issues?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	Cleared by Corporate Governance Centre of Excellence?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

## **DEPUTY DIRECTOR, STATEMENT OF ASSURANCE**

In clearing this MA, I confirm that I, [REDACTED], have quality assured this advice, ensuring it is provided on the basis of evidence, accurately presents the options and facts and I am accountable for the recommendations made.

I am satisfied that the recommended decision or action, if agreed, would be lawful, affordable and comply with all relevant statutory obligations. Welsh Government policy priorities and cross portfolio implications have been fully considered in line with delivery of the government objectives.

I have fully considered the statement of assurance contained in the MA guidance to ensure all relevant considerations have been taken into account, appropriate impact assessments have been undertaken and that the actions and decisions take account of regularity, propriety and value for money.

There are no financial implications for Welsh Government arising from this advice. Therefore, no financial clearance is required.

## COPY LIST

**This submission relates to a planning decision; all copies of it are for information only and not for comment.**

All mandatory copy recipients (as indicated in the guidance). Additional copy recipients specifically interested in this advice:

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