

## **SECTION A – MATTERS FOR DECISION**

### **Planning Applications Recommended For Approval**

<b><u>APPLICATION NO:</u> P2018/0493</b>	<b><u>DATE:</u> 25/07/2018</b>
<b>PROPOSAL:</b>	Outline planning application (including access) for a proposed adventure resort comprising 600 no. lodges/apartments, 100-bed hotel with associated spa, central plaza containing restaurants, leisure activities and shops, adventure activities and associated buildings (including X-sports, alpine/ski, forest activities and Trax & Trail), restaurants and associated administration and maintenance buildings and parking for approx. 850 cars, plus associated landscaping, drainage and engineering operations including re-profiling of land, boundary treatment, retaining structures, external lighting and CCTV, and diversion of public rights of way. Additional and amended information received on 25/01/2019 and 07/02/2019 under Regulation 24 with regard to biodiversity, landscape and visual impact, social economic impact and transport together with modifications to the masterplan and parameters plan.
<b>LOCATION:</b>	Land At Pen Y Bryn, Croeserw Cymmer, Port Talbot
<b>APPLICANT:</b>	Afan Valley Limited
<b>TYPE:</b>	Outline
<b>WARD:</b>	Cymmer

### **BACKGROUND**

The application is being brought before Committee due to its Strategic Importance and public interest.

### **SITE AND CONTEXT**

The [application site](#) comprises 132.5 hectares of former forestry plantation, located on the southern slopes of a deeply dissected 'U' shaped glacial valley of the River Afan and bounded to the north by A4107, Brytwn Road, beyond which is the settlement of Cymmer and the wider valley setting of the River Afan rising to the north towards Blaen Cregan and the Ffynon Oer Wind Farm. To the east the site is

bound by Maesteg Road and Pen y Bryn (A4063) beyond which is the settlement of Croeserw and Cwm Nantfyfedw.

To the south the site boundary follows the district boundary between this Authority and Bridgend County Borough Council. To the west, the Site is defined by the boundary between the former forestry plantation and wider pasture land.

Existing vehicular access to the site is from Pen y Bryn (A4063) at the eastern boundary of the site, which provides access to the underground reservoir and the communication masts, one to the southern edge and one to its south eastern corner.

There are a number of footpaths and bridleways passing through the Site including BR42, FP66 located in the eastern half of the Site which commences at the southern edge of Cymmer and continues southwards into Bridgend County Council's jurisdiction and BR43 and BR44 located in the western half and accessed from the A4063.

The wider Afan Valley has an extensive network of cycle trails, with the majority located within the Afan Forest Park. Wind turbines are prominent throughout the landscape.

Members should be aware that land immediately to the south of the site and falling within the jurisdiction of Bridgend County Borough Council (identified on the site location plan below) was granted planning permission at appeal for a solar array with a generating capacity of 18.4 MW. This development which was granted consent on April 22<sup>nd</sup> 2016 has yet to be implemented.

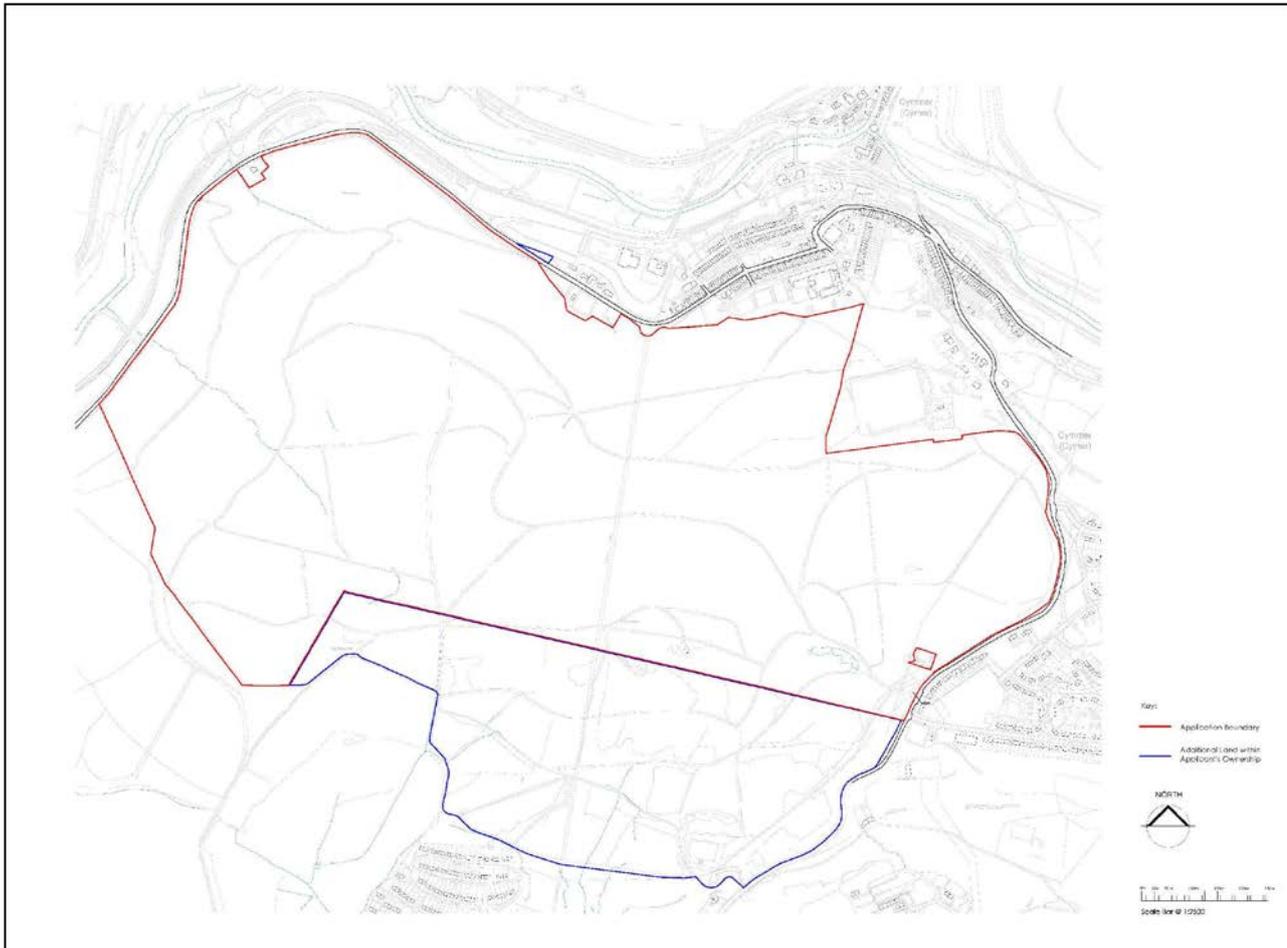


Figure 1: Site Location Plan

## **DESCRIPTION OF DEVELOPMENT**

The application seeks outline planning permission including access for a proposed adventure resort comprising up to 600 no. lodges/apartments, 100-bed hotel with associated spa, central plaza containing restaurants, leisure activities and shops, adventure activities and associated buildings (including X-sports, alpine/ski, forest activities and Trax & Trail), restaurants and associated administration and maintenance buildings and parking for approx. 850 cars, plus associated landscaping, drainage and engineering operations including re-profiling of land, boundary treatment, retaining structures, external lighting and CCTV, and diversion of public rights of way. All matters of appearance, landscaping, layout and scale are reserved for subsequent approval. Details of access are included within this application.

The submitted [Concept Masterplan](#) (see below) sub divides the development into 4 no activity zones (Villages) hung off the Central Plaza which would be located centrally within the site.

### *The Central Plaza*

- 5 no. restaurants of 360sqm – 515sqm (80 to 100no. covers);
- 1no. small supermarket: 1,025sqm;
- Small boutique cinema: 1no. screen;
- Aqua Adventure Park
- 'YouTube World': 2,045sqm, to include editing suites and Vlogger
- Merchandise stores;
- Retail (Ellis Brigham type offer): 1,025sqm, possibly split into smaller boutique retail units;
- Gift shop: 205sqm;
- Coffee shop: 205sqm;
- Sweet shop: 205sqm.
- Medical Centre
- Swimming Pool
- Resort Info desk

### *Hotel*

- 100no. bedrooms;
- 150 to 200no. seater banquet and conference centre;
- Spa Retreat wellness retreat: circa 2,500 to 3,000 sqm (50 to 80no. people capacity);
- Business Centre: 40sqm.

### *Forest Village*

- Tree top restaurant: 260sqm.
- Bear Grylls Survival Academy: small teaching room (seating approx. 40no.), small kitchen, welcome area, storage for equipment and wash down area.
- Zip Wire
- Paintballing
- Climbing Wall
- Alpine Village



- Off-Roading
- Segways
- Go-Karting
- Aqua Caving

### *X-Sports Zone*

- Canyoning

The tallest rockwork for canyoning walk paths is 12m; Aesthetic rockwork is unlikely to be taller than 15m to 18m; Dive and slide platforms will be integrated into the rockwork and scattered around the canyoning area, typically at heights of 10m, 7.5m, 5m, 3m and/or 1m; Rock climbing walls are typically 13m to 14m high.

- White-Water

The watercourse will typically drop no more than 10m over its length. There is a requirement for a large holding pool at the top, with another at the bottom; Minimum water depth is typically 1m for kayaking; Maximum water depth is typically no more than 2 metres for rafting.

### *Guest Accommodation*

A total of 600 lodges are proposed across the whole of the development site, comprising a mixture of single and two storey 2, 3 and 4 bedroom options. Although the design of the lodges would be dealt with under a reserved matters application the submission indicates that the design of the lodges would be such that it reflects the theme of the Resort Village in which it is located. It is proposed to construct two hundred of the lodges at a later date.

### *Parameters*

A number of minor modifications to the [Concept Masterplan](#) and [Parameters Plan](#) have been made since the original submission. The changes include a key being added showing lodge sizes, removal of lodges in the south western part of the X Sports village and redistribution throughout the site, together with realignment of Public Rights of Way to ensure they are fully contained within the red line of the site and BR44 extended to maintain overall length and reduce gradient.



The submitted [Parameters Plan](#) (below) sets out the maximum heights, widths and lengths of the proposed buildings. The lodges in the main would be single storey in design with a number being two storey. The central plaza and hotel will be two/three storey structures although any third storey will be lost in the ground by using the existing levels.

The Design and Access Statement which accompanies the application identifies that it is intended that each zone will reflect its character through the architectural treatment allowing the Site to have a series of villages that have a distinct feel although the detailed design would be addressed at the reserved matters stage.

### *Access/Parking*

There will be two accesses to the Site from the surrounding highway network; one from the A4107 Brytwn Road (to the west) and the other from the A4063 Pen Y Bryn/Maesteg Road to the east, with the latter being an existing access. Both accesses will incorporate facilities for pedestrians and cyclists, as well as vehicles.

The access to the west will be the main access to the Site for guests. The junction onto the main highway will be a traffic signal-controlled access that will accommodate the existing traffic volumes along the A4107 Brytwn Road, as well as the likely volumes of traffic generated by the Proposed Development. The main access will meander the existing western slope of the Site to arrive at the Arrivals Lodge and guest car park.

The main parking area will be located on the south-western slopes of the Site, close to the proposed entrance. New areas of parking will be tiered into the existing landform to create a series of plateaus, combined with bunding and planting measures to restrict views of cars in initial years from the lower valley setting. Over time, the planting measures will have matured to soften the appearance of the car park to minimise wider landscape and visual impacts.

The existing access to the east will be upgraded and will be used by staff and deliveries and will also be used as an initial construction vehicle access (whilst the main Site access is being constructed). It is proposed to site the operational and staff car park close to this entrance as well as a staff facility building. Goods will be delivered to a holding hub close to the staff car parking area and then distributed throughout the Resort. A service yard will be provided adjacent to the Central Plaza where many of the retailers and support services will be located.

An existing track running through the centre of the Site from west to east will be upgraded to form a spine road which will allow vehicular access to each zone for drop-offs and for servicing.

### *Public Rights of Way*

The proposals will result in diversion of existing footways which pass through the Site. Bridleway BR43 is to be diverted westward to route around the proposed car park and Bridleway BR44 is also to be diverted to the west running alongside BR43. Once diverted these bridleways will both link in to their original routes in the southern part of the Site before crossing into land to the south.

In respect of Bridleway BR42 and Footpath FP66 which are located within the central part of the Site, it is proposed to divert both of these Public Rights of Way along the northern perimeter of the Site, linking onto the A4063 and heading south before going through the eastern site access along the southern boundary of the Site and linking into their existing route.

It is proposed to divert FP66 located within the central part of the Site along the northern perimeter. The existing route of BR42 will be retained within the Resort but will not be publicly accessible. The central spine road that is proposed through the Resort will bridge over BR42 which will be lowered in level at this point.

### *Phasing*

The Proposed Development will have 2 no. construction phases Phase 1 will comprise the entire development other than for the development of 200 no. lodges, which will be constructed at a later date (see also submitted [Phasing Plan](#)).

The construction of Phase 1 of the Development is expected to take approximately 2 years. The parameters plan identifies 4 exclusion zones, one in the Trax and Trails Lodges area, one in the Forest Village and 2 in the Forest Lodges. These exclusion zones which are shown as 30m diameter circles around mine entrances have been identified and as locations which should not be developed until a satisfactory Phase 2 Investigation Report has been produced at the Reserved Matters Stage which demonstrates that development in these locations are safe.

## *The Proposed Operation of the Resort*

The Resort will operate in a similar manner to other Resorts of this scale which operate within the UK, with guests arriving on Mondays or Fridays and staying for 3, 4 or 7 days. Typically, guests will arrive sporadically throughout the day from 12.00 through to 19.00 with checkout from lodges being at 10.00 but with guests allowed to stay at the resort and use facilities for the remainder of the day in order to manage the rate of departures. The Applicants indicate that based on previous experience at similar resorts that most guests will depart between 09.30 and 16.30.

A limited amount of Day Visitor passes will be provided to households within a radius of approximately 15 miles of the Site which is where the majority of staff are expected to live. Approximately 50 daily passes will be provided to local people except on change over days (Mondays and Fridays). An allocation of approximately 100 daily passes will be available to non-local day visitors with these also not being available on change over days. These Day Visitor passes will be the subject of ongoing review to ensure that overall numbers within the Resort are kept to levels which allow for it to operate effectively. Visitors will be able to leave the Site during their stay, perhaps looking to undertake other sporting activities not offered by the Resort such as golf and fishing or to use the nearby mountain bike trails.

It is anticipated that the Resort will directly employ approximately 970 full- and part-time staff with approximately 350 being at the Site on a typical shift. During changeover days there will be an increase due to more cleaning and maintenance staff being required. It is proposed that a staff transport strategy will be implemented, most likely with minibuses or coaches picking up at designated locations at specific times to coincide with shift patterns. Staff travelling by car will be encouraged to car-share.

In terms of servicing and deliveries to the Site, these will be scheduled for Tuesday, Wednesday and Thursdays and a small amount on Saturdays in order to avoid change-over days. Typically, deliveries will be made between 10.00 and 16.00.

## SUPPORTING INFORMATION

The application has been identified as an EIA application and an Environmental Statement (ES) has been provided. The EIA process aims to ensure that any significant effects arising from a development are systematically identified, assessed and presented to help local planning authorities in determining planning applications. If measures

are required to minimise or reduce effects then these are clearly identified.

The submitted Environmental Statement (comprising non-technical summary, main text and technical appendices) has identified 'the baseline conditions', and assessed the potential effects of the development, in relation to:

- Air Quality
- Archaeology and Cultural Heritage
- Biodiversity
- Climate Change
- Ground Conditions and Contamination
- Landscape and Visual Impact (Including Lighting)
- Noise
- Socio Economic Effects
- Transport
- Water Environment

A request for further information relating to the ES in respect of Biodiversity, Landscape and Visual Impact, Socio-Economic Impact and Transport was made under Regulation 24 of the Town and Country Planning Environmental Impact Assessment (Wales) Regulations 2017.

The ES, Addendum and all other supporting information is available to view on the [Council's online register](#) and within the application file. The assessment below has had regard to all environmental information submitted within the ES along with the comments of statutory consultees on the information supplied, and the comments, observations and representations provided by members of the public have been taken into consideration in the recommendation.

## NEGOTIATIONS

Since submission, there have been extensive discussions with the applicant's appointed agents. This included a meeting with the Agents for the proposed development together with relevant consultees on October 17<sup>th</sup> 2018 the purpose of which was to review consultation responses received, identify areas of concern in particular in respect of biodiversity, highways and landscape and visual matters, together with an update of what progress had been made with regards to the submission of further information required.

Following further discussions the Applicant was requested by letter dated 27<sup>th</sup> November 2018 to submit further evidence to demonstrate the commitment and ability to deliver this development, and to address biodiversity landscape and visual impact, socio economic impact and transport. This information was subsequently received on 25<sup>th</sup> January 2019 and 7<sup>th</sup> February 2019, albeit further discussions have continued in relation to off-site ecological mitigation / compensation site(s).

## PLANNING HISTORY

The application site has previously had planning permission for leisure development, as identified in the following relevant planning history: -

- P1990/7698 Leisure facilities - Approved 12/11/93
- P2002/009 Adventure Holiday Park  
Approved 10/2/03
- P2008/0099 Variation of Condition 3 & 4 of Application P2002/0009 for extension of time to submit reserved matters application  
Approved 9/7/08
- P2008/1567 Variation of Conditions 1,2,3 & 4 of planning application P2008/0099 to allow phased submissions of reserved matters Approved 19/3/10

## CONSULTATIONS

**Welsh Water** - Raises no objection subject to the imposition of conditions.

**Environmental Health (Noise)** - Raises no objection subject to the imposition of conditions

**Coal Authority** – Raises no objection subject to the imposition of a number of conditions, covering submission of information both before and as part of reserved matters submissions.

**CADW** - Raises no objection noting that the ES has considered the impact of the proposed development on the scheduled monument GM232 Mynydd Caerau Round Cairns which concludes that there will be a low impact on the setting of scheduled monument, and stating that that they concur with this assessment with the impact of the proposal on the setting of the scheduled monument considered to be slight and not significant.

**GGAT** – Raises no objection subject to a condition requiring submission of a detailed written scheme of investigation (WSI) for a programme of archaeological work to protect the archaeological resource.

**Wales West Utilities** - No adverse comments

**Crime Prevention Officer** - No adverse comments

**Bridges and Highway Structures** – advises that two recorded landslip areas are located within the application boundary Nos AA17 & AA18 (south Wales Coalfield Landslip Survey).

**SUSTRANS** - No objection in principle to the development but note that the application makes no reference regarding linking the site to the National Cycle Network. Route 887 bounds the western edge of the site and Route 885 the eastern. Therefore, we would expect direct connectivity to the site from these routes. We would also expect to see a travel plan for the site which maximises the potential for access via Public Transport and Active Travel modes. The current level of car parking provision is likely to considerably increase the traffic flow on the relatively constrained roads with both the Afan and Llynfi valleys and the travel plan should provide clear mitigation for this.

**Air Quality** – Raises no objections and advises that the ES has addressed the correct air quality issues in accordance with the relevant guidance.

**Biodiversity Officer** – Advises that the site supports numerous species and habitats of significant biodiversity value; including a nationally important population of Nightjar, a reptile population and various S7 habitats and species. Where compensation is secured this will reduce the residual impacts reported, albeit present compensation site options (Solar Farm and Corrwg Bank) are unlikely to fully redress the impacts, biodiversity losses are considered still to be likely. The mitigation/compensation proposals as currently set out are confirmed within the ES to be inadequate to address the impacts of the development and further additional information is required to address and quantify the impacts of the development, and thus they currently have no alternative to object. If further compensation was confirmed to be forthcoming that fully accounted for the losses of the scheme both in relation to replacing S7/SINC habitat and providing habitat with appropriate carrying capacity for species then they would not raise an objection provided appropriate legal mechanisms are put in place to secure appropriate

off-site compensation sites, along with a suite of biodiversity conditions to mitigate identified impacts.

**Welsh Government Transport** – Raises no objection subject to a condition requiring the submission of a detailed Construction Traffic Management Plan for approval by Local Planning Authority, to ensure impacts to M4 slip road are minimised.

**NRW** – Raises significant concerns and have advised that it is for this Authority to be satisfied that issues raised have been addressed including:

- As the type of combined heat and power (CHP) system is to be used is unknown whether an air quality assessment on sensitive habitats and designated sites would be required;
- Whether the area of off-site mitigation is adequate and if further ecological surveys taking regard of European protected species are necessary for these areas;
- Whether the surveys for bats have been carried out in line with best practice guidelines;
- Sufficient and appropriate mitigation is secured for the nesting habitat loss of nightjars;
- Suitable buffers are provided to retain and protect aquatic habitats;
- Retain and manage locally important habitat within the design;
- Whether revised approach to minimise the impact the proposed development will have on peat is appropriate;
- That surface water as a result of the development can be managed appropriately;
- The scale and nature of the scheme and the impact to the local area is considered;

**The Head of Engineering and Transport (Highways)** – No objections subject to the imposition of conditions in respect of the main visitor and staff access, car parking and servicing arrangements, refuse and recycling strategy, details of the proposed visitor access track, requirement for a Stage 2 Road Safety Audit and a scheme to direct visitors from the motorway.

**The Head of Engineering and Transport (Drainage)** – Raises no objection subject to the imposition of a condition requiring the submission of a detailed design showing all SUDS components and associated design information addressing the 6 standards in

accordance with mandatory standards for sustainable drainage published by Welsh Ministers to manage on site surface water.

**Bridgend County Borough Council** – Raises a number of concerns relating to the absence of agreed compensation/ mitigation for ecological impact. While expressing concerns about impact of traffic through BCBC, note that this would not be detrimental to the highway network through BCBC, and do not object subject to imposition of conditions which seek to direct users towards junction 40 (not Jctn 36/A4063 in BCBC), limitations on approved consent to reflect TA; provision of scheme for the provision of a Pedestrian and Cycle Active Travel route linking the staff access to the connection of the existing NCN route 885 to the A4063 approximately 118m North East of 30 Bryn Terrace, Caerau. See [full representations](#).

**Land Contamination Officer** – Raises no objection

**Economic Development** – Initially raised some concerns over the socio-economic impact assessment and requested further consideration in respect to potential displacement from existing visitor accommodation and how development would support rather than duplicate existing provision together with potential visitor numbers and how the proposals will fit within the market.

Following receipt of additional submissions, the Economic development team are satisfied with the additional information received, noting as follows: -

“The applicants have provided more detailed information on how they intend to work in partnership with existing tourism operators in the area and how the existing visitor product can be considered as part of the overall ‘destination’ offer.

In addition to summarising wider economic impacts through local employment in detail; the applicants have summarised how they envisage that visitor spending, and the percentage of visits off site, will increase after the resort becomes established.

Further detail has been provided on how the development will generate new demand, therefore decreasing the likelihood for displacement away from existing accommodation providers, and supporting an overall increase in visitation across the area”.

**Footpaths Officer** – Initially raised concerns regarding the details of the proposed diversion of BR43, BR44 and FP66. Following receipt of amended submissions, which include bringing the eastern route inside the site boundary, the Footpaths officer is satisfied, albeit still noting that the gradient on the far western stretch of bridleway is still a concern but is realistically the best they can achieve.

## PRE-APPLICATION CONSULTATION

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016, statutory Pre-Application Consultation (PAC) was carried out by the developer.

The consultation exercise took place between 12<sup>th</sup> December 2017 and 26<sup>th</sup> January 2018 which also included the site notice and availability of the information online at Croeserw Community Enterprise Centre. The consultation involved notifying local residents within the surrounding area, together with the Ward member and specialist consultees.

In addition to statutory consultees, one public response was received (neither in favour nor against) the comments of which are outlined in the [Pre-Application Consultation Report](#).

It is also advised that in July 2017, outside the requirements and obligations of the PAC process the applicant hosted a 2 day public consultation event where residents local to the site as well as members of the Council and other key stakeholders were invited to view the proposals and ask any questions.

## REPRESENTATIONS

### *Initial Consultation*

In addition to consultation with neighbouring properties on 9<sup>th</sup> August 2018, in the region of thirty site notices were displayed on 15<sup>th</sup> August 2018, with the application also advertised in the press on 11<sup>th</sup> August 2018.

### *Further Consultation*

Following the submission of additional and amended information with regard to biodiversity, landscape and visual impact, social economic impact and transport together with modifications to the masterplan and parameters plan, further consultation was undertaken with neighbouring

properties on 8th February 2019 with site notices posted and advertised in the press on 11<sup>th</sup> February 2019.

In response, 7 no. representations have been received, with the issues raised summarised as follows: -

- Problems with storm and sewage water flooding occur below the chemist in Cymmer and Morgan Street and concerns the development will make this worse;
- The scale of the development will have a greater impact on the area;
- How will the promised benefits be guaranteed and managed?
- This proposal is comparable with the wind farm developments in the area;
- The developer should set aside a substantial portion of the estimated profits for use within the community most affected;
- Impact on character of the landscape and community;
- Impact on the existing infrastructure;
- The Resort will have limited access to the facilities for local people;
- Concerned that not all the public footpaths will continue to be accessible;
- The lack of regeneration created by this development;
- Concerned about the relationship this proposal will have with existing facilities within the area;
- Concerned whether local facilities will be able to respond to the opportunities to work with the Resort due to the great differences in scale;
- The Report asserts that the main benefits will be economic - jobs, the supply chain and other nearby tourist facilities to benefit from this. Whilst the jobs are to be welcomed in principle there should be a requirement for the local population to be employed in constructing and running the site before the jobs are advertised elsewhere;
- There is a lack of relevant information about the impact of the development on the community, the Authority should seek guarantees and practical actions from the developers i.e. Community Fund to protect the interests of the community;
- Attention is drawn to Scotland's approach to tourism and the heated debate which is being held about the relationship between tourism and local infrastructure which supports it and the introduction of a tourist tax. This opens up creative thinking about

how to ensure that there is a constructive relationship between tourist developments and the locality;

- Lack of concrete information regarding the benefits of tourism in the area. The Resort will benefit from the existing bike trails but who funds these and will the Resort contribute to their upkeep?
- It is now recognised that tourism has both positive and negative outcomes and there are ways of meeting this challenge. Sustainable tourism takes full account of its current and future economic, social, environmental impacts addressing the needs of visitors, the industry, the environment and host communities;
- Concerns raised in respect of Northern Powerhouse Developments.
- Supports the development as it is considered that the Valley is dying.
- The extent of the structural planting;
- The proximity of the diverted footpath to Pencastell
- Impact on security
- Increase in noise pollution from users of the diverted footpath;
- Support for scheme, but comment that utilising the spoil tips behind Duffryn Rhondda would be more suitable, particularly access and scenic location
- Acknowledges that development will be beneficial and a very much needed boost to the local community with new jobs, expresses concern over what, if any, consideration will be given to nesting birds, reptiles, amphibians, etc during the two year construction. Shouldn't be that "wildlife pays the price".

## REPORT

### National Legislation

The Well-being of Future Generations (Wales) Act 2015 (WFGA) imposes a duty on public bodies to carry out 'sustainable development' in accordance with the 'sustainable development principle'.

"Sustainable development" means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals.

'Sustainable development principle' means that Local Authorities must act in a manner which seeks to ensure that the needs of the present are

met without compromising the ability of future generations to meet their own needs.

In order to achieve this principle the Act introduces five ways of working to support decision making which ensures public bodies take account of:

- a. Long-term thinking – balancing the need to take action to address current issues with the need to the meet long term needs of Wales.
- b. An integrated approach – considering how a body’s objectives may impact upon the social, economic, environmental and cultural well-being and considering how an individual body’s objectives impact upon other public bodies’ objectives.
- c. Engagement – involving the people and communities with an interest in the wellbeing objectives, engaging them in finding sustainable solutions.
- d. Collaboration – acting collaboratively with other bodies, or different parts of a body acting together in a co-productive way, to assist in the achievement of the body’s objectives.
- e. Preventative action – deploying resources to undertake action now in order to prevent problems occurring or getting worse.

Well-being goals identified in the Act are:

- A Prosperous Wales
- A Resilient Wales
- A Healthier Wales
- A More Equal Wales
- A Wales of Cohesive Communities
- A Wales of vibrant Culture and thriving Welsh language
- A Globally Responsible Wales

### National Planning Policy

National Planning Policy is set out in [Planning Policy Wales: Edition 10 – December 2018](#) (PPW10), which has been restructured into themes that are more closely aligned with the objectives of the WFGA.

Paragraph 2.8 of PPW10 states that planning policies, proposals and decisions must seek to promote sustainable development and support the well-being of people and communities across Wales.

Paragraph 2.17 states further that in responding to the key principles for the planning system, the creation of sustainable places and in recognition of the need to contribute to the well-being of future generations in Wales through placemaking, development proposals must seek to deliver development that address the national sustainable place making outcomes.

Paragraph 2.21 states when assessing the sustainable benefits of development Planning Authorities should ensure that social, economic, environmental and cultural benefits are considered in the decision making process and assessed in accordance with the five ways of working to ensure a balanced assessment is carried out to implement the Well-being of Future Generations Act and Sustainable Development Principle. There may be occasions when one benefit of a development proposal or site allocation outweighs others, and in such cases robust evidence should be presented to support these decisions, while seeking to maximise contributions against all the well-being goals.

Paragraph 3.34 states the countryside is a dynamic and multi-purpose resource. In line with sustainable development and the national planning principles and in contributing towards placemaking outcomes, it must be conserved and, where possible, enhanced for the sake of its ecological, geological, physiographic, historical, archaeological, cultural and agricultural value and for its landscape and natural resources. The need to conserve these attributes should be balanced against the economic, social and recreational needs of the local communities and visitors. Fostering adaptability and resilience will be a key aim for rural places in the face of the considerable challenge of maintaining the vibrancy of communities and availability of services as well as contributing to Cohesive Communities well-being goal. This is coupled with ensuring the countryside is resilient to the impacts of climate change and plays a role in reducing the causes of climate change through the protection of carbon sinks and as a sustainable energy source in line with the Resilient Wales well-being goal.

Paragraph 5.5.2 states that the planning system encourages tourism where it contributes to economic development, conservation, rural diversification, urban regeneration and social inclusion, while recognising the needs of visitors and those of the local communities. The planning system can also assist in enhancing the sense of place in an area which has intrinsic value and interest for tourism. In addition to supporting the continued success of existing tourist areas, appropriate tourism-related development in new destinations is encouraged. In some places however there may be a need to limit new development to

avoid damage to the environment or the amenity of residents and visitors.

Paragraph 5.5.3 states in rural areas, tourism related development is an essential element in providing for a healthy and diverse economy. Here development should be sympathetic in nature and scale to the local environment.

Paragraph 5.5.6 states that planning authorities should provide a framework for maintaining and developing well-located, well designed, good quality tourism facilities. They should consider the scale and broad distribution of existing and proposed tourist attractions and enable the complementary developments such as accommodation and access to be provided in ways which limit negative environmental impacts as well as consider the opportunities to enhance biodiversity

### Technical Advice Notes

The following [Technical Advice Notes](#) are of relevance to this application:

- TAN 4 Retail and Commercial Development (2016)
- TAN 5 Nature Conservation and Planning (2009)
- TAN 11 Noise (1997)
- TAN 12 Design (2016)
- TAN 13 Tourism (1997)
- TAN 18 Transport (2007)
- TAN 20: Planning and the Welsh language (2017)
- TAN 23 Economic Development (2014)
- TAN 24 The Historic Environment (2017)

### Local Planning Policies

The Development Plan for the area comprises the Neath Port Talbot Local Development Plan which was adopted in January 2016, and within which the following policies are of relevance:

### Strategic Policies

- **Policy SP1** Climate Change
- **Policy SP2** Health
- **Policy SP3** Sustainable communities
- **Policy SP4** Infrastructure

- **Policy SP6** Development in the Valleys Strategy Area
- **Policy SP10** Open Space
- **Policy SP12** Retail
- **Policy SP13** Tourism
- **Policy SP14** The Countryside and the Undeveloped Coast
- **Policy SP15** Biodiversity and Geodiversity
- **Policy SP16** Environmental Protection
- **Policy SP17** Minerals
- **Policy SP18** Renewable and Low Carbon Energy
- **Policy SP19** Waste Management
- **Policy SP20** Transport Network
- **Policy SP21** Built Environment and Historic Heritage

### Topic based Policies

- **Policy SC1** Settlement limits
- **Policy I1** Infrastructure Requirements
- **Policy OS1** Open Space Provision
- **Policy R3** Out of Centre Retail Proposals
- **Policy TO1** Tourism Development in the Countryside
- **Policy EN6** Important Biodiversity and Geodiversity Sites
- **Policy EN7** Important Natural Features
- **Policy EN8** Pollution and Land Stability
- **Policy M1** Development in Mineral Safeguarding Areas
- **Policy RE2** Renewable and Low Carbon Energy in New Development
- **Policy W3** Waste Management in New Development
- **Policy TR2** Design and Access of New Development
- **Policy BE1** Design

### *Supplementary Planning Guidance:*

The following SPG is of relevance to this application: -

- [Planning Obligations](#) (October 2016)
- [Parking Standards](#) (October 2016)
- [Pollution](#) (October 2016)
- [Open Space & Greenspace](#) (**July 2017**)
- [Renewable and Low Carbon Energy](#) (**July 2017**)
- [Design](#) (July 2017)
- [Landscape & Seascape](#) (**May 2018**)

- [Biodiversity and Geodiversity \(May 2018\)](#)
- [Development and the Welsh Language SPG \(July 2017\)](#)

## MATERIAL CONSIDERATIONS

The main issues for consideration in the determination of this application relate to the following: -

1. The principle of developing the proposed Adventure Resort, taking into account National and Development Plan policy benefits
2. Consideration of Environmental Impacts of the development as a whole including, but not restricted to the impact on:
  - Landscape Character and Visual Impact on Character and Appearance of the Area
  - Biodiversity
  - Noise
  - Pollution
  - Heritage Assets and Cultural Heritage
  - Residential Amenity
  - Drainage and the water environment, and
  - existing local communities,

including the extent to which any such identified impacts may be mitigated

3. The transport impact of the proposals including their effect on the local highway infrastructure and on highway safety in general, and including matters relating to sustainable transport / active travel
4. Other impacts, including impact on Mineral resource, waste and the Welsh language
5. Whether any identified environmental or other impacts of the development would be outweighed by any other material considerations, including potential economic and other benefits

Each of these key issues is addressed throughout the report, although the general principle of the development (point 1 above) is considered first, followed by a more detailed analysis of the specific elements of the development and their impacts.

## PRINCIPLE OF DEVELOPMENT

PPW10 identifies four themes which contribute individually to placemaking, one of which is the need for 'Productive & Enterprising Places' with Economic Development / Tourism and the Rural Economy critical in this regard.

PPW also refers to the need to capitalise on Wales' existing natural and historic assets to maximise opportunities for tourism-related economic development, and emphasises that in addition to supporting the continued success of existing tourist areas, appropriate tourism-related development in new destinations is encouraged.

It is to be noted that tourism in Neath Port Talbot is a growing industry, providing a vital and valid contribution to the local economy. For example, figures for 2017 (using a model called STEAM (Scarborough Tourism Activity Monitor) which measures the annual performance of the tourism sector within the county) show a good improvement in performance against 2016, the key indicators being summarised below.

- Tourism contributed £119 million to the NPT economy, this represents a 5.3% increase on 2016, which equates to an increase of approximately £5.97 million in revenue to the local economy
- 1.59 million Visitors came to NPT, this represents an increase of 8.4% (approximately 124,000 visitors) on 2016.
- The tourism sector supported 1,624 jobs within NPT, this is an increase of 3% on 2016, representing an increase of approximately 46 jobs.

Within this generally positive National Policy framework, and encouraging local tourism sector conditions, the Local Development Plan is also supportive of new tourism proposals, with Policy SP13 stating that the economic prosperity of the Borough will be promoted through encouraging continued growth in the tourist sector by:

1. Encouraging high quality, sustainable tourism development;
2. Providing a flexible approach to the development and conversions to tourism facilities;
3. Resisting, where appropriate, proposals which would result in the loss of tourism facilities; and
4. Supporting tourism proposals through the allocation of land for tourism development.

Policies SP6 - Development in the Valley Strategy Areas, and EC5 - Employment in the Valleys, further promote employment generating uses in sustainable locations, while Policy SC1 (Settlement Limits) recognises one exception being for a “sustainable tourism or farm diversification proposal that is suitable in a countryside location”.

Given its location outside of any defined settlement limit (SC1), the primary LDP Policy to assess such tourism proposals is **Policy TO1 Tourism Development in the Countryside**. This states that Tourism proposals outside of settlement limits will only be permitted where all of the following criteria are satisfied:

1. It is demonstrated that the proposal is viable and contributes towards the quality and economic sustainability of the tourism industry;
2. It is demonstrated that either the proposal requires a countryside location or it could not be accommodated within an existing settlement;
3. The proposal would not have an adverse impact upon the landscape, ecology, and cultural heritage and would not adversely impact upon the social, economic, environmental or residential amenity of the area;
4. The proposal does not create unacceptable levels of vehicular traffic, cause a detriment to highway safety and access can be provided by a range of transport modes.

*This policy offers “flexibility in providing new, high quality tourism facilities outside of settlement limits in locations which would not normally be considered for development. Since a large concentration of tourism facilities are located within the valleys area, allowing development outside of settlement limits will provide scope for the tourism sector to grow and contribute to reinvigorating the valley communities.”*

The justification further states that: -

*“The valley areas, with their rural setting have the potential to continue to build on the growing tourism industry and can integrate rural diversification into tourism schemes. “*

While the assessment of the environmental and highway impacts of the proposal (criterion 3 and 4 above) will be addressed later in this report,

criterion 1 and 2 relate to the principle of development and are considered below.

*(1) It is demonstrated that the proposal is viable and contributes towards the quality and economic sustainability of the tourism industry.*

The application was initially supported by an ES which includes a Socio/Economic chapter. Discussions with the applicant's agent have since sought further clarification on the deliverability and viability of the project, in order to satisfy the objectives of criterion 1 of Policy TO1.

As a consequence, an updated and repackaged Business Plan has been submitted, supported by the original ES and the subsequent addendum. Due to the inclusion of commercially sensitive / financial data, this document has been treated as confidential, but the following provides a summary of key information provided: -

- The applicant has the experience of raising the necessary capital required to fund such an operation through an extremely effective financial model that is both attractive to funders and is robust and affordable for projects – and equitable to both investor and developer.
- Marketing and operational agreements have been negotiated with partner organisations for the resort. Alongside the Bear Grylls Survival Academy (who are setting up their European training headquarters in the resort), they have secured partners including Jaguar Land Rover, Neuman Aqua, Snowflex and Go Ape!
- In addition, they have secured the services of leisure booking experts Landal GreenParks – the largest resort operator in Europe - to manage the resort's accommodation.
- All their partners are “legally and contractually engaged in the AVAR resort project”.
- The forecasted projections show this scheme to generate significant profit and capable of sustaining the significant economic and socio benefits which are highlighted in the Environmental Statement.

- Such is its unique offer, they confidently – and prudently – predict that in excess of a quarter of a million visitors will visit the resort each year.
- The project's own team of economic consultants has also carried out a similar but specific study on the impact of the Afan Valley Adventure Resort and their findings conclude similar economic benefits, with no negative implications.

Having regard to the applicant's submissions, it is clear that substantial work has been undertaken on the project, including the mechanisms to secure partners and on the funding streams necessary to justify the substantial investment in the project.

Accordingly while there can be no guarantee that this will lead to the project being delivered, sufficient evidence has been submitted to demonstrate that the proposed development would meet the key criteria of Policy TO1 insofar as it would relate to a viable and deliverable, large-scale tourism proposal which has the potential to contribute significantly to the quality and economic sustainability of the tourism industry in Neath Port Talbot.

*(2) It is demonstrated that either the proposal requires a countryside location or it could not be accommodated within an existing settlement;*

It is clear that the scale of this development could not be accommodated within an existing settlement, and moreover that a countryside location is necessary because of the nature of the tourism offer. Accordingly criterion 2 of Policy TO1 is also satisfied.

The positive benefits of introducing a new tourism use of the proposed scale as part of a wider strategic tourism aspirations within the Afan Valley are thus clear and as such there are no objections to the principle of introducing this tourism use in the countryside, subject to an assessment of its impacts.

In accordance with advice in Technical Advice Note (Wales) 13, however, conditions would be required to ensure that the lodges proposed under this application are used for holiday accommodation only to prevent the permanent residential use of the accommodation.

## LANDSCAPE AND VISUAL IMPACT

The application is accompanied by a Landscape and Visual Assessment (LVIA), which includes the use of LANDMAP methodology to assess the significance of the likely impacts of the proposed development upon the surrounding areas including visual effects. It should be noted that the application site is not located within any nationally designated landscape area.

The LVIA identifies the relevant LANDMAP aspect areas citing their value, descriptions and management recommendations. These underpin and are integrated into the Neath Port Talbot landscape character assessment which is used as the basis for assessing effects on landscape.

The Council has employed the services of an experienced landscape consultant on this project, who has engaged with the applicants own consultants from an early pre-application stage in agreeing as far as possible methodologies, viewpoints etc. These ongoing discussions have subsequently led to changes to parameters and the masterplan to reflect some concerns, and an [Addendum](#) submitted which provides an updated assessment of the landscape, visual and cumulative effects of the proposal.

The following comprises an assessment of the submitted LVIA, informed by the Council's consultant's report.

### *Effect on Landscape Character Areas*

The LVIA sets out key characteristics, summary and LANDMAP aspect values for each [Landscape Character Area](#) (LCA). It assesses the effects by identifying value and sensitivity and combining this with the magnitude of effect to arrive at a significance or level of effect.

The LCAs covered in NPT are:

- **LCA 11**      **Cwm Afan and Cwm Pelenna**
- LCA 12      Mynydd Penhydd
- **LCA 13**      **Foel Trawsnant**
- **LCA 14**      **Foel Fawr (the site)**
- LCA 15      Mynydd y Gelli
- LCA 18      Mynydd Resolven, Craig y Llyn and Mynydd Ynyscorrwg

The LCAs covered in Bridgend are:

- LCA 1           Llangynwyd Rolling Uplands and Forestry
- LCA 3           Llynfi and Garw Uplands and forestry

There are a range of levels of effects on these. Those where there are considered to be significant effects (highlighted in **bold** above) are discussed below.

The site lies within **LCA 14 Foel Fawr**. The LVIA considers that the area has medium value, medium susceptibility and resulting medium sensitivity to this type of development. This is not agreed by our landscape consultant, who states that, though in poor condition and previously used for commercial forestry, the prominent, open steep slopes and exposed tops and skyline ridge are susceptible to this type of development. This means that the susceptibility to this type of development should be *high/medium*. Combined with the medium value, which is agreed, the resulting sensitivity should be high/medium.

The LVIA states that the level of effect in the short term would be high resulting in a *major – moderate significance of effect* at Year 1. Whilst it is agreed that the effect would be significant, the level of effect is likely to be higher due to the increased sensitivity i.e. major significance of effect. The proposed structures on the site and the associated vehicles would benefit from minimal mitigation from planting and would be widely visible. The existing plantations, which are an important feature on the site, would be significantly thinned with the density of development proposed. Overall, the character of the site would change fundamentally from a quiet, partly forested area to a major leisure resort with associated large structures and activity.

In the longer term the LVIA states that the resulting significance of effect would remain *major – moderate (and significant)*. This level of effect is agreed due to fundamental change to the character of the site.

The site lies adjacent to **LCA 11 Cwm Afan and Cwm Pelenna**. The LVIA finds that the value of this valley is high, with a high susceptibility and resulting high sensitivity. Whilst the valley is not designated it does have a particular scenic quality with associated recreational uses and so it is agreed that it does have a high sensitivity.

The LVIA states that the level of effect in the short term would be medium resulting in a *major – moderate significance of effect at Year 1*.

In the longer term the LVIA states that resulting significance of effect would reduce to moderate (and not significant). This is not agreed by our landscape consultant, who considers the development will still increase the amount of movement and noise directly adjacent to the valley, disturbing tranquillity especially to the north- west and west. Structures will still be visible on the backcloth to the valley, albeit filtered through trees. Thus the valley around the site will be fundamentally affected in terms of its character which relies on a relatively undeveloped, quiet backcloth. Therefore, the level of effect is *likely to remain significant at Year 15*.

The site lies near to **LCA 13 Foel Trawsnant**. The LVIA finds that the value of this open upland is high, with a high susceptibility and resulting high sensitivity. The upland is covered with an SLA designation and is open so this is valid. The LVIA states that the level of effect in the short term would be medium resulting in a major – moderate significance of effect at Year 1. In the longer term the LVIA states that resulting significance of effect would reduce to moderate (and not significant).

The LVIA did not assess the effects on Foel Trawsnant Special Landscape Area (SLA) separately from the LCA. The updated assessment concluded that in the short-term the proposal is likely to result in a permanent and indirect adverse effect of *major-moderate significance* to these LCA's and within the context of the site and study area it correlates that the proposal is likely to result in a similar level of effect to the corresponding SLA. In the long-term this level of effect was assessed as reducing to a permanent and indirect adverse effect of *moderate significance*.

The LVIA does not identify Foel y Dyffryn SLA in Bridgend CBC as separate from Foel Trawsnant (in the text, although its area is mapped). This extends very close to the site to the south. The primary landscape qualities and features of the area stated in the designation document (page 10) include its upland qualities and character which are further reinforced by borrowed views to the Brecon Beacons to the north.

The Addendum addresses this issue by stating that in the neighbouring Bridgend County Borough Council this area extends to the south extending across the western valley slopes of Foel y Dyffryn above Brynheulog, Caerau and Nantyllyon. This is in effect the same SLA but due to its valley side setting shares a more immediate relationship with the local settlement. From this location the effect of the development will be more limited with the bulk of the proposed buildings hidden from view on the northern reaches of Foel Fawr. As a consequence, the

addendum concludes that the proposal is unlikely to result in a significant adverse effect to this part of the SLA in both the short and long-term.

Users of the top of Foel y Dyffryn and nearby bridleway would have views of the X-Sports Lodges extending around the ridge, the top of the Central Core and the top of the Alpine Village restaurant /structure above Foel Fawr. These would adversely affect views to the north across the plateau relatively nearby, although it is accepted that there are wind farms at a greater distance which also feature in the view of the intervening uplands. In the longer term, planting mitigation will assist in filtering or screening views of the structures although the X-Sports lodges are still likely to be noticeable as an intrusion to the north east. Overall, the special qualities are considered to be significantly adversely affected in the short term but this will reduce in the longer term, probably to a not significant level for the SLA as a whole.

The negotiated amendment to the siting of the X-sport lodges results in the built form being moved back north, off the south west ridgeline making effective use of the existing landform. Whilst it is acknowledged that the lodges will be visible in the early years from high ground the use of structural planting will assist in screening the development and thereby limiting the visual impact of this element of the proposal.

### *Visual Effects*

The LVIA assesses the effects from 34 viewpoints. These viewpoints are as follows:

1. Afan upper Valley side to the north
2. Afan upper valley side to the west
3. Afan lower valley side to the north of -Rheilfford Trail
4. Afan lower valley side to the north of -Rheilfford Trail
5. Prossers Terrace
- 6&7. Afan Valley side to the north
- 8&9. Afan lower valley side to the north Rheilfford Trail
10. Afan lower valley side to the north -Rheilfford Trail near housing
11. Cwm Corrwg, Rheilfford Trail
- 12&14. Afan lower valley side to the north east-bridleway
13. Terran Rhiw Lech
15. Tudor Park Recreation
16. Blaencaerau Road, Caerau
17. Library Road, Caerau

18. Byway/Bridleway junction to south of the site, north of Foel y Dyffryn (SLA)
19. Bridleway to the south of the site, sides of Foel y Dyffryn (SLA)
20. Bridleway to the south of the site, south west of Foel y Dyffryn (SLA)
- 21&22. Byway to the south west of the site
23. Byway to the south west of the site
24. Mynydd Penrhys- forestry track along Afan Valley to the west
25. Ffynon Oer public access track
26. Mynydd y Gelli-bridleway (SLA)
- 27&28. Caerau Forest track to south east
29. Nantyffyllon public access land to the south looking up Llynfi valley
30. Dyffryn- Heol y Tyla
31. Dyffryn -Heol y Castell bench
32. Brytwn Road close to site to the west
33. Sunnyside Terrace, Cwm Corrwg to the north
34. Open space near Hillcroft Crescent Croeserw, to east

Of the 34 viewpoints, the LVIA considers **22 undergo significant adverse effects at Year 1** and **13 undergo significant adverse effects at Year 15**. Whilst there is agreement with a number of the assessments it is considered that for others the magnitude of effects and therefore resulting significance of effect are understated. The effects and any differences in opinion are discussed in more detail below, considering each group of receptors in turn.

#### *Users of Footpaths, Cycleways and Bridleways*

The LVIA considers that the development would have high to medium magnitude of effect on the Rheilfordd Trail along the Afan valley at Year 1 in the short term, resulting in a major to major-moderate significance of effect (viewpoints 3 and 4, 8, 9 and 10). This is generally agreed although significant effects are considered to extend further west. The development would be highly prominent on the upper valley sides and skyline with movement apparent. However, the Rheilfordd Trail in the Glyncorwg Valley (viewpoint 11) may also undergo significant effects in the short term due to the visibility of the Alpine lodges on the skyline and the ski slope being visible in direct views.

In the longer term, at Year 15, the LVIA indicates that the significance of effect would reduce to major-moderate at most, becoming not

significant further away. Generally, this is agreed although the effects would still be apparent some distance with an accompanying loss of tranquillity. Overall, users of the trail would be significantly affected.

Users of the forest trails associated with the Afan Forest Park (viewpoints 1, 2, 6 and 7) would undergo a similar level and significance of effects in the short and long term to those using the Rheilfordd Trail. However, the views would be from a higher level and the full extent of the development and its relationship with the surrounding landscape and settlements would be more apparent, although it would not break the skyline.

Users of the bridleway and footpaths on the Afan Valley side and tops to the north east (viewpoint 12, 13 and 14) would also undergo similar effects to the Rheilfordd Trail. To the south, the main countryside receptors are the byway linking Caerau and Cynonville, the bridleway rising up Foel Dyffryn (BR42) and users of the adjacent open access land on this landform and Foel Trawsant.

The LVIA considers that the development would have a medium magnitude of effect on users of the byway (at viewpoints 21, 22 and 23) to the south west and the bridleway (viewpoint 19) at Year 1 in the short term, resulting in a major-moderate significance of effect. It is agreed that the effect is significant but is considered to have a greater magnitude of effect. In addition, it is considered that the development would be prominent from Viewpoint 18.

A key issue was the X-Sports lodges topping and sweeping round the southern side of the ridge (Foel Penycastell) exposing themselves to view to the south and south west. As stated earlier in the report, these lodges have been moved back north which will reduce its impact.

In the long term, Year 15, the LVIA states that the significance of effect reduces to moderate i.e. not significant for the above viewpoints. This is not agreed as though the effect may reduce it is likely to remain significant as structures and movement will remain on the tops, remaining the focus of views and changing the character of the uplands and valley.

There are bridleways and footpath to the west at Mynydd y Gelli (viewpoint 26) and south west at Caerau Forest (viewpoints 27 and 28). The LVIA indicates that there are significant adverse effects on users at Viewpoint 26 in the short term but not long term but not for users of the Caerau Forest. It is considered that there would be likely significant

effects on the latter in the short term, but neither set of users will be significantly affected in the long term.

### *Impact on Residential Areas and Associated Open Spaces*

The LVIA finds that there are high magnitude of effects at Year 1 in the short term leading to major significance of effects at Abercregan (viewpoint 5) and Cymmer (viewpoint 10). This is considered to be an accurate assessment as the development would be highly prominent on the upper valley sides and skyline with movement apparent.

In the longer term, at Year 15, the LVIA indicates that the significance of effect would reduce to major-moderate at most. From Croeserw, the LVIA finds that there are high magnitudes of effects at Year 1 in the short term leading to major significance of effects (viewpoints 15 and 34 in open spaces). In the longer term, at Year 15, the LVIA indicates that the significance of effect would remain major-moderate and significant for viewpoint 15 but reduce to moderate for viewpoint 34.

From Dyffryn (Heol y Tyla), the LVIA finds that there is a high magnitude of effect at Year 1 in the short term leading to major-moderate significance of effect (viewpoint 30). The properties are orientated to face across the valley but their approaches are orientated along the valley, so the development would adversely impinge on the residents' perception of their environs. The car park and X Sports lodges would be particularly prominent.

In the longer term, at Year 15, the LVIA indicates that the significance of effect would decrease to moderate and not significant. This is not agreed. The effect will decrease but may remain significant as structures and movement will remain on the tops, remaining the focus of views and changing the character of the uplands and valley.

The LVIA finds that the viewpoint from Heol y Castell further south in Dyffryn would not undergo significant effects due to its further distance from the site. It is considered that there are likely to be significant adverse effects at least in the short term.

The effects on Blaencaerau and Caerau are not considered significant by the LVIA. Also, the effects on residents in Sunnyside Terrace to the north are not considered to be significant due to their orientation.

### *Impact on Road Users*

At Brytwn Road, close to the site (viewpoint 32), the LVIA finds that there are medium magnitude of effects at Year 1 on a medium sensitivity receptor leading to moderate significance of effects in the short term. The road access is likely to make a substantial cut into the rural valley side and the presence of lodges and structures on the skyline would change its character. The treatment of the road access is important to minimise impact. The effect is likely to be significant in the short term although not in the longer term provided mitigation of slopes is implemented and successful. Users of the minor road between Cymmer and Abercregan would undergo significant effects in the short and longer term (Viewpoints 5, and 8 and 9 from the Rheilffordd Trail nearby).

### *Cumulative Effects*

The LVIA considers the cumulative effect of the development with the consented Trawsnant wind farm. It finds that there are significant adverse effects of the schemes when combined together on both the Foel Trawsnant and Foel Fawr LCAs. In terms of visual effects it states that there would be a significant adverse effects on users of these uplands and on the local settlements of Brynheulog, Caerau, Abercregan and Cynonville. It indicates that the developments have different characteristics with the proposed development being permanent but being able to be mitigated by vegetation in the long term and the windfarm being a temporary use which cannot be mitigated.

Whilst the LVIA does not consider the cumulative effects with the existing windfarms and the consented Marcol solar farm requested by NPT as it states that these are already considered within the LVIA as part of the baseline. The point of the cumulative assessment is to act as a balance to the LVIA as the combined effect of a series of developments on the landscape means that its character changes incrementally. The submitted addendum confirms that subject to the approval of this application the consented solar farm will not be implemented.

### *Parameters relating to Lodge Sizes*

The maximum size for each lodge have now been specified on the parameters plan, which remains very large (10m by 20m), and which is also in excess of sizes illustrated on the masterplan (usually 6m by 15m).

Although noting that this may be intended to include external decking, the Council's appointed landscape consultant has expressed concern that if all, or a significant proportion of, chalets were constructed with outside walls to this size there would be insufficient space for mitigation which would increase landscape and visual effects of the development. Accordingly (as referred to below), he has recommended that there should be a condition tying down what can be implemented, noting in that respect that the plan form of each chalet on the masterplan now seems to be much more precise than previously shown.

This is considered reasonable on landscape grounds, and to this effect a condition would seek to require all parts of the lodges (including all external decking, to be included within the maximum size parameters).

### *Recommended Conditions*

The Council's appointed landscape consultant has been in discussion with officers, and provided guidance on measures / conditions which would assist in helping to mitigate identified significant effects. These include: -

- Use of predominantly evergreen mitigation planting should be carried out and protected particularly on the ridge top and southern fringes of the proposed development in the first available season to optimise potential mitigation of structures.
- Maximum lodge size condition (see above).
- Lodge colour scheme- use of recessive colours (including X-sports lodges)
- Landscape details submitted as part of any reserved matters application shall include the landscape features shown on [parameters plan 17023 \(90\) 210 revision M](#) and [Golby and Luck figure 11.32](#).
- 50% of the existing woodland set out in the parameters plan 17023 (90) 210 revision M and Golby and Luck figure 11.32 shall be protected and retained in line with BS5837: 2012.
- The main edge structural landscape planting shown in parameters plan 17023 (90) 210 revision M shall be planted in the first season after detailed planning permission is given in advance of, or at least in parallel, with construction. The phasing of other large areas of structural planting shall be brought forward to optimise

mitigation and a phased planting plan shall be agreed before development is commenced.

- Any reserved matters application seeking approval of landscape and planting details shall include the following
  - Plans showing the planting layout of proposed structural planting, trees, shrub, grass/wildflowers and natural regeneration areas.
  - The schedule of proposed planting indicating species, size at the time of planting, root type, numbers and densities of plants.
  - A specification of ground preparation, landscape operations, topsoil and subsoil standards and management, supply of plants and planting nursery stock standards, plant protection, staking, mulch, grass and wildflower mixes, watering, replacements, substitutions. All these should include relevant British standards.
  - Tree planting pit details in hard and soft areas.
  - A long-term landscape and ecological management and maintenance plan for all landscape areas including all-new landscape works and existing retained features. This shall include:
    - aims and objectives
    - a description of landscape components
    - management prescriptions
    - details and maintenance operations and their timing
    - arrangements review of the agreed plan

### *Conclusions*

Both National and local planning policy and Guidance in the form of Planning Policy Wales 2018, TAN 12 Design and Policy BE1, advocate quality design which is contextual and respects the landscape and features of importance that are either built or natural.

Whilst the submitted layout is indicative only, having been reserved for subsequent consideration, the scale parameters (for all buildings) are fixed as part of the outline application and therefore provide a degree of certainty in respect of the impact on the landscape and character of the area.

This is a major development located in a prominent upland location which would significantly change the character of the site and its environs into the longer term. In addition to the structures there will be the movement of cars and other vehicles on the site as well as the many activities. This will lead to movement and noise and effect on tranquillity especially to the north- west and west. Lighting is also likely to have a significant impact and there are clear challenges in minimising the impact of cut and fill on a steep site.

The limited amount of tree cover on the site will mean that the development will be exposed to view in the short term. The 8m growth of proposed trees shown in 15 years is the maximum for the fastest species, not for all trees shown in the submission. There would need to be very careful consideration of how to retain the existing tree cover taking into account its condition and the proposed density of development.

Whilst it is acknowledged that the proposals and LVIA have been refined and improved as part of the application process and efforts have been made to try to minimise the likely landscape and visual impact through the siting of uses and structures and landscape mitigation, the proposal will have a **significant effect** both in the short and longer term.

Accordingly, while it is accepted that the development will materially change the character of the area and have a significant effect on the landscape and visual amenity it is considered that the significant harm arising from the development in landscape and visual terms will need to form part of the overall assessment of the proposals ('the planning balance' – see later in report).

## BIODIVERSITY

Having regard to the extensive nature of earthworks, and general scale of built development required in connection with this development, it is clearly apparent from the submitted environmental information that the loss of habitat as a result of the development is a matter of notable importance.

This section of the report thus considers matters relating to ecology / biodiversity impacts, having regard to national policy and guidance and the comments of NRW as a statutory consultee.

## Policy Context

PPW10 emphasises the need to maintain and enhance biodiversity, with para. 6.4.21 noting that :

*“Planning authorities must follow a stepwise approach to maintain and enhance biodiversity and build resilient ecological networks by ensuring that any adverse environmental effects are firstly avoided, then minimized, mitigated, and as a last resort compensated for; enhancement must be secured wherever possible”.*

In summary it states as follows: -

**AVOID** The first priority for planning authorities is to avoid damage to biodiversity and ecosystem functioning. Where there may be harmful environmental effects, planning authorities will need to be satisfied that any reasonable alternative sites that would result in less harm, no harm or gain have been fully considered.

**MINIMISE** Planning authorities should ensure that features and elements of biodiversity or green infrastructure value are retained on site, and enhanced or created where ever possible, by adopting best practice site design and green infrastructure principles.

**MITIGATE** In some circumstances, it will be appropriate to attach planning conditions, obligations or advisory notes to a permission, to secure biodiversity outcomes.

### **COMPENSATE**

When all other options have been exhausted, and where modifications, alternative sites, conditions or obligations are not sufficient to secure biodiversity outcomes, offsite compensation for unavoidable damage must be sought:

This should normally take the form of habitat creation, or the provision of long-term management arrangements to enhance existing habitats and deliver a net benefit for biodiversity. It should also be informed by a full ecological assessment before habitat creation or restoration starts.

Where possible, a landscape–scale approach, focusing on promoting wider ecosystem resilience, should help guide locations for compensation. This exercise will determine whether locations for habitat compensation should be placed close to the development site, or whether new habitat or additional management located further away from the site would best support biodiversity and ecosystem resilience at a wider scale.

Where compensation for specific species is being sought, the focus should be on maintaining or enhancing the population of the species within its natural range.

Any proposed compensation should take account of the Section 6 Duty (Biodiversity and Resilience of Ecosystems Duty), and be accompanied by a long term management plan of agreed and appropriate mitigation and compensation measures.

Finally, where the adverse effect on the environment clearly outweighs other material considerations, the development should be refused.

In respect of Protected Species, PPW notes at 6.4.22 that “the presence of a species protected under European or UK legislation, or under Section 7 of the Environment (Wales) Act 2016 is a material consideration when a planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to the species or its habitat and to ensure that the range and population of the species is sustained”.

Technical Advice Note 5: Nature Conservation and Planning emphasises that:

Biodiversity, conservation and enhancement is an integral part of planning for sustainable development. The planning system has an important part to play in nature conservation. The use and development of land can pose threats to the conservation of natural features and wildlife. Past changes have contributed to the loss of integrity of habitat networks through land-take, fragmentation, severance, disturbance, hydrological changes and adverse impacts.

But development can also present significant opportunities to enhance wildlife habitats and enjoyment and understanding of the natural heritage. The planning system needs to be watchful of the cumulative

effects of a series of small, perhaps occasional, apparently insignificant losses from the natural world, which can combine to seriously deplete the natural heritage, including essential hydrological and ecological system; small scale opportunities for habitat creation and enhancement can be significant and can build into major contributions over time.

In addition, it states that the development control process is a critical stage in delivering the protection and enhancement of nature conservation.

### Assessment - Birds / Nightjar

The surveys within the ES have identified that a maximum 8 no. pairs of Nightjar currently breed on-site. Nightjar are listed as a species of principal importance on Section 7 of the Environmental Act Wales 2016, are Annex I EC Birds Directive 1979 and are on the Amber list of Birds of Conservation Concern in Wales (2016).

The 2004 Status and Distribution of Nightjar in the UK20 estimated the population to be 280 breeding pairs in Wales. Although it is generally recognised that this is likely to have increased in the subsequent years, based on these 2004 figures the estimation of 8 breeding pairs is greater than 1% of the estimated national breeding population. Accordingly, the site is considered to represent a feature of ecological importance at the National scale. Moreover, in the context of LDP Policy EN6 the site would qualify as a SINC.

LDP Policy EN 6: Important Biodiversity and Geodiversity Sites states that:

*Development proposals that would affect Regionally Important Geodiversity Sites (RIGS), Local Nature Reserves (LNRs), Sites of Interest for Nature Conservation (SINCs), sites meeting SINC criteria or sites supporting Local Biodiversity Action Plan (LBAP) or S42 habitats or species will only be permitted where:*

- 1. They conserve and where possible enhance the natural heritage importance of the site; or*
- 2. The development could not reasonably be located elsewhere, and the benefits of the development outweigh the natural heritage importance of the site.*

*Mitigation and/or compensation measures will need to be agreed where adverse effects are unavoidable.*

Having particular regard to nightjar given their s7 status, it is notable that the development would result in the loss of all the habitats that the Nightjar were recorded in during the surveys, through the soil strip and earth works to accommodate the site infrastructure. The remaining habitat left on the site will be on steep somewhat exposed slopes that were not favoured by the species, as evident from their absence in the surveys. The loss of all the nesting habitat for this species will result in a significant adverse impact which would represent a **major adverse impact on a feature considered of National ecological importance.**

Having regard to the advice in PPW and TAN5, discussions have been continuing with the applicants and their agents on biodiversity matters. It has been recognised by the LPA, however that the scale and nature of the development, which has had much to do with the specific choice of this site, is such that it would not be possible to avoid such impacts (step 1). Efforts have thus focussed firstly on the need to minimise and mitigate such impacts in addition to compensating for them.

The opportunity to minimise the impacts is, regrettably, minimal having regard to the extent of earthworks required to deliver this significant development, while the scale of the development is such that the relatively minor habitat retention (in the northern extent of the Site and in localised areas at the eastern extent of site), management and new planting within the site boundary would not mitigate for the loss of Nightjar habitat during construction and operation.

In the absence of any retained habitats which could be used by Nightjar, in order to minimise and mitigate as far as possible against wider habitat loss a range of conditions have been agreed with the applicant which will seek to ensure that best practice site design and green infrastructure principles are adopted as far as practicably, and detailed phasing, Strategic Ecological and Landscape Management Plan (ELMP) and Strategic Construction Environmental Management Plan conditions incorporated. Whilst this may not mitigate against the loss of habitat for nightjar, it will however reduce the impact upon other species of birds which are currently evident on site.

Such conditions will, in summary, seek to ensure that the approach to implementation of the project through detailed reserved matters submissions, through construction and subsequent monitoring 'on the ground' is founded on a strategic site-wide basis, with (for example) each phase (or sub-phase) of development required at Reserved Matters stage to be accompanied by an ecological statement identifying how the submission complies with the objectives of the Strategic ELMP

demonstrating how for that phase of the development, including engineering operations, has been designed to: -

- Minimise habitat loss;
- Maximise provision of replacement habitat;
- Improve connectivity; and
- Maximise opportunities for biodiversity enhancement.

There would also be a requirement to employ an ecological clerk of works or on-site ecologist who would be responsible for over-seeing the creation of replacement habitat and its management both on site and within the off-site compensation areas.

These detailed conditions will not, however, mitigate the impact on nightjar and other habitats, a fact which is recognised within the applicants' environmental submissions. It has therefore been necessary to consider compensation sites, in line with the advice in PPW.

### *Compensation Sites*

To the immediate south of the application site, lies a site within the applicant's control which has previously been granted planning permission (by Bridgend County Borough Council) for a solar farm ("the solar farm site").

The introduction of a habitat management programme on that site could *potentially* increase the carrying capacity of the site providing alternative habitats for displaced birds, partially reducing the impact. However, the carrying capacity of that site has not been proven to be able to accommodate the number of (reptiles and) nightjar necessary, and the ecologist states that it is unlikely that the carrying capacity can increase significantly.

Given that the solar farm site is within the Applicant's control, it is considered that this can be delivered and managed as part of the off-site receptor/ compensation sites requirement. This would be secured through a section 106 legal agreement, which would also need to include a legal commitment not to implement the approved permission (and retain the newly managed habitat).

That off-site compensation site would not, however, fully mitigate the loss of the ground nesting bird (including Nightjar) habitats in the application site, given its size and due to the similar habitat and bird assemblage present in both sites. This is recognised by the ES which

concludes that even with that compensation site there would be a major adverse impact.

Accordingly, having regard to such impacts, the applicants have over a long period of time been in discussions with Natural Resources Wales (NRW) (as landowner / former Forestry Commission) over an additional area of land known as 'Corrwg Bank'. The published NRW long term objectives for Corrwg Bank are to maintain the minimum permissible (20%) tree cover, which would be consistent with the habitat requirements of Nightjar. The opportunity therefore exists through implementation and ongoing management of a structured Habitat Management Plan to increase carrying capacity at the site and offset impacts of the proposed development. Securing and agreeing the management on the Corrwg Bank site therefore has the potential to further reduce the effects - although the applicants acknowledge that some residual adverse impact locally is likely to persist.

Even with this site, however, there remain some unknowns because to date it has not been possible to quantify the extent to which that site could accommodate additional carrying capacity for birds (and reptiles – see later in report).

The ecologist further notes that, even taken together, the Solar Farm site and Corrwg Bank, will not be able to replace habitat/SINC losses to the scheme (as both already have suitable habitat) and, as the carrying capacity is not proven and concerns are that both sites already support similar species, it is considered unlikely that they will be able to sufficiently accommodate the displaced numbers of Nightjar, reptiles and other species from the scheme.

Nevertheless, availability of these sites together with an appropriate habitat creation and management scheme will go some way to address the impacts of the scheme as required by Policy EN 6 and PPW.

While it appears that the discussions with NRW over the use of Corrwg Bank have been positive, to date there has been no written agreement from NRW / Welsh Government. Given the importance of this issue, Council officers have also been engaging with NRW direct on this matter, as have the applicants and their agents, and it is understood that there is a realistic possibility that an agreement could be reached that the site could be used for compensation. Indeed, NRW has recently advised the Council that they are “supportive in principle of exploring the opportunity proposed, which would require commercial

negotiations and potential Welsh Government approval”, which is a considerable step forward in addressing the impacts of the development. Nevertheless, the section 106 process will take some time to conclude which provides sufficient time for the applicants to secure a suitable site.

Notwithstanding this ‘agreement in principle’, there is currently no guarantee that the site can be secured, although the intention in the event of a positive resolution will be for all parties to engage further with NRW as part of the discussions on the required legal agreement to secure the compensation site.

In the alternative, however, in the event that such site is not deliverable, it has been agreed with the applicants that a section 106 legal agreement will include a ‘sequential process’ to address the requirement for off-site compensation, addressing the following sequentially-preferable options: -

**Option 1** (Corrwg Bank + Solar Farm Site)

- A. Inclusion of a clause which would require the applicants and/or their appointed agents to continue negotiations with Natural Resources Wales (NRW) and Welsh Government for a minimum period of six months (commencing from the date of any Committee resolution to grant planning permission, and until the LPA is satisfied the site cannot be delivered or another option is more preferable) to secure Corrwg Bank (or a site of comparable size and characteristics within their control that might be identified) as a compensation site;
- B. Retention of solar farm site in ownership of developer and commitment not to implement extant planning permission or subsequently develop the site;
- C. Submission of an Ecological and Landscape Management Plan (ELMP), including delivery timescales, relating to both the solar farm site and Corrwg bank / additional compensation site, for approval in writing by the LPA (pre-commencement)
- D. Delivery of ELMP within agreed timescales
- E. Commitment to funding of a programme of management and ongoing monitoring for a period not less than 25 years relating to both sites’ ELMPs.

*In the event that the LPA agrees Option 1 is not achievable within that period of time, or in circumstances where the Council is able to identify other land in its ownership which could be managed to provide the necessary (or a greater degree of) compensatory habitat - and considers this to be the most preferable option for biodiversity compensation - Option 2 would be triggered: -*

**Option 2** (Other Local Authority land + Solar Farm Site)

- A. Payment of a financial contribution to the LPA to cover the design and implementation of a ELMP/ HMP over a 25 year period on land within its control; OR the developer to design and implement such an agreed ELMP/ HMP.
- B. Payment of a financial contribution to the LPA (annually over 25 years) to cover any associated land / legal costs related to securing a compensation site. *(any excess from actual costs would be returned)*
- C. Retention of solar farm site in ownership of developer and commitment not to implement extant planning permission or subsequently develop the site, and: -
- D. Submission of an Ecological and Landscape Management Plan (ELMP), including delivery timescales, relating to the solar farm site for approval in writing by the LPA (pre-commencement)
- E. Delivery of ELMP within agreed timescales
- F. Commitment to funding of a programme of management and ongoing monitoring for a period not less than 25 years relating to the site / ELMP.

**Option 3** (Other site + Solar Farm Site)

Should options 1 or 2 not come to fruition, and the LPA agree that such sites cannot be delivered, then the final 'backstop' option would be for the developer to commit to funding for the Council (or themselves) to identify a suitable compensation site. It is essential to acknowledge that this option would only come into effect as a 'last resort', and must not lead to a situation where the option is seen as more favourable / easier option for the developer.

The finer points of timescales and size of site/contributions would need to be clarified within the section 106 legal agreement, which would introduce an appropriate framework to deliver the necessary degree of off-site compensation.

Such a site would need to meet specified criteria to ensure that it accords with PPW, noting the need to ensure that the focus for compensating for specific species (e.g. nightjar) should be on maintaining or enhancing the population of the species *within its natural range*, albeit noting also that reptile mitigation might best be achieved further away in a manner which would best support biodiversity and ecosystem resilience at a wider scale.

In addition to this, the developer would need to either design and implement, or commit to cover the design and implementation of a ELMP/HMP over a 25 year period on such land.

The s106 would also require the other commitments referred to in Options 1 and 2 relating to the solar farm site.

### *Birds - Conclusions*

Subject to the raft of ecological conditions and the sequential approach to compensation detailed above, it is concluded that the impacts of the proposals on the bird populations would be reduced to the extent that, while a residual adverse impact is still likely, these impacts would be acceptable and demonstrate broad compliance with the overarching principles within PPW and the requirements of Policy EN6.

It is noted, however, that even under Option 1 it is possible that the sites combined will not be able to accommodate the displaced numbers of Nightjar, reptiles and other species from the scheme. In this respect, subject to identification of a site, option 2 could be sequentially more preferable. Accordingly, the legal agreement will be drafted to account for implementation of the most preferable option for biodiversity.

Moreover, the legal framework 'Option 3' above is sequentially the least preferable option since this option would be most likely to lead to a situation whereby a compensation site could not be made available prior to development commencing, and thus could lead (as a worst case scenario) to the development failing to adequately mitigate for its impacts as required under PPW and Policy EN6. Accordingly, while the legal agreement framework would seek to ensure that this least favourable option would only come about following a failure on behalf

of the developer, NRW and the Local Authority to address the need for a compensation site, this potential impact thus needs to be considered as part of the overall planning balance.

In any event, PPW advises that the final 'step' in the assessment process, is that where any adverse effect on the environment clearly outweighs other material considerations, the development should be refused. Members' attention is thus drawn to the 'planning balance' section of this report, which seeks to address all of the identified impacts, including the significant biodiversity matters detailed above, and reaches overall conclusions as to whether other material considerations outweigh such identified impacts

### Watercourses

In NPT all watercourses are identified as SINC's. NRW has reiterated its advice at statutory pre-application stage that existing aquatic habitats should be retained and protected by suitable buffers, and that such features could provide focal points within the development. The ES suggests that major re-profiling works are proposed to the small stream that flows to the north-west of the site, including possible re-routing and culverting of the watercourse. NRW note that the stream is both a Section 7 priority habitat under the Environment Act and is designated as a Site of Importance for Nature Conservation (SINC). Article 10 of the Habitats Directive establishes the value of wildlife corridors and states that such networks should be protected from development, and, where possible, strengthened by or integrated within it.

LDP Policy EN 7 'Important Natural Features' states that "Development proposals that would adversely affect ecologically or visually important natural features such as trees, woodlands, hedgerows / field boundaries, watercourses or ponds will only be permitted where:

1. Full account has been taken of the relevant features in the design of the development, with measures put in place to ensure that they are retained and protected wherever possible; or
2. The biodiversity value and role of the relevant feature has been taken into account and where removal is unavoidable, mitigation measures are agreed.

## Habitat Loss / Retention

During the Phase 1 habitat survey and NVC survey several small areas of habitat were identified as Section 7 Important Habitats under the Environment (Wales) Act 2016. These included Dry Heath, Heath – Pteridium mosaic, Wet Heath and Mire. These habitats could potentially qualify as SINC's under *The Wildlife Sites Guidance Wales -A Guide to Develop Local Wildlife Systems in Wales*. The areas of priority habitat are generally located along the northern extent of site, around Pen-Y-Castell, and around the standing water pools in the eastern extent of site. The submitted ES identifies that the development would retain and manage these habitats wherever possible. A habitat loss/retention plan has been produced as discussed at the consultation meeting in October 2018 and forms part of the addendum submission, albeit this identifies the loss of the majority of habitats on site.

## Reptiles

The survey information within the ES identified an excellent population of Common Lizard, which could be considered for SINC designation (Policy EN 6 refers). The Ecology ES Chapter identifies the reptile population as being of local importance due to the other areas of similar habitats supporting populations of reptile species in the County.

The principles of the mitigation strategy set out within the submitted ES (i.e. a combination of habitat retention and off-site translocation) require both the solar farm site and another off-site compensation site, along with a phased and directional vegetation clearance to retained areas. These measures would seek as far as possible to offset the adverse effect on the reptile population providing managed and enhanced receptor sites for the species in order to satisfy LDP Policy EN6. Nevertheless it is acknowledged that even with the detailed conditions which will seek to address such impacts, there is limited habitat retained on site, with compensation site carrying capacity still to be proven.

As is the case for nightjar, conditions and other mitigation measures can only go so far. For example the retained habitat on the Site (northern extent) and off-site compensation area (Solar Farm site) are not adequate to receive the population of reptile from the site footprint, especially as these habitats already have a similar composition of reptile species and the carrying capacity is unknown. The risk of a significant adverse impact therefore remains given the significant loss of habitat on the Site and uncertainties regarding carrying capacity of the mitigation areas (i.e. retained northern habitats and Solar Farm site).

Accordingly, given that the additional site at Corrwg Bank, while feasible, is not guaranteed at this stage, the sequential approach to off-site mitigation within the section 106 measures identified above, are also required to reflect the need for compensatory habitat creation relating to reptiles. Subject to these measures, the securing of a receptor site would reduce the risk of a significant adverse impact on the species, and thus accord with Policy EN 6. Nevertheless, it remains the case that the impact on reptiles may not be fully mitigated by conditions and the legal framework within the section 106 agreement, such that the impact on reptiles as a protected species must be considered as part of the overall planning balance.

## Bats

A number of targeted protected species surveys were conducted in 2017 and woodlands were assessed for their bat roosting potential, with the ES noting that the unenclosed predominantly upland habitats onsite were considered to be of low potential for foraging bats.

Although there has been some discussion over survey methodologies employed, it is generally accepted that the site has low potential, albeit there will be impacts as a result of the clearance of the site.

In terms of lighting, the Council's ecologist has raised concerns that the submissions do not provide sufficient assurances that there would be no unacceptable impacts upon nocturnal wildlife from lighting. The submissions (at Appendix 9.10) highlight the approximate location of a Dark Corridor for Bats, although this is clearly only indicative due to the Outline nature of the application. Their ecologist has since noted that any retained and planted trees/ vegetation within these areas will be maintained in darkness for foraging mammals and birds, noting also that relatively low levels of bat activity were recorded at the site, with most activity attributable to Pipistrelle species which are relatively tolerant of artificial lighting.

The Council's ecologist remains concerned that retaining 'odd bits of vegetation in darkness' would not translate to be a corridor, nor necessarily provide mitigation as indicated. Nevertheless, it is considered that a condition requiring a lighting strategy to be agreed, which would inform development of the reserved matters submissions, would allow the Council to minimise such impacts as far as possible through detailed design.

## Impact on Peat

The submitted 'Summary of Findings in Relation to the Initial Peat Survey' (Aecom, 17 May 2018) suggests that deep peat is relatively localised on the proposed development site. The report also states that due to the size of the study site the results should be considered preliminary, and that the conclusions should only be taken to represent the locations investigated which did not cover the entirety of the proposed development site.

Terra Firma Wales Ltd who carried out the relevant survey on behalf of Aecom stated that a more comprehensive site investigation of the site will be initiated, but only once outline consent has been granted. Such a comprehensive investigation will, of course, be critical to inform the final site layout as all areas of peat should be avoided or impacts fully mitigated within the final design.

The further environmental information has updated the masterplan to "maintain the peat and mire around the eastern standing water pools", while also suggesting that the phased reserved matters applications can be accompanied by the necessary geo-technical report together with a peat management plan.

NRW advises that it is for the LPA to consider whether this revised approach to minimise the impact of the proposed development will have on peat is appropriate. In this regard, it is noted that in the absence of a detailed geotech survey for the whole of the site – which would be commissioned post-outline approval to inform detailed submissions - it is not possible to fully quantify the impact. Nevertheless the masterplan indicates retention of the known areas, and subject to a condition requiring any reserved matters application to be accompanied by geo-tech report for that phase plus a report demonstrating that impacts on peat have been minimised, including siting of lodges/ buildings etc. outside of any areas of deep peat, together with a Peat Management Plan, it is considered that the impacts would be acceptable or could be adequately minimised.

## Biodiversity Conclusion

The assessment above has concluded that there would, in the absence of mitigation / compensation, be significant adverse impacts in terms of the loss of habitat for nesting birds, notably nightjar, and reptiles. Subject to a suite of ecological conditions, and a broad framework to be secured through a legal agreement to deliver suitable off-site compensation site with appropriate habitat management (and subject to the caveat in the report relating to option 3 above), it is concluded that the impacts of the development both during and post construction and ongoing future management and monitoring can address some or many of the adverse impacts to an acceptable degree. Accordingly, it is concluded that the proposed development would broadly accord with the policy objectives of PPW and with LDP Policy EN6.

## TRANSPORT

A [Transport Assessment](#) (TA) accompanies the application which considers the capacity of the highway network and its suitability to accommodate the proposed development. An [Addendum](#) has also been provided in response to issues raised by Bridgend CBC and NPT's highway engineers.

The following assessment considers the issues of access points, vehicle access routes and traffic generation, having regard to the transport submissions within the TA as updated.

### *Access onto Brytwyn Road and Pen Y Bryn*

To facilitate safe access and egress to the development it is proposed to construct a new vehicular access in the form of a traffic signalled junction off the A4107 Brytwyn Road to the west of the site which will be the main access for visitors. The submitted details indicate a short section of footway on each approach to the junction to allow for future maintenance of the traffic signal equipment with no pedestrian access to the site from this proposed junction.

The staff car park, welfare accommodation, canteen and offices will be located on the eastern side of the site adjacent to the B4063 Pen y Bryn. In addition to this it is also proposed to locate a central delivery reception point which will receive deliveries to the site. Therefore, it is proposed to upgrade this access which will incorporate a footpath along its northern side.

Taking into consideration the predicted number of guest vehicular movements per changeover day i.e. either a Monday or Friday (approximately 1980 two way) and staff vehicular movements (approximately 944 two way), and following clarifications and related design amendments within the addendum, the Head of Engineering & Transport raises no concerns with regards to highway and pedestrian safety at the two proposed access points, subject to conditions dealing with specific design matters.

### Proposed Access Routes

The proposed TA assessed the impact of the development on the operation of key junctions on the local highway network which includes the following:

- Junction 1: M4 Junction 40- January 2017;
- Junction 2: Heilbronn Way/Prior Street roundabout- January 2017;
- Junction 3: Heilbronn Way/Cwmavon Road priority junction- January 2017;
- Junction 4: Cwmavon Road/London Row priority junction- January 2017;
- Junction 5: London Road/Ynysygwas Hill priority junction- January 2017;
- Junction 6: Ynysygwas Hill/Afan Valley Road traffic signal-controlled junction- January 2017;
- Junction 7: A4107/B4282 traffic signal-controlled junction- January 2017;
- Junction 8: A4063/Maesteg Road/A4107 Station Road/Lloyd's Terrace;
- Proposed main site access onto Brytwn Road- January 2017; and
- Proposed staff and service vehicle entrance on to the A4063 Pen Y Bryn –January 2017.

In addition, the TA has assessed the predicted increase in traffic and the impact on highway capacity and road safety. It indicates that junctions 2, 3 and 5 will experience increases in traffic flows of between 0.2% and 4.6%. Therefore, the majority of existing and proposed junctions have sufficient capacity to accommodate base traffic flows to 2039 together with the additional traffic generated by the development. The assessment indicates that there would be a negative impact on J40, although the increase in traffic flows as a result of the development at this junction are less than 5%.

In response to comments received from The Head of Engineering and Transport (Highways) in respect of the design of the main access, proposed traffic signing, information contained in the Transport Assessment in relation to discrepancies in traffic flows and capacity of the main access, increase in the size of the visitor car park and impact of construction traffic and visitor's traffic at the M4 junction 36 (Sarn) and along the A4063 between the site and the M4 to the south, the Applicant has submitted an Addendum to the Environmental Statement.

The Addendum concludes that the new footways within the vicinity of the proposed access are intended purely for highway maintenance purposes. The access is intended solely for guests in their vehicles as there is no pedestrian network on the A4107.

Traffic flows within the vicinity of the access have been clarified. The figures contained in the ES were based on a 5 day weekly flows rather than the 5 day average which generates a significantly lower flow rate, the revised results indicate that the proposed junction operates within its theoretical capacity up to and including the 2039 'with development' scenario with a maximum degree of saturation of 28% and queue of 2 PCUs (cars) on the A4107 Brytwn Road(s) approach to the junction in the PM peak.

In respect of the size of the proposed 650 space visitor car park the addendum has stated that up to 15% of the lodges will be accessible, with guests parking adjacent to their lodge. This will reduce the overall parking demand within the car park by 82 vehicles (assuming the park is operating at 91% capacity). Accordingly, the proposed 650 spaces will have sufficient capacity to accommodate the likely parking demand (assuming 91% capacity).

In response to the initial concerns raised by Bridgend County Borough Council in respect of the lack of assessment in relation to J36 of M4, impact on A4063/Bryn Rd signalised junction and the use of A4063 for linked trips to Cardiff, the Applicant has subsequently met with both the Highways Officers of this Authority and Bridgend.

The transport addendum has considered circumstances where visitors might choose to use the J36/A4063 route, identifying that the anticipated volumes of long distance visitor trips generated by the development during the changeover day (i.e Monday or Friday) could generate 42 vehicle movements (two-way) to/from the east during the am peak period, and up to 62 vehicle movements (two-way) to/from the east during the pm peak period.

The addendum thus identifies that the number of vehicles using the A4063 (via M4 jctn 36) to access the site will be small, and BCBC have raised no objection on traffic grounds, subject to conditions addressing (in particular) signage.

In respect of motorway / directional signage, Members are advised that initial contact with SWTRA indicates that the development would be classed as a 'tourist attraction/destination' and therefore could be signed using brown on white tourism signs. Furthermore, the operator/developer can apply for tourism signing in advance of the attraction/destination opening using projected visitor numbers supported by their business plan. The operator/developer would be responsible for funding the design, manufacture and installation of the signs which would then become the responsibility of the highway authority. Signs in advance and on the M4 would only be provided in the case the destination meets the criteria in the motorway and trunk road tourism sign application, and if continuity signing was provided on the county road network.

In this regard, it is considered that measures (suggested by the Applicant) to inform guests of the route to access the site, which can be secured by an appropriately worded condition, will ensure that the preferred route is used and reflect the minimal impact on the highway network in Bridgend. In addition, such condition will seek a scheme to provide appropriate signage on the motorway (subject to SWTRA/Welsh Government approval) and strategic road networks to direct guests via Junction 40 of the M4.

### Parking Provision

In terms of parking provision it is proposed to provide a 650 - space car park on site for guests and visitors located at the south western corner of the site, and accessed via Brytwyn Road together with a 250- space car park for staff located at the south -eastern corner and accessed off Pen y Bryn.

The Addendum to the ES further clarifies that up to 15% of the lodges will be accessible, with guests parking adjacent to their lodge. As a consequence this will result in a reduction in the overall parking demand within the car park by 82 vehicles based on the park operating at 91%capacity.

It is therefore considered that adequate parking is incorporated to serve the development.

### Impact on Public Transport

The scheme proposals do not affect public transport provision. It is anticipated that by virtue of the nature of the development an increase in people using local buses would occur, consequently and in accordance with national and local sustainability principles the development would have a positive impact on the operation and capacity of the local bus network.

### Impact on Pedestrians and Cyclists

Paragraph 3.12 of PPW states:

*“Good design is about avoiding the creation of car based developments. It contributes to minimising the need to travel and reliance on the car, whilst maximising opportunities for people to make sustainable and healthy travel choices for their daily journeys. Achieving these objectives requires the selection of sites which can be made easily accessible by sustainable modes as well as incorporating appropriate, safe and sustainable links (including active travel networks) within and between developments using legal agreements where appropriate.”*

Paragraph 3.13 further states:

*“Existing infrastructure must be utilised and maximised, wherever possible. Where new infrastructure is necessary to mitigate transport impacts of a development and to maximise accessibility by sustainable non-car modes, it should be integrated within the development layout and beyond the boundary as appropriate. This could include works to connect cycle routes within a site to a wider strategic cycling network or provision of bus priority measures on highway corridors serving a new development.”*

The proposals will increase the level of pedestrian movement in proximity of the proposed junction with the nearest designated cycle routes (National Cycle Routes 887 and 885) located along the northern and eastern boundaries of the site respectively.

Connectivity to the local NCN is a notable issue raised by Sustrans who refer to linkages to both route 887 which bounds the western edge of the site and Route 885 the eastern. In considering such matters, the Authority also has undertaken significant work in recent years on its Existing Route Map (ERM) and [Integrated Route Map \(IRM\)](#) under its Active Travel obligations.

Having reviewed the opportunities to facilitate and enhance access to the connected routes, it is noted that access to the north would be very difficult to achieve due to levels etc. However, NCN885 provides connectivity from the eastern entrance. In this regard, to improve connectivity it is recommended that the proposed footway/crossing point is re-located to the other side of the junction which along with an increase in width of the footway on the opposite side and into Brynheulog Road, would facilitate a connection onto NCN Route 885, which runs north from Brynheulog Road.

The active travel plan Integrated Network Route Map has also identified that the nearest route (NCN885) requires improvements. Accordingly, and in line with the Authority's Supplementary Planning Guidance - Planning Obligations and TAN 18 (Transport), a s106 would seek a contribution via a legal agreement to facilitate access to and improvements to this route.

Bridgend CBC have only recently requested a scheme for the provision of a Pedestrian and Cycle Active Travel route linking the staff access to the connection of the existing NCN route 885 to the A4063 approximately 118m North East of 30 Bryn Terrace, Caerau. The proposed route is however on an incline and approximately 400m in length along an existing highway with embankments on either side, and with no proposals having been put forward which would demonstrate the design and associated costs of such a scheme. While it is accepted that such a link would have benefits in linking the settlement to the south with the staff access / site, given the length and likely requirement for retaining works to facilitate such a route, it is considered that it would be difficult, at this very late stage in proceedings, to request such a link be provided in the absence of the above details.

In order to ensure that the detailed design of the site layout promotes alternative modes of transport including linkages to the existing cycle network, conditions and a legal agreement are thus recommended which seek to ensure a connection and improvements to the NCN885 route.

### *Green Travel / Transport Plan*

The application has been accompanied by a [Travel Plan](#) which comprises a long-term management strategy that seeks to promote sustainable travel and identifies an appropriate package of initiatives and measures to achieve this. It also includes an action plan to implement those measures and monitor their success.

The main reasons for implementing a Travel Plan at Afan Valley Adventure Resort are stated as being:

- To demonstrate the organisation's corporate social responsibilities with regards the environment and encourage guests and employees to do the same;
- To understand and reduce the organisation's carbon footprint arising from travel to and from the site;
- To manage the transport impacts of the development, including parking, for the benefit of staff and visitors;
- To reduce congestion from travel to and from the site for the benefit of the environment and community;
- To improve business efficiency and equality of access for staff and visitors; and,
- To encourage and enable more sustainable travel.

Amongst other measures, the Travel Plan includes implementing a staff transport strategy, most likely with minibuses or coaches picking up at designated locations at specific times to coincide with shift patterns. Staff travelling by car will also be encouraged to car-share.

For a development of this scale, it is considered essential that a Travel Plan is implemented, with appropriate monitoring throughout the operation of the development (not just limited to a 5 year period as is the case for smaller developments). It is also considered that, while a Plan has been submitted, this should be updated no less than 6 months prior to the first operation of the Resort and a Travel Plan Co-Ordinator appointed at that stage. A condition to this effect is recommended.

In addition to the above, it is considered that the Travel Plan should be extended further to require an extension of the transport strategy to incorporate details of how the Resort transportation could be utilised to encourage visitors to the resort to use nearby train stations (such as Port Talbot and Maesteg). This would have the joint benefit of encouraging more sustainable choice of transport for visitors, while also increasing the potential for related trips / benefits etc. to nearby centres.

### *Transport Conclusions*

Having regard to the above, and subject to conditions, the Head of Engineering and Transport (Highways) is satisfied that the transportation impacts of the proposals, both during construction and

operation, would be no demonstrable adverse impact on the existing highway network and no adverse impact on highway and pedestrian safety.

It is further considered that the proposed conditions will ensure that the design of the proposed access arrangements and internal access road and their delivery are undertaken in a phased manner, commensurate to the proposed level of development.

It is therefore concluded that the proposal during the construction and operational phases of the development will not result in any unacceptable impacts upon highway and pedestrian safety which cannot be mitigated by conditions and accords with the provisions of Policies SP20 and TR2.

### IMPACT ON PUBLIC RIGHTS OF WAY

There are currently a number of public rights of way that fall within the application site. In the western part of the site there are two bridleways (BR43 and BR44 Glyncorrwg) that run parallel to each other. They diverge from 1 route and merge together before exiting the site. In the eastern/central part of the site there is a bridleway (BR42 Glyncorrwg) that enters the site to the north off Brytwyn Road and runs easterly behind the school before south west through the site entering Bridgend. A footpath (FP66 Glyncorrwg) branches off this bridleway and runs due south into Bridgend.

Originally the submitted plan proposed to divert a section of BR43 and BR44 onto one new Bridleway. The new length of the diverted bridleway was approximately 900 metres. It was also proposed to divert FP66 onto a path within the eastern boundary of the site before crossing outside the site at the second entrance and running within the southern boundary of the site before entering Bridgend. The Footpaths Officer assessed these proposals, raising initial concerns but providing advice in order to address these concerns as far as possible. These included advising that the shortfall of the proposed diversion of BR43 and BR44 could be accommodated by the creation of a link to the south of the primary access.

In addition, given that the proposed diversion of FP66 would have resulted in it falling outside the site boundary and along an adopted highway, this was required to be brought within the site. Finally, due to the slope of a section of the new route of BR43 and BR44 - which was approximately 23% at its steepest compared with the current gradient

which ranges from approximately 11.6% to 16% - the detailed layout of the site needed to demonstrate a more acceptable diversion.

The Applicant has since amended the scheme which now indicates that the Public Rights of Way are fully contained within the site boundary and BR44 extended to maintain overall length together with a reduction in its gradient. The Footpaths Officer has assessed these revised proposals and is satisfied that the proposed amendments to the existing footpaths and bridleways within the site including the retention of BR42 which dissects the site from north to south are satisfactory.

The site's location, in terms of proximity to cycle and footpath networks allows for a holistic integration and actively encourages alternative means of transport for those visiting and working on the site. Policy TR2 refers to cycle ways and footpaths, and it is considered that the provision of linkages to and from this site referred to earlier in the report would lead to overall improvements in connectivity in the area as a whole.

In response to representations, it is further noted that Public Rights of Way must remain open and unobstructed at all times until the necessary statutory procedures which authorise closure or diversion of the path(s) are complete. Even if planning permission is granted this does not entitle a developer to obstruct, interfere with or move a Public Right of Way.

### LAND STABILITY AND COAL MINING

The Coal Authority has reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area, therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The Coal Authority records indicate that there are four mine entries and their resultant zones of influence within the site. The site is also in an area of recorded and likely unrecorded coal mine working at shallow depth.

The Coal Authority have reviewed the ES and concurs with the recommendations of the Coal Mining Risk Assessment Report (CMRA) in that the coal mining legacy potentially poses a risk to the proposed development and that appropriate mitigation measures can sufficiently address this risk.

These include: -

- The need to agree nature and extent of intrusive site investigation works and undertake these prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.
- The findings of the intrusive site investigations should inform any remedial measures which may be required.
- Any remedial works to treat the mine entries and areas of shallow mine workings must be undertaken prior to the commencement of the development.
- Need for development layout to be informed by location of the mine entries in order to ensure that adequate separation is provided between these features and any buildings proposed.
- Need to give due consideration to the potential risk posed by mine gas to the proposed development.
- Due consideration to the prior extraction of any remnant shallow coal as part of any mitigation strategy, in line with National Planning Policy.

It is considered that in view of the above, such matters can be satisfactorily addressed by suitably worded conditions which require reserved matters applications to be accompanied by the results of intrusive geological investigation works (which may be phase specific but would most likely cover the whole site) together with any remedial works which may be required.

The submissions also indicate that two recorded landslip areas are located within the application boundary (Nos AA17 & AA18 (south Wales Coalfield Landslip Survey)). Noting that the landslip survey was carried out in the late 1970's, they conform that an up-to-date geomorphological survey of the slips will be carried out as part of the detailed ground investigation works package to be instigated following the granting of outline planning. It is further noted that the landslips are shallow translational and not deep seated, and that engineering solutions for working on such landslips can be achieved.

As a consequence, subject to conditions it is considered that the proposal does not conflict with Policy EN8 of the Local Development Plan.

## NOISE

Policy EN 8 seeks to ensure that any proposals which would be likely to have an unacceptable adverse effect on health, biodiversity and/or local amenity or would expose people to unacceptable risk will not be permitted. This includes from noise pollution.

In specific reference to developments which could create noise, TAN 11 states at Paragraph 8 that "Local planning authorities must ensure that noise generating development does not cause an unacceptable degree of disturbance. They should also bear in mind that if subsequent intensification or change of use results in greater intrusion, consideration should be given to the use of appropriate conditions."

An assessment of the potential noise and vibration impacts has been completed in respect of both the construction and operational phases of the development and starts by setting out the Planning Policy context for the development. In Wales the relevant planning technical advice note for noise is TAN 11, however the applicant's submissions state as follows: -

*"TAN 11 is out of date. The standard largely mirrors the content of the now cancelled Planning Policy Guidance Note 24 (PPG24) and does not contain any specific guidance, nor does it detail specific methodologies for assessment, instead referring to other British Standards, many of which are now cancelled or replaced with newer versions. As such, the content of TAN 11 has been afforded little weight here".*

While TAN 11 dates from 1997 and does contain references to superseded British Standards, TAN 11 was subject to a review by Welsh Assembly Government in 2015 and a letter from the Minister for Natural Resources was sent to Local Authorities outlining changes to TAN 11 to reflect the changes that had occurred since the original publication of the document.

As the Applicant believes TAN11 to be "out of date", they have made reference to the Noise Policy Statement for England in assessing the impact of noise from this development, however this document was published in 2010 and therefore predates TAN11 (as amended in 2015).

Notwithstanding the above, the Environmental Health Officer has been in discussions with the applicant's Acoustic Consultants who produced

this chapter to clarify the policy issue. They accept that TAN 11 is the relevant document for the consideration of the noise effects from the development, however they decided not to produce an amended version of the report, as the concept of Observed Effect Level in the Noise Policy Statement for England is a simple concept for lay persons to use to put noise impacts in context. The assessment of noise impacts contained within this chapter is however made against the British Standards, Planning Policy documents and other guidelines relevant to developments in Wales.

The Environmental Health Officer agrees with the proposed assessment methodologies and criteria, with the exception of the NPPF Guideline Noise Levels for Minerals Extraction referenced in paragraphs 12.33-12.35, noting that this methodology and criteria should be replaced by the noise requirements from Minerals Technical Advice Note (Wales) 1: Aggregates. While acknowledging that this is not a minerals development, the EHO advises that this document is more applicable to this development given the nature and scale of earth movements/ operations associated with the development and its semi-rural location.

The basis of all noise impact assessments is to establish the current baseline noise levels. Measurement surveys were undertaken at 7 locations agreed between Environmental Health and the Applicant as being representative of the nearest noise sensitive residential receptors around the site. These were as follows: -

- North-Western boundary of site to the East of Cynonville;
- North-Western boundary of site to West of Duffryn Rhondda;
- North-Eastern boundary of site to the West of Cymmer;
- North-Eastern boundary of site to the East of Cymmer and to the North of Croeserw;
- Eastern boundary of site to the South of Croeserw;
- Northern boundary of site to the West of Cymmer.
- Railway Terrace, Cymmer.

These identified a maximum (day time) background noise level measurement of 44.9  $L_{A90}$  (down to 30.8  $L_{A90}$ ). The local noise environment is predominantly road traffic noise and it is notable that the differences between existing  $L_{A90}$  (background noise level) and  $L_{Aeq}$  measurements (effectively an 'average' noise level) are in the range of 15-20dB at most monitoring locations (i.e. when it is quiet it is quiet, and when traffic in particular passes receptors, it is noisy).

## *Construction Operations*

The ES identifies that the construction period (Phase 1) will be in the region of two years. For such a period, therefore, there will be disruption due to construction noise, although as noted in the ES this is generally a localised phenomenon and is temporary in nature.

It is further stated that only people living within 100m of the site boundary or the site access points are likely to be significantly impacted by construction noise. In some cases, there are noise sensitive receptors within 20m-30m of the site boundary. However, the steeply banked sides of the site and the general proposed layout of the development mean that construction operations only come within 75m of existing residential properties near the eastern boundary, closest to Croeserw, during the construction of access points and some of the lodges. Construction noise has therefore been assessed at these receptors.

The commonly applied method for determining construction noise limits is contained in Annex E of British Standard BS5228-1:2009, and this sets a maximum noise level from construction works at nearby dwellings during daytime working hours of 65dB,  $L_{Aeq}$

Due to the quiet semi-rural location and the proposed volume of earthworks that would be necessary on site, the Environmental Health Officer has agreed with the Applicant that limits based on Minerals Technical Advice Note (Wales) 1: Aggregates are more appropriate in this case. This would result in a noise limit at the receptors described above of 49dB,  $L_{Aeq}$  that is 10dB above background, however the Applicant has suggested a limit that is 5dB above background instead. Appropriate conditions have therefore been recommended by the EHO which incorporate specific noise limits at each noise sensitive receptor. For example, the receptor no. 5 (Eastern boundary of site to the South of Croeserw – Pen y Bryn Rd) is of most concern during construction of the access road nearby, and in this regard that limit is set at a lower limit of 44 dB  $L_{Aeq}$  (1 hour) freefield.

It has been estimated that peak noise impacts during development will exceed this limit. MTAN1 however recognises that during short term or temporary works in quiet locations, an increased noise limit of 67dB,  $L_{Aeq}$  may be allowed for a maximum of up to 8 weeks in a 12-month period. This exemption should only be used for planned exceptional works and not as an excuse for breaching noise limits during normal operations. Whilst the Environmental Health Officer agrees with this

approach, and has recommended a condition to this effect, a maximum temporary noise limit of 65dB  $L_{Aeq}$  is recommended in line with BS5228 limits.

In order to protect the amenity of nearby residents during construction the EHO has also recommended the need for a Construction Noise and Vibration Management Plan.

Subject to the conditions referred to above, it is concluded that the proposed development during construction would have no unacceptable impacts such that the development would comply with LDP Policy EN8.

### *Traffic Noise Impacts*

During construction, it would be expected that in addition to the significant earthworks, there would be a significant number of HGV movements associated with the construction period (e.g. materials, lodges etc), all of which could have a local impact.

While no specific assessment of traffic noise during the construction phase has been undertaken, as explained above noise levels from traffic already exceed the relatively low background noise levels, and given that the movement of vehicles would be transitory in nature, and there would be a Construction Method Statement in place, the impacts from construction traffic would not be unacceptable for a development of this scale.

A Road Traffic Noise Assessment has been undertaken in accordance with the Calculation of Road Traffic Noise (1988) (CTRN) methodology and based on the results of the Transport Assessment. Traffic noise impacts have been predicted for 2020 and 2024 at 4 locations to reflect partial and full resort development scenarios, and noise impacts are predicted at less than 0.5dB  $L_{A10}$ . Consequently, the likely traffic noise impact of the development is negligible.

### *Operational Activity / Noise*

In addition to the (negligible) traffic noise experienced during peak transfer periods, there are a range of activities proposed at the site, as detailed in the 'description of development' section above (which while not exhaustive they nevertheless provide an outline of the proposed activities).

As the detail of the facilities and activities on site are not yet known, it has not been possible for the acoustic consultants to undertake a detailed assessment of these noise sources. It has been explicitly stated, however, that all of the vehicles to be used in the 'Trax and Trails Village' are to be electric (which can be considered as part of the operational noise management plan). As such, no engine noise issues are anticipated. It is further the case that details of permanent building services / plant to be installed as part of the development are not available at this stage.

Given the outline nature of the application, it is instead considered appropriate to set a general noise limit principle to be applied to the development to guide the later detailed design stages. This approach has been agreed with the Council's EHO.

It is proposed in the Environmental Statement to adopt a noise limit based on the principle of *Lowest Observed Adverse Effect Level (LOAEL)*, (as referred to in the Noise Policy Statement for England). For this development the LOAEL is drawn from British Standard BS4142:2014 methodology and criteria, and is considered to be a Noise Rating Level of 5dB above the existing background.

A Noise Rating Level is set in terms of dB,  $L_{Aeq}$ , and as noted above the existing  $L_{Aeq}$  measurements are already in the range of 15-20dB above the existing background noise level at most receptor locations, meaning that this is a very stringent noise limit. The Acoustic Consultants are satisfied however that the distance and topography between the noise sources and receptors mean that the limits should be achieved.

Conditions are thus imposed which relate to strict noise limits at each receptor which would relate to all operational noise. For this reason no specific limitation has been proposed by the EHO relating to sporadic events.

In addition to such specific noise restrictions, in order to satisfactorily control operational noise a suitably worded condition is imposed requiring the submission of an Operational Noise Management Plan to be submitted as part of the first reserved matters application.

In view of the foregoing, subject to the detailed noise conditions referred to above to control construction and operational activities in the interests of local amenity, it is considered that the proposal would not lead to unacceptable levels of noise to warrant refusal of the application

on these grounds and accords with Policy EN8 of the Local Development Plan.

## AIR QUALITY

The Authority has designated an Air Quality Management Area (AQMA) for the Margam / Taibach area due to elevated concentrations of particulate matter (PM10) attributable to industrial emissions. The Application Site is approximately 10 km to the north of the designated AQMA. The neighbouring Authority of Bridgend County Council has not designated any AQMAs.

For the construction phase, the most important consideration is dust. Without appropriate mitigation, dust could cause temporary soiling of surfaces, particularly windows, cars and laundry. The mitigation measures proposed include the provision of a Dust Management Plan and Waste Management Plan which seek to ensure that the risk of adverse dust effects is not significant.

The ES also states that the effects of exhaust emissions from construction-related vehicles are also not likely to be significant as the number of Heavy Goods Vehicles does not exceed the Environmental Protection UK (EPUK) and Institute of Air Quality Management (IAQM) threshold criteria for an assessment.

For the operational phase, arrivals and departures from the development may change the number, type and speed of vehicles using the local road network. Changes in vehicle emissions are the most important consideration during this phase of the development.

Detailed atmospheric dispersion modelling has been undertaken for the first year in which the development is expected to be fully operational (2024). Pollutant concentrations are predicted to be within the relevant health-based air quality objectives at the facades of proposed receptors.

The operational impact of the Proposed Development on existing receptors in the surrounding area is predicted to be “negligible” taking into account the changes in pollutant concentrations and absolute levels.

Overall, the ES concludes that the operational air quality effects are considered to be ‘not significant’ overall.

The Environmental Statement has been assessed by the Council's Air Quality Officer who has advised that the correct air quality issues have been addressed in accordance with the relevant guidance. Therefore, he concludes that it is unlikely that there will be a significant problem with pollutants such as NO<sup>2</sup> and PM<sup>10</sup> arising from the development.

It is further considered that the applicant has adequately addressed the potential impacts upon air quality from the proposed development. Whilst it is accepted that traffic generation and construction machinery can be assessed with a reasonable degree of certainty, it is noted that this application is made in outline. To this extent the detailed design of any energy plant within the site may vary. Nevertheless the information submitted provides an overview of potential impacts in sufficient detail, such that it is considered that the site as a whole can be developed without impacting upon air quality, human health, ecosystems and habitats.

The proposal subject to a Construction Method Statement condition would therefore be acceptable in terms of air pollution and accords with Policy EN8 of the Local Development Plan.

## ARCHAEOLOGY AND CULTURAL HERITAGE

Planning Policy Wales states at Paragraph 6.1.9 "that any decisions made through the planning system must fully consider the impact on the historic environment and on the significance and heritage values of individual historic assets and their contribution to the character of place".

TAN 24: The Historic Environment, elaborates by explaining that there is a presumption against proposals which will have a significant impact on the setting of remains.

The ES addresses the potential effects on the historic environment that may arise as a consequence of the built development, and [identifies historic assets](#) including: -

- Eight sites recorded on both the Glamorgan Gwent Archaeological Trust Historic Environment Record and the National Monuments Record are located within the development boundary. A further eleven sites within the boundary were identified during the Upland Survey.

- A Bronze Age burial mound, the Glyncymer cairn, lies within the eastern part of the development area which is of high archaeological importance.
- A second possible cairn site was identified close by during the Upland Survey. It is proposed that the cairn site will be left undeveloped.
- The line of the trackway known as Heol y Moch or Pig's Walk crosses through the centre of the site, aligned northeast to southwest which is recorded as a medieval trackway, but is very likely to have prehistoric origins. This is of high archaeological importance.
- The site area contains a number of post-medieval agricultural features, including the remains of Pen y Castell farmhouse, sheepfolds and field boundary walls. These have all been significantly disturbed through recent forestry activities. The remains of Pen y Castell farmhouse are the most archaeologically important of these features.
- Located within 3km Zone of Theoretical Visibility of the application is the scheduled ancient monument GM232 Mynydd Caerau Round Cairns (the application site is located 2.9 km north-west of this). The ES concludes that there would be a low impact on the setting of this scheduled ancient monument, a view endorsed by CADW.

The Glyncymer cairn and the alignment of the Heol y Moch trackway within the site boundary will be retained, although the latter may be lowered in places to allow bridging of roadways and paths through the Adventure Resort across it.

In terms of mitigation for setting and visual impacts on the surrounding historic assets of moderate and high importance, the submissions indicate that design and planting schemes will go some way to reducing any adverse impacts, but cannot remove them completely.

As the submitted archaeological desk based assessment identifies a number of archaeological sites of significance within the proposed development area could be impacted upon, GGAT confirm that further archaeological work prior to development will be required to mitigate the impact. To this extent they recommend a condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource.

The required programme of work would take the form of, but not be limited to, photographic and topographic survey, buffer zone fencing around significant monuments not impacted by development, a watching brief during the groundworks required for the development, with detailed contingency arrangements including the provision of sufficient time and resources to ensure that any archaeological features or finds that are located are properly investigated and recorded.

The conclusions of the ES is that the proposal would have a neutral effect on the historic environment, a view endorsed by CADW and Glamorgan Gwent Archaeological Trust who have raised no objection to the proposal. The proposed development is therefore not in conflict with Policy SP21.

### LAND CONTAMINATION

Planning Policy Wales states at paragraph 6.9.18 that development management decisions need to take into account:

- The potential hazard that contamination presents to the development itself, its occupants and local environment; and
- The results of specialist investigation and assessment by the developer to determine the contamination of the ground and to identify any remedial measures required to deal with any contamination

Where significant contamination issues arise, the local planning authority will require evidence of a detailed investigation and risk assessment prior to the determination of the application to enable beneficial use of land. Where acceptable remedial measures can overcome such contamination, planning permission may be granted subject to conditions specifying the necessary measures. If contamination cannot be overcome satisfactorily, the authority may refuse planning permission.

Policy SP16 refers to proposals that would be prejudicial to or would materially affect the quality of controlled water. Additionally Policy EN8 requires an assessment of the potential impacts of former uses on sites where contamination is known, or could be present. These Policies both offer protection to controlled waters and human health from contamination, but also an obligation for any development to remediate any existing contamination to a level commensurate to the uses proposed without impacting detrimentally upon the wider environment.

The ES has identified that there has been limited historical potentially contaminative activities identified on the site, however a number of potentially significant project risks have been identified from natural ground gases, the presence of extensive mine workings, the Cymmer tunnel which passes through the centre of the Site and the classification sandstone bedrock present beneath the site. The site potentially poses a moderate adverse risk during construction to waters present in the ground, site users and the building structures. During operation, potentially major adverse risks exist to human health and building structures without any mitigation measures being in place.

A range of mitigation measures are proposed which may be applicable to the risks identified, and which aim to mitigate the risks to a 'not significant' level whereby the site will be suitable for the proposed use. Such measures include investigation of the current ground conditions with regards contamination and ground gas issues and the location and condition of historical shallow mine workings to inform detailed design and remedial measures which will be required to be undertaken.

The Authority's Land Contamination Officer has reviewed the ES and concurs with the recommendations put forward in the Desk Study that a Phase II exploratory investigation is undertaken once the site layout is confirmed, such investigation needs to take into account any significant earthworks at the site and how it may affect the final design in terms of land contamination and future end users. It is considered that a suitably worded condition can be attached to any consent to address this issue.

As the Cymmer Tunnel could act as a preferential pathway for ground gas, it is considered prudent that this is accurately surveyed to ensure that it will not have an influence on the proposed development including the Phase II works.

The imposition of the standard suite of conditions which follow a set staged approach dealing with the Phase II site investigation, remediation of the site, and/or phase of the development would be imposed. These commence with a desktop assessment which would address the issues raised by the Land Contamination Officer with respect to the potential risks with human health and ground waters and an appraisal of the remediation options. Following this a detailed scheme is provided commensurate to the end uses, with validation of the effectiveness of the remediation provided upon completion of the works.

As addressed further in the biodiversity section, the ES contains an Initial Peat Survey which suggests that deep peat is relatively localised on the proposed development site. The report also notes that these results should be considered preliminary and that the conclusions should only be taken to represent the locations investigated which did not cover the whole of the application site. NRW initially raised concerns that a detailed peat survey will not be undertaken until such time as outline consent has been given and consider that such a survey should form part of this application to fully assess the potential impacts the development may pose on peat at the site.

The updated masterplan has been amended to 'maintain the peat and mire around the eastern standing water pools', and it is considered that suitably worded conditions requiring the submission of a detailed peat survey prior to the submission of the first reserved matters application and a peat management plan can be imposed which can inform the final layout of the development and ensure that the impact on peat is minimised to an acceptable level.

Having regard to the above, it is considered that subject to conditions, the proposed development would raise no significant detrimental impact to the wider environment, and through suitable remediation would not result in harm to the quality of controlled waters or human health. The proposal therefore broadly accords with Policies SP16 and EN8 of the Local Development Plan.

## WATER ENVIRONMENT

The ES assesses the effects of the proposed development on the water environment in relation to flood risk, surface and foul water and is accompanied by a Flood Consequences Assessment, Drainage Strategy, Water Framework Directive (WFD) Screening and Scoping Report and a Construction Environment Management Plan.

The investigations carried out to address flood risk assessment and the flood risk management measures proposed have demonstrated that the proposal will not pose a risk to flooding on the site or elsewhere and in this regard NRW and the Land Drainage Officer offer no objection.

Surface water and land drainage is to be dealt with via a Sustainable Urban Drainage System (SUDS). These methods of drainage are supported both by national and local planning policy.

In terms of foul water drainage the ES states that a hydraulic modelling assessment is required to ascertain whether there is sufficient capacity within the public sewer network to take the flows generated by the development. Originally Welsh Water objected to the proposal on the grounds of an increase in flooding leading to pollution of the environment, however Welsh Water has subsequently withdrawn their original objection advising that a condition should be attached to any consent requiring the submission of a hydraulic modelling assessment to identify a point of connection on the public sewerage system.

In respect of water supply, again Welsh Water initially raised an objection, but this has since been withdrawn and instead a request made that a condition is attached to any consent requiring the submission of a hydraulic modelling assessment to demonstrate that the existing water supply network can suitably accommodate the proposed development.

NRW advises that consideration should be given within the Water Framework Directive Assessment to details of any proposed physical modifications to any WFD waterbody on site, the assessment should also include details of any proposed mitigation measures.

Through the imposition of suitably worded conditions the requirements of NRW and Welsh Water can be met.

### CLIMATE CHANGE / RENEWABLE ENERGY

The proposed development will result in the release of greenhouse gases (GHG) such as carbon dioxide (CO<sup>2</sup>) once it becomes operational in 2021, with the buildings likely to be responsible for the majority of these emissions as a result of their heating, lighting and other energy consuming systems. GHG emissions are known to cause climate change, and national and local planning policies support proposals which incorporate schemes which generate renewable and low carbon energy.

LDP Policy SP18 (Renewable and Low Carbon Energy) states that a proportionate contribution to meeting national renewable energy targets and energy efficiency targets will be made while balancing the impact of development on the environment and communities. This will be achieved by:

1. Encouraging where appropriate, all forms of renewable energy and low carbon technology development;

2. Encouraging energy conservation and efficiency measures in all new major development proposals;
3. Ensuring that development will not have an unacceptable impact on the environment and amenity of local residents

Policy RE2 further encourages schemes that connect to or incorporate on-site zero / low carbon technology, and in this regard the submitted energy assessment (required under Policy LDP RE2) has been carried out to estimate annual energy demand and associated GHG emissions from the buildings. This concludes that GHG savings of 23% or more may be achieved through energy efficiency (e.g. low energy lighting, energy efficient appliances and good levels of thermal insulation) and sustainable energy technologies such as combined heat & power (CHP).

The feasibility of connecting the development to the Caerau Heat Scheme has also been appraised, and the feasibility of implementing all mitigation measures identified would be a matter for the detailed design stage.

For the purposes of the assessment and to minimise the likelihood of underestimating residual GHG emissions from the development at this outline stage, measures to mitigate GHG emissions from the buildings are assumed to comprise energy efficiency measures together with gas fired CHP for the Central Plaza only. This energy efficiency and CHP scenario reduces annual GHG emissions to 4,428 tCO<sub>2</sub>, a saving of 1,266 tCO<sub>2</sub> relative to the baseline scenario. Residual GHG emissions following the implementation of the assumed mitigation measures are therefore concluded to be minor adverse and long-term significance.

Whilst the assessment accords with the principles of Policy RE2 due to the outline nature of the application it is considered appropriate that a suitably worded condition is attached to the consent requiring the submission of a further assessment at first reserved matters stage, and for each subsequent phase to demonstrate how the development will seek to minimise energy use and maximise opportunities for use of low carbon / renewable energy.

## SOCIO – ECONOMIC BENEFITS

Socio and economic benefits of a proposal underpin both national and local planning policies for sustainable development. The scope of the assessment includes potential impacts and effects arising during construction and operation of the development, and is considered against a detailed analysis of the local and wider context.

This section seeks to identify and assess the proposed socio-economic benefits arising from the development, but members should note that the overall 'planning balance' is considered at the end, having regard to the identified impacts of the development throughout this report.

### *Local Context*

The ES provides a detailed breakdown of the existing baseline socio-economic position within the area, encompassing both NPT and BCBC (given that the site, while located within the Cymmer ward in Neath Port Talbot, lies immediately adjacent to the Caerau ward in Bridgend to the south).

The following provides a brief summary of key local socio-economic factors identified in the ES: -

- The 2011 Census reveals that 62.1% of the local working age population were economically active. This is substantially lower than the Neath Port Talbot average of 70.6%, the Bridgend average of 73.1% and the England and Wales average of 76.8%. Of those of working age in the two wards, 53.9% were in employment which compares to 64.8% for the Neath Port Talbot, 67.3% for Bridgend and 71.0% for England and Wales. Of the two wards, Cymmer had the smallest proportion of working age residents in employment with just 50.9%, which is 20.1 percentage points below the England and Wales average.
- Amongst those aged 16-64 in the Cymmer and Caerau wards, the claimant rate (proportion of people claiming benefit principally for the reason of being unemployed) was 3.4% in October 2017, down from 4.4% in October 2016. The average claimant rate for the two local wards is higher than the average for Neath Port Talbot (2.0%), Bridgend (1.9%) and Great Britain (1.9%).
- The 2014 Welsh Indices of Multiple Deprivation (WIMD) can be used to reveal levels of deprivation in Neath Port Talbot and

Bridgend. The overall Index for 2014 is made up of eight separate types of deprivation, namely: Income, Health, Access to services, Physical environment, Employment, Education, Community safety, Housing.

The application site straddles 2 Lower Super Output Areas (LSOAs). The LSOA in which the application site is located is ranked 22nd (out of 1,909) in terms of multiple deprivation and the LSOA immediately to the south (covering the western side of Caerau) is ranked 6th. This means there are only 21 and 5 LSOAs respectively in the whole of Wales that are experiencing higher levels of multiple deprivation.

### The Assessment

The socio-economic assessment within the submitted ES provides an overview of the economic impacts which would arise from the proposed Afan Valley Adventure Resort. It assesses (i) how the development is likely to directly affect the local and regional economies during its construction in terms of capital investment and employment generation (direct, indirect and induced), and (ii) the effects of the Proposed Development on the local area in terms of employment creation (and the economic profiling of that employment), visitor numbers and expenditure (on site and off site), and local facilities and services.

The magnitude of these impacts is then classified as negligible, minor, moderate or major, and is considered over the build programme which will be in two phases – Phase 1 2018-2021, and Phase 2 2021-2024 (noting that there has been slippage in the development timescales).

Following discussions with the applicants, this has been supplemented by a further socio-economic statement dated January 2019 which seeks to address matters raised by the Council's Economic development team.

The primary potential benefits of the proposal are summarised below: -

#### *Construction Phase*

The construction phase of the development has the potential to have a significant, albeit short-term, benefit for the area in terms of employment and income.

Over the proposed two year (phase one) build period, the £130m scheme will generate 1069 person years of construction activity which equates to 535 full time equivalent jobs per annum.

Due to the scale of the development scheme and the specialist nature of some of the leisure components, the applicants acknowledge that part of the construction process is likely to be undertaken by contractors who are located outside of the local area, and possibly outside of West Wales and the Valleys (defined as leakage). In this regard, demand for local labour arising from the construction programme will primarily depend on the lead contractors appointed who are likely to have their own network of established sub-contractors and labourers.

Nevertheless, the assessment forecasts that a large number would be recruited from Neath Port Talbot and Bridgend, with estimates of 321 jobs created in the region, of which 161 will be in the Neath Port Talbot and Bridgend areas. Factoring in displacement, the net additional onsite construction jobs created in the region would be 241, of which 129 would be local.

Furthermore, the construction phase will see additional jobs created in the wider economy through growth within supply chains servicing the construction of the Adventure Resort, and the increase in demand that would arise (244 jobs, of which 130 would be in Neath Port Talbot and Bridgend areas).

Therefore, a total of 485 net additional jobs would be created within the region, of which 259 would be at the local level.

The assessment thus concludes that the proposal will have a **positive impact of a major scale** at the local level and of a moderate scale at the regional level in generating employment and output in the construction industry and associated trades, although this will be short term – for the duration of the build programme.

The development will also provide further employment opportunities as part of the Phase 2 expansion.

From these figures, it is clear that the proposed Development has the potential to make a major contribution to Neath Port Talbot and the wider area, both from jobs and also in terms of training and skills development. In this regard, the ES states that the two-year construction programme could provide opportunities for young people to gain training and practical experience in a range of different

construction and engineering trades, noting that the applicant understands the value of working collaboratively with local supply chains and is committed to providing opportunities for sub-contractors and suppliers who are based within the locality.

In addition, they state that they wish to engage in partnership working with public and private sector agencies responsible for employment, skills and training to identify any skills gaps between the requirements of the resort and those currently unemployed or inactive but wish to work.

Having regard to the above, the benefits throughout the construction period are clear, and it is considered that delivery of the locally-derived benefits can best be secured through a condition / legal agreement which seeks to encourage the developer and associated sub-contractors to have a local labour recruitment strategy.

*Operational Phase*

*Employment*

In terms of tourism and associated jobs at the Resort, the socio-economic impact assessment within the ES identifies that the proposal will involve the creation of 970 posts (707 Full Time Equivalent). Due to the nature of the proposed facility it is anticipated that a diverse range of jobs would be created broadly along the lines of the table below.

Table 13.7 - Total number of jobs created on site

	Full Time	Part Time	Total
Restaurants/cafes	70	105	175
Retail	64	84	148
Hotel	25	20	45
Leisure facilities	152	208	360
Administration, management, technical and support	140	102	242
Total	451	519	970

Noting that a number of positions will be taken by people outside of the region (leakage) given the specialist nature of some of the uses proposed, the ES estimates that 566 jobs will be created in the region, of which 460 will be in the Neath Port Talbot and Bridgend areas.

Factoring in displacement, the net additional operational jobs created in the region would be 396, of which 368 would be local.

The ES identifies that both the Neath Port Talbot and Bridgend economies exhibit a degree of specialism in the broad industrial sectors of manufacturing and public administration/social security/defence but a relatively low concentration in the accommodation and food services sector. The new development will thus provide permanent employment opportunities within a variety of business sectors and in particular accommodation and food services, thus strengthening these employment sectors and in turn diversifying the range of job opportunities available within this area.

Further employment will also be created (indirect and induced) by expenditure placed with local and regional suppliers (servicing, marketing, maintenance and overheads).

In addition, the resort will have an annual wage bill of £13 million, and while acknowledging that some of the jobs will be taken by people who are already in work (and so the salaries of these employees would not be additional to the local economy) taking such displacement into account the net additional income (from salaries) that would benefit the local area would be £6.751m. Furthermore, jobs created in the broader economy through the development scheme will create additional wages – a large proportion of which will also be spent within the Neath Port Talbot and Bridgend areas (up to a further £7.833m per year).

In this respect, the ES estimates that indirect and induced effects would be 459 jobs at the regional level, of which 427 would be within NPT and Bridgend areas.

Therefore, in total, the Adventure Resort will create 855 full time equivalent jobs within the region and of these, 795 would be at the local level – employed directly on site and within the broader local economy through supply chains linked to the servicing of the development, and through the spend of staff salaries.

As is the case for the construction phase, the benefits to local employment and wider socio-economic objectives in the region are clear

Having regard to the above, the benefits throughout the construction period are clear, and it is considered that delivery of the locally-derived benefits can best be secured through a condition / legal agreement

which seeks to encourage the developer and associated sub-contractors to have a local labour recruitment strategy.

### *Visitor Numbers and Associated Expenditure*

The assessment acknowledges that the proposal will provide a unique visitor experience by allowing access to a wide range of leisure activities and ancillary facilities by attracting activity break visitors, day/local visitors or hotel and corporate visitors with an annual visitor turnover of up to 275,000 (assuming the maximum number of day or local visitors is achieved) once the Resort is fully operational.

Given that activity break visitors will be the main source of income for the Adventure Resort, the applicants acknowledge that the diverse range of facilities and services available within the Resort will see most visitors stay within the complex during their break. Nevertheless they have reaffirmed that it is not the intention for the resort to be run independently of nearby leisure services and facilities.

In this regard they state that it is the objective of the applicant to have in place a clear strategy to 'sell' existing attractions within the area and expound the relationship between the resort and other leisure services and facilities nearby. A key message of this strategy will be that visitors should take the opportunity to experience more 'advanced' classes of their preferred participatory sport at facilities nearby, and the Adventure Resort can make the necessary arrangements on behalf of staying guests. There is therefore the opportunity to establish the perfect business partnership between the Adventure Resort and nearby facilities that are able to provide specialist participatory sports services. Particular reference in this regard is made to the Afan Valley Forest Park, which has more than 100 kilometres of single-track trails of varying levels of difficulty, including 6 world class trails, while it is also considered that there would be other specialist water sports activities along the coast.

It is thus estimated that the total additional off site spend derived from all 3 types of visitors would be £0.594m of which £0.365m would be in the local area. The £0.365m is spend from visitors who would **not** normally come to Neath Port Talbot. Furthermore this excludes corporate visitor off site spend which increases off site net local spend to £0.439m.

Additional benefits deriving from the scale and nature of the proposed Resort are that:-

- The application proposal is likely to lengthen the tourist season in the Neath Port Talbot and Bridgend areas as the proposed adventure resort will be open throughout the year.
- The resort will become a landmark attraction and enhance the overall marketing potential for the area (and region).
- As a 'marketing product', it will have the ability to promote the area as (i) a tourism destination and (ii) a location in which to invest. In terms of the former, the nature and scale of the leisure offer has the potential to attract visitors to the region who may not have considered such a trip. In terms of the latter, the success of the resort may see increased business investment from companies wishing to be associated with the proposed development.

### *Impact on Pre-Existing Tourism Industry*

The Council's Economic Development team requested additional submissions to demonstrate how the applicants had considered how the development would impact upon the pre-existing tourism industry / existing providers. In response, the additional submissions have emphasised the current local tourism industry is both small in scale and limited in variety, and within this context they state that the proposed development is unlikely to have an impact of any scale. For example, while they forecast an impact of 2% on hotel accommodation, an adverse impact on B&B, hostel and self-contained accommodation is not expected simply because the application proposal will be targeting a different market.

In this respect they emphasise that the proposed adventure resort will create a new and unique leisure offer and visitors drawn to the Adventure Resort will primarily be **new demand** – visitors who would not normally travel to Neath Port Talbot/ Bridgend for a leisure break.

They also state that "Without question, the new resort will widen the area's appeal and attract additional tourists and, as discussed above, is likely to encourage other businesses to invest locally in complementary and support leisure services and facilities. Simply put, success will breed success. There is a need to expand the leisure offer of the local area. As recognised by the Council, the tourism industry of Neath Port Talbot is 'small', but the application proposal has the ability to secure Neath Port Talbot and Bridgend as a key visitor destination for leisure breaks, drawing in people from across South Wales and well beyond".

Furthermore, in terms of impact on those uses that fall under the definition of 'town centre uses' it is clear that any marginal impact experienced by existing facilities would be more than compensated for by the additional expenditure arising from new jobs created, and the off-site expenditure of visitors to the Adventure Resort.

The Council's Economic development team has reviewed all of the information and raises no concerns to the development.

### *Impact of Proposed Town Centre Uses*

The proposed town centre uses - such as restaurants and cafes, some retail floorspace and a single screen cinema - would be ancillary to the leisure function of the Resort and will not be a destination in their own right. This is due to their limited scale, application of an entrance fee for all visitors who are not staying overnight at either the hotel or any of the lodges and the restriction of day visitors.

Given the amount of floorspace proposed, an assessment has been undertaken which concludes that the proposed impact of the A3 Uses (Food & Drink) with a total floor space of around 3,540 sqm gross would be negative but small scale albeit for a few months of the year. At the regional level, the impact is predicted as being broadly neutral due to the level of consumer expenditure growth. The Resort will provide a foodstore (1,025 sqm) and sweet shop (205 sq m), although impact from these upon local shopping centres and facilities is assessed as small scale and would not impact upon the viability and vitality of town centres. In terms of local centres such as Cymmer and Croeserw it is predicted that there would be a marginal trade loss – although this is considered unlikely - but in any event this would be offset by the predicted off site spend referred to above.

The Resort also proposed to provide sports and gift shops with a total gross floor space of 1230 sq m. The comparison goods impact on shopping centres within the local area would be of a very small scale (0.4%).

As the facilities proposed are ancillary to the main leisure use and by virtue of their scale it is considered that these elements of the proposal will not have an unacceptable impact on the viability or vitality of nearby town centres of Port Talbot or Neath or local centres within the vicinity of the site.

## *Socio-Economic Conclusions*

The key socio economic impacts derived from the development and identified above would generate construction- and operational- related employment opportunities in an area which suffers from higher than average unemployment, generate significant additional expenditure in the region, while significantly adding to the tourist industry in NPT without any demonstrably adverse impact upon the pre-existing tourism industry.

Accordingly, and within the context of Policy TO1, it is concluded that the proposed development would have significant socio-economic benefits to the immediate and wider locality which should be given significant weight as part of the overall assessment of the application having regard to other identified impacts.

## OTHER MATERIAL CONSIDERATIONS

### Impact on Mineral Resource

It is noted that the site is located within a Mineral Safeguarding Area under Policy M1 of the adopted LDP (sandstone). Policy M1 looks to safeguard mineral resources as they are finite and any development will need to meet criteria which ensures they are not sterilised or their extraction hindered.

For this development, it is considered that, given the site's close proximity to the settlement limits, it is very unlikely that any mineral extraction would be acceptable in this location. Moreover, as identified above there is considered to be a clear economic case for the development (considered further below) which would indicate it would meet criterion 4 (overriding need for the development).

Accordingly, there is no objection to the principle of development on mineral safeguarding / Policy M1 grounds.

### Waste

Policy W3 – Waste Management in Development – requires proposals for new built development to demonstrate that provision is made for design, layout, storage and management of the waste generated by the development both during the construction phase and occupation.

While a [Waste Management Plan](#) has been submitted relating to the operational phase, given the scale of development the Construction Method Statement will require details to cover the construction phase to ensure accordance with LDP Policy W3.

### Impact on Residential Amenity

Residential dwellings are located to the east on Pen-y-bryn on the opposite side of the road to the site boundary beyond which is the settlement of Croeserw. Wider settlements to the east include Abergwynfi and Blaengwynfi. To the south the site boundary follows the district boundary between this Authority and Bridgend County Borough Council. To the west, the Site is defined by the boundary between the former forestry plantation and wider pasture land to the west, beyond which are the small settlements of Duffryn Rhonda and Cynonville. A single dwelling known as Pen Castell stands on Brytwn Road and flanks the northern boundary of the site and some 420 metres to the north east of the proposed main site entrance.

Although the application is in outline only it is considered that the indicative site layout which accompanies the application demonstrates that sufficient separation distances between existing dwellings and the various elements of the proposed built development can be achieved. Consequently, it is not considered that there would be any unacceptable effects from physical development.

In relation to potential noise and nuisance from the construction, a construction and traffic management plan will ensure that deliveries and noise and disturbance from this are minimised.

Whilst all construction will lead to disturbance these impacts are transient in nature and short lived. Nevertheless, there will be controls within the construction method statement which will ensure these impacts are minimised, to appropriate levels. Furthermore any harm can be minimised further by restricting working hours, and via a suitably worded condition.

While the introduction of the new uses, associated facilities and infrastructure would result in an increase in vehicular activity in close proximity to existing dwellings it is considered that on balance and having regard to the potential benefits which would be generated by the development, the proposal would not result in an unacceptable loss of residential amenity to warrant refusal of the application on these grounds.

Subject to these conditions, it is considered that the proposal would be acceptable in terms of residential amenity and comply with Policy BE1 of the LDP.

### Welsh Language

TAN 20 – Planning and the Welsh Language – states that planning applications should not routinely be subject to Welsh language impact assessment, and considerations relating to the use of the Welsh language may be taken into account so far as they are material.

The application site is not located within a Language Sensitive Area, and therefore no language impact assessment was required to be submitted (under Strategic Policy SP22 (Welsh Language) and Policy WL1 (Development in Language Sensitive Areas)). In this respect, it is further considered that the development would not be likely to have any material impact on the Welsh language.

Nevertheless, the Well-being of Future Generations (Wales) Act 2015 (WFGA) imposes a duty on public bodies to carry out ‘sustainable development’ in accordance with the ‘sustainable development principle’, which includes improving the cultural well-being of Wales, with “A Wales of vibrant culture and thriving Welsh language” being one of the seven Well-being goals identified in the Act. Para 2.8 of PPW10 further emphasises that Authorities should seek to maximise social, economic, environmental and cultural benefits.

TAN 20 refers at section 4 to ‘signs and Advertisements’, noting that such signs can have a strong visible impact on the character of an area, including its linguistic character. They are also one method of promoting the distinctive culture of Wales, which is of significance to the identity of individual communities as well as the tourism industry. Moreover, this reflects the WFGA and its overarching principles identified above.

Having regard to the above, for a development of this magnitude which, it is hoped, would be widely publicised and accessed throughout the UK and beyond, it is considered that the developers should be required to incorporate measures within the final operational design to provide a *cultural anchor* through use of bilingual signage and encouraging use of a Welsh naming strategy for buildings and places, as well as promoting the use of Welsh language by staff and visitors. Accordingly, a condition is included to require submission of a Welsh Language Strategy addressing such matters.

## SECTION 106 PLANNING OBLIGATIONS

Local Development Plan **Policy SP 4** (Infrastructure) states that “Developments will be expected to make efficient use of existing infrastructure and where required make adequate provision for new infrastructure, ensuring that there are no detrimental effects on the area and community. Where necessary, Planning Obligations will be sought to ensure that the effects of developments are fully addressed in order to make the development acceptable”.

**Policy I1** (Infrastructure Requirements) then states that “In addition to infrastructure improvements necessary to make a development acceptable in health, safety and amenity terms, additional works or funding may be required to ensure that, where appropriate, the impact of new development is mitigated. These requirements will include consideration of and appropriate provision for: Affordable housing; Open space and recreation facilities; Welsh language infrastructure (in language Sensitive Areas); Community facilities including community hubs; Biodiversity, environmental and conservation interests; Improving access to facilities and services including the provision of walking and cycling routes; Historic and built environment and public realm improvements; Community and public transport; Education and training.

The Community Infrastructure Levy Regulations 2010 came into force on 6<sup>th</sup> April 2010 in England and Wales. They introduced limitations on the use of planning obligations (Reg. 122 refers). As of 6<sup>th</sup> April 2010, a planning obligation may only legally constitute a reason for granting planning permission if it is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

In view of the type and form of development proposed in this location, having regard to local circumstances and needs arising from the development, the need for planning obligations which are considered necessary to make the development acceptable in planning terms and to meet the policy and legislative tests for planning obligations has been assessed throughout the report, but in summary the proposed broad Heads of Terms for the required section 106 agreement are as follows:-

- Inclusion of a Legal Framework to address provision of Solar farm site and another off-site compensation site/s and associated Habitat Management Plans in accordance with a sequential approach
- Contribution towards / provision of access to and improvements to National Cycle Network Route 885
- Implementation (as far as practicable having regard to site works) of advanced structural landscaping.

### Community Benefits

Reference has been made in representations, and in discussions with the local member, in respect of potential for 'community benefits' to arise from the development.

In response, it is essential that a clear distinction is drawn between matters which are necessary to make a development acceptable (under a s106 Agreement) and 'Community Fund Contributions'.

In this regard obligations within a section 106 agreement need to satisfy the legal tests set out in the CIL regulations (see above), whereas Community Fund Contributions are voluntary arrangements entered into by the developer which secure benefits for those communities that are most affected by development proposals.

In this case, while such contributions have no influence on the determination of any planning application, no 'community benefits' have been put forward by the developer, who has instead drawn attention to the substantial socio-economic benefits that would arise from the development. Nevertheless it is understood that the ward member has been in discussion with the developer independently on such matters.

### Other Matters

As identified earlier in this report, a number of objections were received in response to the publicity exercise. In response to the main issues raised which have not been addressed elsewhere in this report, the following comments are made:

- The impact of the proposed development has been considered previously within this report, and it is clear that to provide a

sustainable environment at the site a certain level of on-site commercial provision is necessary. In addition, this leads to a reduction in vehicular movements, which again promotes sustainability. However, it is clarified that these uses are small in scale and of a type that would not significantly divert trade or interest from the local area or Neath and Port Talbot town centres. The benefits of such a scheme on the wider socio-economic region as a whole, promoted by Planning Policy Wales should outweigh any impact upon a specific community or centre within it. The development should be considered as a regional facility which will deliver wider spin off benefits and as such the individual impacts upon specific policies do not outweigh these strategic regional benefits;

- The applicant would in this case be required to provide details of a Local Supply chain document and details of its delivery prior to any development taking place, to ensure community benefit from a development of this scale is considered;
- The past and future business practices of a Company are not material planning considerations in the determination of a planning application.
- The proposed structural planting is indicative only and is subject to further approval at the reserved matters stage, however it is shown to extend some 160 metres beyond the rear boundary of Pencastell;
- The submitted plan indicates the nearest diverted footpath is some 60 metres from the rear boundary of Pencastell;
- Impact on security is a material consideration in the determination of an application and will be addressed at the detailed design stage;

## OVERALL ASSESSMENT – ‘THE PLANNING BALANCE’

PPW10 refers to the need to assess the Sustainable Benefits of Development and (at 2.24) emphasises that Planning authorities should ensure that social, economic, environmental and cultural benefits are considered in the decision-making process and assessed in accordance with the five ways of working to ensure a balanced assessment is carried out to implement the Well-being of Future Generations Act and the Sustainable Development Principle.

Paragraph 3.34 of PPW states the countryside is a dynamic and multi-purpose resource. In line with sustainable development and the national planning principles and in contributing towards placemaking outcomes, it must be conserved and, where possible, enhanced for the sake of its ecological, geological, physiographic, historical, archaeological, cultural and agricultural value and for its landscape and natural resources. The need to conserve these attributes should be balanced against the economic, social and recreational needs of the local communities and visitors.

There may be occasions when one benefit of a development proposal or site allocation outweighs others, and in such cases robust evidence should be presented to support these decisions, whilst seeking to maximise contributions against all the well-being goals.

Key factors in the assessment process include:

- *Social Considerations*, including: - who are the interested and affected people and communities; who will benefit and suffer any impacts from the proposal; what are the short and long-term consequences of the proposal on a community;
- *Economic Considerations* including: - the numbers and types of long term jobs expected to be created or retained; whether, and how far, the development will help redress economic disadvantage or support regeneration priorities, for example by enhancing local employment opportunities
- *Cultural Considerations* including: - how far the proposal supports the conditions that allow for the use of the Welsh language; whether or not the development protects areas and assets of cultural and historic significance; have cultural considerations and their relationships with the tourism industry been appropriately maximised;

- *Environmental Considerations* including: - will important features of the natural and built environment be protected and enhanced; are the environmental impacts of development on health and amenity limited to acceptable levels and the resilience of ecosystems improved;

At 2.26 it further refers to the need to have an integrated approach to balancing priorities against policy on an individual basis, which enables the full range of costs and benefits over the lifetime of development to be taken into account.

Section 5 of PPW10 provides further emphasis on the need to develop 'Productive and Enterprising Places' which promote our economic, social, environmental and cultural well-being by providing well-connected employment and sustainable economic development.

On a Strategic level it is clear that the proposed development will contribute towards the seven well-being goals within the Well-Being of Future Generations Act insofar as the development will: -

- Increase economic activity and employment opportunities in a deprived part of the Welsh valleys, thus contributing towards a **Prosperous Wales**
- Support a **Resilient Wales** through encouraging further development of the tourism industry in a sustainable manner making the most of the natural environment
- Assist in creating a **Healthier Wales** through encouraging use of low carbon energy and providing local employment in a deprived area thus contributing towards alleviating poverty which is a key determinant of health.
- Promote employment and enterprise opportunities for people to realise their potential, towards the goal of a **more Equal Wales**
- Encourage a **Wales of Cohesive Communities** by creating local jobs for local people
- Encourage a **Wales of Vibrant Culture and thriving Welsh Language** by seeking to ensure the development reflects local Welsh distinctiveness;

## Balancing Environmental and Economic Impacts

As described earlier in this report, the development of the Afan Valley Resort will undoubtedly have adverse local impacts, notably in respect of the Landscape and Visual Impacts of introducing a development of this scale into the Valleys landscape, along with ecological / biodiversity impacts.

In terms of landscape / visual impacts, the assessment has identified significant adverse impacts at year one and while these would subsequently be reduced to a degree, they remain significant even at year 15 and cannot be significantly mitigated against. Accordingly, the assessment acknowledges that overall, the character of the site would change fundamentally from a quiet, partly forested area to a major leisure resort with associated large structures and activity.

The magnitude and severity of such landscape impacts will soften over time through strategic landscaping, but the development will introduce large-scale and permanent landscape change.

Furthermore, due to the substantial nature of the development, even with a raft of planning conditions and the legal framework of off-site compensation referred to earlier, there will still be a residual impact in terms of loss of existing biodiversity habitat, notably for nesting birds and reptiles. This impact, in the worst case scenario, would see insufficient compensation/ mitigation for habitat and species, and could also see development commence prior to an off-site compensation site being secured, resulting in the development failing to adequately compensate for its identified impacts.

Set against these significant impacts, however, are the wider economic benefits that would arise from the project. In this respect, for planning purposes the Welsh Government defines economic development as “the development of land and buildings for activities that generate sustainable long term prosperity, jobs and incomes”.

PWW emphasises (at 5.5.1) that “Tourism involves a wide range of activities, facilities and types of development and is vital to economic prosperity and job creation in many parts of Wales”. It further states that tourism can be “a catalyst for regeneration, improvement of the built environment and environmental protection”, and notes the need to capitalise “on our distinctive tourism offer to promote Wales to the world, creating high quality jobs in this sector which enhance skills and provide employment year-round”.

As part of this generally positive and permissive National Policy context, Technical Advice Note 23 (Economic Development) emphasises (2.1.2) that where economic development would cause environmental or social harm which cannot be fully mitigated, careful consideration of the economic benefits will be necessary.

It further notes that “there will of course be occasions when social and environmental considerations will outweigh economic benefit”, but then emphasises the need to answer the following three questions in order to help clarity and balance the economic, social and environmental issues.

1. **Alternatives:** if the land is not made available (i.e. the application is refused), is it likely that the demand could be met on a site where development would cause less harm, and if so where?

By reason of the scale and magnitude of the proposals, and the specific nature of the proposed tourism offer which requires the benefits only a valleys community can create, it is considered that there are very few opportunities that would exist which would meet the developer’s requirements or expectations. In this regard, the only alternatives would most likely be away from South Wales and, in any event, it is highly likely that the impacts associated with the development would be replicated on many other sites. Accordingly the development is considered acceptable within the context of this ‘question’.

2. **Jobs accommodated:** how many direct jobs will be based at the site?

The socio-economic section of this report has already referred to the significant employment generating potential of the site once operational - namely the creation of 970 posts (707 Full Time Equivalent).

This refers to direct jobs based at the site, but in this case it is noted that the indirect benefits of the proposal are potentially wide-ranging, with the ES estimating that indirect and induced effects would be 459 jobs at the regional level, of which 427 would be within NPT and Bridgend areas.

These figures also discount the substantial jobs during the construction period.

Accordingly, it is clear that the economic benefits in terms of jobs created weighs heavily in favour of approving the development.

**3. Special merit:** would the development make any special contribution to policy objectives?

The application site is located within a disadvantaged community which would undoubtedly benefit significantly from the proposed new development, both in terms of direct jobs, local wealth generation from salaries and related expenditure, and also potential for creation of associated new business opportunities.

Accordingly, having regard to the detailed assessment of the environmental and other impacts of the development, it is necessary to make a judgement on the overall acceptability of the proposal, and whether the degree of change to the landscape, potentially significant impact on biodiversity habitat, and other impacts identified within this report are individually or cumulatively outweighed by the benefits of the development.

In this regard, and having particular regard to the advice in PPW and TAN23, it is concluded that the socio-economic benefits of this development, within an area of multiple deprivation, are substantial, and outweigh the environmental harm that would be caused by the development, such that they justify a conclusion being reached that subject to the detailed conditions and legal agreement heads of terms referred to below, that planning permission should be granted for the development.

## CONCLUSION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Neath Port Talbot Local Development Plan (2011–2026) adopted January 2016. In addition, the Council, in accordance with Section 3(3) of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, has taken all the environmental information into consideration. In addition, all the relevant European directives, legislation and regulations have been taken into account.

Regard has been had to National Policy contained in Planning Policy Wales (2018) together with National Guidance contained within TAN 4

Retail and Commercial Development (2016); TAN 5 Nature Conservation and Planning (2009); TAN 11 Noise (1997), TAN 12 Design (2016); TAN 13 Tourism (1997); TAN 18 Transport (2007), TAN 23 Economic Development (2014);) and Local Development Plan Policies SP1, SP2, SP3, SP4, SP6, SP10, SP12, SP13, SP14, SP15, SP16, SP17, SP18, SP19, SP20, SP21, SC1, I1, OS1 ,R3 ,TO1, EN6, EN7, EN8, M1, RE2, W3, TR2 and BE1.

Taking into consideration all the evidence and assessment undertaken, it is concluded that the development would not have a significant impact on highway and pedestrian safety, pollution, the setting of historic assets, foul and surface water discharges, and subject to detailed design at reserved matters stage, that there would be no detrimental impact upon the character and appearance of the surrounding area or the residential amenity of neighbouring dwellings.

While the development would have significant adverse impacts on the landscape and biodiversity, and other identified residual impacts, these can be mitigated or compensated to a lesser or greater extent by legal agreement and conditions. In any event, however, the development of the land for a holiday resort would significantly benefit the aspirations and key principles for socio-economic growth in the region, acting as a major contributor to the local economy through the provision of a strategic tourist destination, to the extent that these benefits, subject to compliance with conditions and the signing of the required legal agreement, would outweigh the identified environmental impacts of the development.

#### RECOMMENDATION:

1. That planning permission be GRANTED for the development subject to the conditions detailed below, and subject to signing of a legal agreement under section 106 based on the following broad Heads of Terms: -
  - Inclusion of a Legal Framework to address provision of Solar farm site and another off-site compensation site/s and associated Habitat Management Plans in accordance with a sequential approach
  - Contribution towards / provision of access to and improvements to National Cycle Network Route 885
  - Implementation (as far as practicable having regard to site works) of advanced structural landscaping.

2. That if the required section 106 agreement is not completed within six months of the date of this resolution (unless the LPA has otherwise agreed to an extension of this time limit in writing), that delegated authority is given to refuse planning permission on the basis that in the absence of the required legal agreement, the identified environmental impacts of the development, notably on biodiversity / habitat, would not be mitigated, precise reasons to be agreed in consultation with the Chair of Planning.
  
3. That delegated authority is given to the Head of Planning & Public Protection and Development Manager – Planning, to make changes to the conditions and/or Heads of Terms of the required legal agreement, subject to consultation with the Chair of Planning, up to the point where the legal agreement is signed and outline consent issued.

## CONDITIONS

### Time Limit Conditions

(1) Details of the layout, scale and appearance of the building(s), and the landscaping of the site (hereinafter called the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority in writing before any development begins and the development shall be carried out as approved.

Reason:

The application was made for outline planning permission.

(2) Any application for approval of reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.

Reason:

To comply with the requirements of Section 92 of The Town and Country Planning Act 1990.

(3)The first phase of development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason:

To comply with the requirements of Section 92 of The Town and Country Planning Act 1990.

(4) Before beginning any development at the site, you must do the following: - a) Notify the Local Planning Authority in writing that you intend to commence development by submitting a Formal Notice under Article 24B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO) in the form set out in Schedule 5A (a newly inserted Schedule) of the DMPWO (or in a form substantially to the like effect); and b) Display a Site Notice (as required by Section 71ZB of the 1990 Act) in the form set out in Schedule 5B (a newly inserted Schedule) of the DMPWO (or in a form substantially to the like effect), such Notice to be firmly affixed and displayed in a prominent place, be legible and easily visible, and be printed on durable material. Such Notice must thereafter be displayed at all times when development is being carried out.

Reason:

To comply with procedural requirements in accordance with Article 24B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO) and Section 71ZB of the Town and Country Planning Act 1990.

NOTE: Templates of the required Notice and Site Notice are available to download at [www.npt.gov.uk/planning](http://www.npt.gov.uk/planning)

### Approved Plans

(5) The development hereby approved shall be restricted to a maximum of 600 holiday lodges; and a 100 bed hotel (with 200 seat banqueting / conference centre, 3,000 sq.m Spa, 40 sq.m. business centre), uses within Class A1 and A3, and associated activities and buildings, all as identified on and restricted to those parameters on the following approved application drawings:

Drawing No 17023(05)100 Rev C –Site Location Plan

Drawing No 17023(90)210 Rev M – Parameters Plan

Drawing No 170239SK) 01 Rev M – Concept Masterplan

Drawing No 17023(90)200 Rev C - Site Technical Constraints  
Drawing No 16179.TOPO.14 - Visibility Splay proposed staff/servicing access  
Drawing 16170 TOPO 10710a- Junction Layout western public access  
Afan section through access  
Planning Statement – June 2018  
Design and Access Statement 20/12/17

In respect of the proposed lodges (defined on Drg. No. 17023 (90) 210 Revision M), the approved maximum size includes the dimensions associated with the buildings and all external associated decked areas.

#### Reason

To comply with the requirements of the Town and Country Planning (General Development Management Procedure) (Wales) Order 2012, in the interests of clarity, and in order to minimise the visual impact of the proposed development in accordance with Policy BE1 of the Neath Port Talbot Local Development Plan.

(6) The development hereby permitted shall be carried out in substantial accordance with the principles and mitigation measures as set out within the Environmental Statement and Addendum unless provided for in any other conditions attached in this permission.

#### Reason:

The proposed development is the subject of an Environmental Impact Assessment and due regard must be had to the principle impacts of the development in the preparation of the detailed design and operation of the site. Any material alteration to the proposal may have an impact which has not been assessed by the process.

#### Pre-Commencement Conditions

(7) Notwithstanding the submitted Phasing Plan (Drawing No 17023(SK)02, prior to the submission of any application for the approval of reserved matters, the applicant shall submit to the Local Planning Authority a plan sub-dividing the overall site area into phased development areas together with strategic infrastructure phases and temporary works, including any temporary car parking, to substantially accord with the concept masterplan hereby approved, and the parameters of development submitted to and approved as part of this application. This phasing shall include details of any temporary access arrangements required in connection with site investigations (together

with any associated details of surface water and ecological mitigation relating to such temporary works), timing of delivery of the development and a breakdown of the floor space of development by land use. The development shall be carried out in accordance with these approved details.

Reason:

To allow the sub division of the overall site into coherent areas of land and the submission of reserved matters pursuant to each development area and to ensure the development complies with Policy BE1 of the Neath Port Talbot Local Development Plan.

(8) As part of the submission of the first reserved matters application for each phase of development as agreed under Condition 7 full details of the existing and proposed ground levels and finished floor level of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved levels.

Reason:

In the interests of visual amenity of the area and to ensure the development complies with Policy BE1 of the Neath Port Talbot Local Development Plan.

(9) As part of the first reserved matters application for each phase of development as agreed under Condition 7, a Waste Management Plan for the control, management, storage and disposal of any waste material generated by the development for that particular phase shall be submitted to and approved in writing by the Local Planning Authority. All waste will be treated in accordance with the agreed waste plan for that phase. The plan shall be implemented as approved.

Reason:

To ensure the appropriate disposal of any waste arising from the development in terms of protection of the environment and to ensure the sustainability principles are adopted during development and complies with Policy W3 of the Neath Port Talbot Local Development Plan.

(10) Prior to the commencement of work on any built development approved for each phase of development as agreed under Condition 7, details of boundary treatments including their siting, design and materials shall be submitted to and approved in writing by the Local

Planning Authority. The boundary treatments within each phase shall be carried out in accordance with the details as approved before the use of the associated land within that phase is commenced or buildings occupied and thereafter retained as approved.

Reason:

In the interests of health and safety and visual amenity of the area and to ensure the development complies with Policy BE1 of the Neath Port Talbot Local Development Plan.

(11) In support of the first reserved matters for each phase of development details of all external materials including samples shall be submitted to and approved in writing by the Local Planning Authority. The development of that phase shall be carried out in accordance with the details as approved.

Reason:

In the interests of visual amenity of the area and to ensure the development complies with Policy BE1 of the Neath Port Talbot Local Development Plan

(12) No development shall take place (with the exception of any temporary access route and associated drainage works that may be agreed in writing under condition 7) until the applicant, or their agent or successors in title, has secured agreement of a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work shall be fully carried out in accordance with the requirements and standards of the written scheme.

Reason:

To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource as required by Planning Policy Wales and Policy SP21 of the Neath Port Talbot Local Development Plan.

(13) No development shall commence until, as part of the first reserved matters application, a scheme has been submitted to and approved in writing by the Local Planning Authority detailing intrusive site investigations for the mine entries and shallow coal workings which shall include the following:

- (a) the submission of a report of findings arising from both of the intrusive site investigations;
- (b) the submission of a layout plan which identifies appropriate zones of influence for the mine entries on site, and the definition of suitable 'no-build' zones;
- (c) the submission of a scheme of treatment for the mine entries on site for approval;
- (d) the submission of a scheme of remedial works for the shallow coal workings for approval; and

The scheme as approved, including any remedial works identified by the site investigations shall be undertaken prior to the construction of each phase of development as agreed under Condition 7.

Reason: In the interest of coal mining legacy on the site, which is located within a High Risk Area, in accordance with Policy EN8 of the Neath Port Talbot Local Development Plan

(14) No development shall take place until a Construction Noise and Vibration Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Management Plan shall identify all significant construction noise and vibration sources; detail the physical and operational management controls necessary to mitigate emissions from these sources; hours of working on site, and specified hours for deliveries; and any elements of operation that could lead to amenity issues from noise and vibration disturbance to surrounding properties. The approved Construction Noise and Vibration Management Plan shall also detail noise limit monitoring and noise & vibration complaint investigation procedures, together with any phase-specific plans. The approved Construction Noise and Vibration Management Plan and any associated phase-specific plans shall be adhered to throughout the construction of the approved development.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, and to ensure accordance with Policies BE1 and EN8 of the adopted Neath Port Talbot Local Development Plan.

(15) 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:

- (a) The parking of vehicles of site operatives and visitors
- (b) Loading and unloading of plant and materials
- (c) Storage of plant and materials used in constructing the development
- (d) The erection and maintenance of a security holding including decorative displays and facilities for public viewing, where appropriate.
- (e) Prevention of material discharge onto the Public Highway
- (f) Measures to control the emission of dust and dirt during construction.
- (g) Wheel washing facilities
- (h) A scheme for recycling/disposing of waste resulting from the construction works.
- (i) The number and frequency of lorries entering and leaving the site per day, vehicle routes and frequency of road sweeping.
- (j) a Traffic Management Plan detailing how construction vehicles will access and egress the site to avoid peak traffic movement on the existing highway network. This shall include times that construction traffic shall not travel along the public highway during school pick and drop off periods. The traffic management plan will also provide details of how construction traffic will be minimised to avoid conflict with other HGV or PSV vehicles on the existing highway network of the A4063.
- (k) The method of controlling access and egress from the site by construction and contractors vehicles during each construction phase on the site.

The approved statement shall be adhered to throughout the construction period.

Reason:

In the interest of highway and pedestrian safety, the environment, and the amenity of residents, and to ensure accordance with Policies BE1 and TR2 of the adopted Neath Port Talbot Local Development Plan.

(16) For each phase of development as agreed under Condition 7, the first reserved matters submission shall be accompanied by an Energy Assessment which shall include, but not be limited to proposed methods of energy production and generation, including renewable energy, together with passive methods to be implemented to achieve energy reduction. The development of each phase shall thereafter be operated in accordance with the scheme as approved.

Reason:

In the interest of sustainability and to comply with the requirements of Policy RE2 of the Neath Port Talbot Local Development Plan.

(17) Notwithstanding the submitted Construction Environmental Management Plan (biodiversity), a Strategic Construction Environmental Management Plan (Strategic CEMP) shall be submitted as part of the first reserved matters and approved in writing by the Local Planning Authority. The Strategic CEMP (biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones” (including retained habitat areas, areas of peat, wildlife receptor sites).
- c) Details of pre-commencement checks for protected species.
- d) Survey information (where necessary) to establish any material change in the presence and/or abundance of S7/SINC habitats and species, protected species, reptiles, birds, terrestrial invertebrates and bats; and identify any likely new ecological impacts that might arise from any changes.
- e) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements). Measures shall include, but are not limited to: a method statement for the conservation of reptiles (including details of receptor sites and their suitability); measures to prevent wildlife becoming trapped in excavations; measures to prevent pollution of watercourses on and off-site; measures to eradicate invasive non-native species; measures to deter species where necessary.
- f) The location and timing of sensitive works to avoid harm to biodiversity features.
- g) The times during construction when specialist ecologists need to be present on site to oversee works.
- h) Responsible persons and lines of communication.

- i) Use of protective fences, exclusion barriers and warning signs.
- j) A programme of ecological checks to address any changes in ecological constraints which may occur as a result of the construction timetable / phasing.

The approved Strategic CEMP shall be adhered to and implemented throughout the construction strictly in accordance with the approved details.

Reason:

In the interests of biodiversity and the amenity of the area as a whole and to ensure the development complies with Policy EN7 of the Neath Port Talbot Local Development Plan.

(18) No development shall take place in any phase or sub-phase of development as identified in condition 7 (including demolition, ground works, vegetation clearance) until a detailed Phase Construction Environmental Management Plan (Phase CEMP) has been submitted to and approved in writing by the Local Planning Authority for that phase of the development. Each Phase CEMP (biodiversity) shall address the issues set out in the Strategic Construction Environmental Management Plan in detail and as relevant to the phase of works. The approved phase CEMP shall be adhered to and implemented throughout the construction phase strictly in accordance with the approved details.

Reason:

In the interests of biodiversity and to ensure the development accords with Policy EN8 of Neath Port Talbot Local Development Plan.

(19) No development shall commence until the role, responsibilities and operations to be overseen by an appropriately competent person (e.g. an ecological clerk of works or on-site ecologist) have been submitted to and approved in writing by the Local Planning Authority. The appointed person shall undertake all activities identified in both the Strategic and Phase Construction Environmental Management Plans, in addition to measures to address ecological legislation and works in accordance with the approved details.

Reason:

To ensure that the ecological mitigation is overseen by an appropriately competent ecologist.

(20) As part of the first Reserved Matters application a Strategic Ecological and Landscape Management Plan (SELMP) shall be submitted to and approved in writing by the Local Planning Authority for its approval in writing. The SELMP shall relate to all areas of retained/created habitat onsite and within off-site compensation site/s, and shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management, including ecological connectivity.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparations of a work schedule (including an annual work plan capable of being rolled forward over a minimum of a 25-year period).
- g) Details of the body or organisation responsible for the implementation of the plan.
- h) Ongoing monitoring and remedial measures.
- i) Programme of review and update.
- j) Include a strategic overview and themes for the landscaping in the different areas of the development and shall set out a palette of species to be planted that will be a majority of native and/or wildlife friendly species, and the retention of semi-natural habitat wherever possible.

The SELMP shall also include details of the mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the Ecological and Landscape Management Plan (ELMP) are not being met) how contingencies and /or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall be implemented in accordance with the approved details.

Reason:

In the interest of visual amenity and ecology, and to ensure the long term management and maintenance of all landscaped areas and to ensure the development complies with Policy BE1 and EN7 of the Neath Port Talbot Local Development Plan.

(21) No development shall take place in any phase or sub-phase of development (as identified in condition 7 (including demolition, ground works, vegetation clearance) until a detailed phase Ecological and Landscape Management Plan (ELMP) is submitted to and approved in writing by the Local Planning Authority. The phase ELMP shall address the issues set out in the strategic ELMP in detail and as relevant to the phase of works. The approved phase Construction Environmental Management Plan (CEMP) shall be adhered to and implemented throughout the construction phase strictly in accordance with the approved details.

Reason:

In the interest of visual amenity, and to ensure the long term management and maintenance of all landscaped areas and to ensure the development complies with Policy BE1 and EN7 of the Neath Port Talbot Local Development Plan.

(22) No development shall take place in any phase or sub-phase of development (as identified in condition 7) (including ground works, vegetation clearance) until a detailed landscaping plan for the phase which accords with the strategic landscaping plan approved under Condition 20 has been submitted to and approved in writing by the Local Planning Authority. The plans shall include the following:

- (a) Indications of all existing trees and hedgerows on the land, and details of any to be retained, taking into account potential growth, together with measures for their protection in the course of the construction.
- (b) Evergreen mitigation planting on the ridge top and southern fringes of the proposed development;
- (c) Incorporate the landscape features shown on Parameters Plan 17023(90) 210 Revision M and Golby and Luck Figure 11.32;
- (d) 50% of the existing woodland set out in the Parameters Plan 17023(90) 210 Revision M and Golby and Luck Figure 11.32 shall be protected and retained in line with BS5837:2012
- (e) Plans showing the planting layout of proposed structural planting, trees, shrub, grass/wildflowers and natural regeneration areas;

- (f) The schedule of proposed planting indicating species, size at the time of planting, root type, numbers and densities of plants;
- (g) A specification of ground preparation, landscape operations, topsoil and subsoil standards and management, supply of plants and planting nursery stock standards, plant protection, staking mulch, grass and wildflower mixes, watering, replacements; and
- (h) Tree planting pit details in hard and soft areas.

The approved scheme shall be carried out in the first planting season after completion of the phase of construction or its occupation, whichever is the sooner and any trees or plants which within a period of five years are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and the same species, unless the local planning authority gives written consent to any variation.

Reason:

In the interest of biodiversity, visual amenity and long term management and maintenance of all landscaped areas and to ensure the development complies with Policy BE1 and EN7 of the Neath Port Talbot Local Development Plan.

(23) For each phase (or sub-phase) of development identified within condition 7 above, the Reserved Matters submission(s) shall be accompanied by an Ecological Statement identifying how the submission complies with the objectives of the Strategic Ecological Landscape Management Plan (SELMP) demonstrating how for that phase of the development, including engineering operations, has been designed to: - minimise habitat loss; maximise provision of replacement habitat; improve connectivity; and maximise opportunities for biodiversity enhancement. The statement shall also incorporate a detailed Phase Construction Environmental Management Plan (Phase CEMP) for that phase of the development, which shall address the issues set out in the Strategic Construction Environmental Management Plan (SCEMP) in detail and as relevant to the phase of works. No development shall take place in any phase or sub-phase of development (as identified in condition 1 above) (including demolition, ground works, vegetation clearance) other than in accordance with the approved CEMP for that phase, which shall be adhered to and implemented throughout the construction phase strictly in accordance with the approved details.

Reason:

In the interest of biodiversity, visual amenity and long term management and maintenance of all landscaped areas and to ensure the development complies with Policy BE1 and EN7 of the Neath Port Talbot Local Development Plan.

(24) To inform the reserved matters application a ground investigation and hydrological survey shall be undertaken to establish the extent and depth of peat on the site and how the peat functions in relation to hydrology. The survey shall be submitted and approved in writing by the LPA.

Reason: to ensure the impacts upon peat, as a carbon store and biodiversity resource, are fully understood and appropriate mitigation applied.

(25) As part of the first reserved matters a scheme shall be submitted to and approved in writing with the Local Planning Authority for peat impact avoidance, minimisation and management. This shall be informed by the ground investigation and hydrological survey and shall detail all impacts upon the peat resource on-site and in the neighbouring Caerau SINC, and set out appropriate mitigation measures. The scheme shall be implemented as approved.

Reason:

To ensure the impacts upon peat, as a carbon store and biodiversity resource, are fully understood and appropriate mitigation applied.

(26) As part of the first reserved matters a scheme shall be submitted to and approved in writing by the Local Planning Authority for the design of the site drainage, watercourse diversion and attenuation ponds to reinstate, create and enhance, where possible, the biodiversity interest of such features.

Reason:

To maintain, re-create and improve water habitats in accordance with Policy EN7 of the Neath Port Talbot Local Development Plan.

(27) For each phase (or sub-phase) of development identified within condition 7, the Reserved Matters submission(s) shall be accompanied by a scheme for the provision of artificial nesting sites for birds or roosting opportunities for bats all new buildings. The scheme shall be implemented as approved.

Reason:

To contribute against the mitigation of loss of wild bird habitat to the development and to comply with the Conservation of Habitats and Species Regulations 2010 and to comply with the biodiversity conservation duty under the Environment (Wales) Act 2016.

(28) As part of the first reserved matters consent a scheme to assess the nature and extent of any contamination on the site, and confirmation of whether or not it originates on the site shall be submitted to and agreed in writing with the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons in accordance with the following document:- Land Contamination: A Guide for Developers (WLGA, WAG & EAW, July 2006) and shall be submitted as a written report which shall include:

(a) A desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) identifying all plausible pollutant linkages to be assessed.

(b) a survey of the extent, scale and nature of contamination;

(c) an assessment of the potential risks to:

- human health,
- ground waters and surface waters
- adjoining land,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- ecological systems,
- archaeological sites and ancient monuments;

(d) an appraisal of remedial options, and proposal of the preferred remedial option(s).

Reason

To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment.

(29) No development shall take place on site, and if required by Condition 28, until such time as a remediation scheme to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, buildings, other property and the natural and historical environment shall be prepared and submitted to and agreed in writing with the local planning authority. The scheme shall include all works to be undertaken, proposed remediation objectives, remediation criteria and site management procedures. The measures proposed within the remediation scheme shall be implemented in accordance with an agreed programme of works.

#### Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

(30) No development shall take place until a point of connection on the public sewerage system has been identified by a hydraulic modelling assessment, which shall be first have been submitted to and approved in writing by the Local Planning Authority. Thereafter the connection shall be made in accordance with the recommended connection option following the implementation of any necessary reinforcement works to the sewerage system, as may be identified by the hydraulic modelling assessment.

#### Reason:

To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment and ensure the development complies with Policy SP16 and BE1 of the Neath Port Talbot Local Development Plan.

(31) No development shall take place until a potable water scheme to serve the site has been identified by a hydraulic modelling assessment, which shall be first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the existing water supply network can suitably accommodate the proposed development. If necessary a scheme to reinforce the existing public water supply network in order to accommodate the site shall be delivered prior to the occupation of any building. Thereafter, the agreed scheme shall be constructed in full and remain in perpetuity as may be identified by the hydraulic modelling assessment.

Reason:

To ensure the site is served by a suitable potable water supply.

(32) No development shall take place on site until details of a construction design method statement and risk assessment for the protection of the structural condition of the strategic water mains and service reservoirs bordering/crossing the site has been submitted to and approved in writing by the Local Planning Authority. No other development pursuant to this permission shall be carried out until the approved protection measures have been implemented and completed. Thereafter, the protection measures shall be retained at all times during the lifetime of this permission.

Reason:

To protect the integrity of the public watermain(s) and avoid damage thereto and ensure the development complies with Policy SP16 and BE1 of the Neath Port Talbot Local Development Plan.

(33) In support of the submission of the first of the reserved matters for each phase of development identified in Condition 7, a scheme detailing the phasing approach for the development reflecting the car parking requirements on site for that phase shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on that phase. The scheme as submitted shall identify all permanent and temporary parking requirements within that phase and shall ensure a maximum of 650 visitor spaces and 250 staff spaces within the site as a whole, with each phase having a pro rata provision of parking.

Reason:

In the interest of highway safety and to ensure the development complies with Policy TR2 of the Neath Port Talbot Local Plan.

(34) As part of the first reserved matters application a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing a schedule of works for footway/cycle access from the site onto the existing road and cycle network. The scheme shall be implemented as approved.

Reason:

To ensure a suitable cycleway and footway system is implemented throughout the development within an appropriate timescale, in the

interests of promoting sustainable transport and to accord with Policy SP20 of the Neath Port Talbot Local Development Plan.

(35) Prior to the commencement of any built development on any phase identified under condition 7 which intersects the route of the Cymmer Tunnel beneath the site, a detailed scheme shall be submitted to and approved in writing by the local planning authority assessing the impact that any development will have on the Cymmer Tunnel. The scheme shall include mitigation measures where appropriate and implemented as approved prior to any development commencing on that phase of development.

Reason:

To ensure that engineering works do not interfere with the Cymmer Tunnel.

#### Action Conditions

(36) No less than six months prior to the development hereby approved being brought into beneficial use, a visitor Transport Management Plan shall have been submitted to and approved in writing by the Local Planning Authority detailing measures that will direct all visitors' vehicular traffic to reasonably ensure that junctions 1 to 7 (item 6.1.1 of the submitted Transport Assessment) are utilised. This plan as approved shall be implemented prior to first beneficial use and managed as such thereafter for as long as the development is operational.

Reason:

In the interest of highway safety and to ensure the development complies with Policy TR2 of the Neath Port Talbot Local Plan.

(37) No less than 6 months prior to the development hereby approved being brought into first beneficial use a scheme detailing directional signing for the Resort via Junctions 40 and 41 on the M4 Motorway and then along the A4107 shall be submitted for the approval of both the local planning authority and the Welsh Assembly Government's Transport Directorate. The approved scheme shall be fully implemented prior to the first beneficial use and retained as such thereafter.

Reason:

To ensure that users of the Resort use are directed to follow the preferred route rather than via junction 36 of the M4 motorway and through Maesteg, in the interest of highway safety and to ensure the development complies with Policy TR2 of the Neath Port Talbot Local Development Plan.

(38) Notwithstanding Drg 16179.TOPO.107.14 of the Transport Addendum and prior to work commencing on construction of the permanent access, a detailed scheme for the visitor and staff access junctions including a Stage 2 Road Safety Audit in accordance with Design Manual for Roads and Bridges HD19/03 shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall also address the requirements of the submitted Stage 1 Road Safety Audit, and development shall be undertaken in accordance with the approved scheme and thereafter retained as approved.

Reason:

In the interest of highway safety and to ensure the development complies with Policy TR2 of the Neath Port Talbot Local Development Plan.

(39) As part of the first reserved matters for each phase of development as agreed under Condition 7 and notwithstanding the information pertaining to a Dark Corridor in Appendix A8.14 of the ES, a detailed lighting scheme including those required on a temporary basis during construction shall be submitted to and approved in writing which shall:

- (a) Identify those areas/features on site that are particularly sensitive for nocturnal wildlife, especially bats, and that are likely cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- (b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
- (c) Identify the location of all external lights, the specification, intensity of illumination, predicted lighting contours (Lux plots), together with proposed hours of operation and any mitigation measures required and timescales for the installation of all lighting.

The approved lighting shall be implemented on site in accordance with the approved scheme only, and retained as such thereafter.

#### Reason

In the interest of visual, residential amenity and to prevent any unacceptable light spillage, and in the interest of biodiversity and protected species and to ensure the proposal complies with Policies EN8 and BE1 of the Local Development Plan.

(40) Prior to first beneficial use of each phase of development as agreed under Condition 7, a scheme detailing a refuse and recycling strategy shall be submitted to and approved in writing by the local planning authority. The scheme as approved shall be implemented and retained as such thereafter.

#### Reason

In the interest of highway and pedestrian safety.

(41) Notwithstanding Drawing 16170 TOPO 10710a and Drawing 16179 Fig 1.1 of the addendum (Chapter 14- Transport) and prior to any works commencing on constructing the main visitor access, a revised road scheme (at a scale of 1:500) detailing:-

- (a) The proposed Junction and Right Hand Turn Lane shall be designed in accordance with Design Manual for Roads and Bridges TD50/04 and TD42/95 with all lane widths being annotated (minimum standards will only be considered as the exception) all dimensions shall be annotated on the submitted drawings.
- (b) A TRO scheme to reduce the speed limit to 30mph, to include signage and exact locations on A4107 –Brytwn Road together with lining and associated antiskid surfacing of the proposed junction.
- (c) Cross sections every 10 metres to include all works involved in forming the proposed junction onto and along the A4107.
- (d) All structural calculations to the relevant Eurocode for any supporting structures associated with the traffic controlled junction including an Appraisal in Principle document in accordance with Design Manual for Roads and Bridges BD2/12.
- (e) A minimum width for the first 25.0 metres of 5.5 metres at a maximum gradient of 1in20 and thereafter a minimum width of 4.8 metres to include swept path analysis for emergency vehicles.

- (f) Surface water drainage proposals including gully and manhole positions, pipe sizes and gradients, street lighting proposals and relocation of any statutory undertaker equipment shall also be included.

shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be constructed and completed prior to the first beneficial use of any building.

Reason:

In the interest of highway safety and to ensure the development complies with Policy TR2 of the Neath Port Talbot Local Plan.

(42) Notwithstanding the submitted Travel Plan, no less than six months prior to first beneficial use of the development hereby approved, an updated Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The amended Travel Plan shall include details of the appointment of a Travel Plan Coordinator, and in addition to addressing the means to encourage staff to use more sustainable means of transport and reduce the demand on private transport, the Plan should incorporate details of how the Resort transportation could be utilised to encourage visitors to the resort to use nearby train stations (such as Port Talbot and Maesteg). The Plan should also include a detailed monitoring scheme/schedule, which shall regular reviews covering the initial five year period, together with details covering submission and approval of subsequent updated Travel Plans every five years for the duration of the operation of the development, which shall seek to address any issues that have failed to reduce the use of the car and meet the agreed targets set in the travel plan. All measures identified within any approved Travel Plan required by the scheme shall be implemented within three months following its approval.

Reason

In the interests of promoting sustainable transport and to ensure the development complies with Policy SP20 of the Neath Port Talbot Local Plan.

(43) Notwithstanding Drg 16179.Topo.107.14 and prior to any works commencing on the construction of the main staff/delivery access, a revised scheme (at a scale of 1:500) in accordance with TD42/95, which shall also include the recommendations contained within the stage 1 road safety audit and TRO's to reduce the speed limit to 30 mph shall be submitted to and approved in writing by the local planning

authority. This scheme shall also include all signage and exact locations together with lining. This scheme as approved shall be implemented prior to the commencement of any phase of development identified under Condition 7.

Reason:

In the interest of highway safety and to ensure the development complies with Policy TR2 of the Neath Port Talbot Local Development Plan.

(44) Notwithstanding Drg 16179 Fig 1.1 Transport Addendum all highway works shall be subject to a Road Safety Audit Stages 1 to 4 in accordance with Design Manual for Roads and Bridges HD19/03 and shall at each stage of the Audit be submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interest of highway safety and to ensure the development complies with Policy TR2 of the Neath Port Talbot Local Plan.

(45) No development shall commence on construction of the proposed visitor access track until such time as a scheme detailing:

- (a) A long section over its entire length having a maximum gradient of 1 in 12
- (b) Cross sections over its full width every 20 metres to include supporting embankments.
- (c) Surface water drainage proposals including pipe sizes, to ensure greenfield run-off rate is achieved. (Please note surface water drainage proposals should comply with Welsh Governments Statutory Standards for Sustainable Drainage Systems 2018).
- (d) Construction details.
- (e) Lighting proposals.

has been submitted to and approved in writing by the Local Planning Authority. These details as approved shall be implemented prior to the first use by any visitor.

Reason:

In the interest of highway safety and to ensure the development complies with Policy TR2 of the Neath Port Talbot Local Development Plan.

(46) No building shall be occupied or access track constructed (other than any temporary access track that may be agreed under condition 7) until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Before these details are submitted, an assessment shall be carried out of the site potential for disposing of surface water by means of sustainable drainage system in accordance with the principles set out in TAN15 and Welsh Government Statutory Standards for Sustainable Drainage Systems 2018, and results of the assessment provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall include:

- (a) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- (b) include a period for its implementation; and
- (c) provide a management and maintenance plan of the development which shall include the arrangements to secure the operation of the scheme throughout its lifetime.

Reason:

To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system and ensure the development complies with Policy SP16 and EN8 of the Neath Port Talbot Local Development Plan.

(47) In the event the first reserved matters submission is submitted later than 18 months following the date of this consent, the Strategic Construction Environmental Management Plan (SCEMP) required by condition 17 and the detailed Phasing Construction Environmental Management Plan (PCEMP) under condition 18 shall be informed and demonstrate due regard to further ecological surveys which shall be commissioned to i) establish if there have been any changes in the presence and/or abundance of S7/SINC habitats and species, protected species, reptiles, birds, terrestrial invertebrates and bats; and ii) identify any likely new ecological impacts that might arise from any changes.

Reason: To ensure the development is informed by up to date ecological information and appropriate ecological measures are implemented and to ensure compliance with Policy SP15 of the Local Development Plan.

(48) If any features that may be used by bats (crack, crevices, gaps, loose bark etc) are identified during the works then the branches shall be section felled, lowered carefully and left on the ground for a minimum of 24 hours to allow any wildlife, such as bats, to escape if present. In addition, if bats are discovered during the works, work shall stop immediately. NRW shall be contacted as a licence may be required to continue.

Reason:

In the interests of ecology and biodiversity and as Bats are European protected species and are afforded protection under the Conservation of Habitats and Species Regulations 2010 and by the Wildlife and Countryside Act 1981 (as amended) in accordance with Policy SP15 of the Neath Port Talbot Local Development Plan.

(49) No commercially beneficial use of the approved development shall take place until an Operational Noise Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved Noise Management Plan shall identify all significant noise sources; detail the physical and operational management controls necessary to mitigate emissions from these noise sources; hours of working on site, and any elements of operation that could lead to amenity issues from noise and disturbance to surrounding residential properties. The Operational Noise Management Plan shall also detail any noise complaint investigation procedures. The approved Operational Noise Management Plan shall be adhered to throughout the operation of the approved use.

Reason:

To protect the amenity of the locality, especially for people living and/or working nearby, and to ensure accordance with Policies BE1 and EN8 of the adopted Neath Port Talbot Local Plan.

(50) Prior to beneficial use of the proposed development commencing, and if required by Condition 29, a verification report which demonstrates the effectiveness of the agreed remediation works carried out in accordance with condition (shall be submitted to and agreed in writing with the Local Planning Authority).

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

(51) In the event that contamination is found at any time when carrying out the approved development that was not previously identified, work on site shall cease immediately and shall be reported in writing to the Local Planning Authority. A Desk Study, Site Investigation, Risk Assessment and where necessary a Remediation Strategy must be undertaken in accordance with the following document:- Land Contamination: A Guide for Developers (WLGA, WAG & EAW, July 2006). This document shall be submitted to and agreed in writing with the Local Planning Authority. Prior to occupation of the development, a verification report which demonstrates the effectiveness of the agreed remediation, shall be submitted to and agreed in writing with the Local Planning Authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

(52) Prior to first occupation, a Welsh Language Strategy (WLAP) setting out the mitigation measures to be undertaken to protect, promote and enhance the Welsh language shall be submitted to and agreed in writing with the Local Planning Authority. The agreed recommendations of that strategy shall be implemented and complied with throughout the duration of the sites operation.

Reason

In order to mitigate any negative effects from new development on the Welsh Language

(53) No less than 6 months prior to commencement of any development hereby approved, full details of a Local Labour Recruitment Strategy, to include the provision of measures aimed at facilitating best available access for people to the opportunities for employment arising from the construction and operation of the Afan Valley resort, shall have been submitted to the Local Planning Authority for approval. The Strategy, which shall include a timetable for its implementation, shall thereafter be implemented as approved.

Reason:

To ensure that the developer undertakes best endeavours to facilitate best available access for local people to the opportunities for employment arising from the construction and operation of the Afan Valley resort.

(54) No less than 6 months prior to the development hereby approved being brought into beneficial use, details of a strategy to link the Resort to the wider tourism offer within Neath Port Talbot and Bridgend shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall include details of how the Resort will be operated to foster a positive relationship with existing and future tourism providers, along with a monitoring scheme/schedule, which shall incorporate regular reviews covering the initial five year period, together with submission and approval of reviews to the Strategy every five years for the duration of the operation of the development, and shall thereafter be implemented as approved for as long as the Resort operates.

Reason:

To ensure the development complements and enhances the existing tourism offer, and to accord with Policy TO1 of the Neath Port Talbot Local Development Plan.

### Regulatory Conditions

(55) No vehicular access associated with the proposed scheme shall be gated within 20 metres of the existing public highway.

Reason:

In the interest of highway safety and to ensure the development complies with Policy TR2 of the Neath Port Talbot Local Development Plan.

(56) No development shall commence on each phase of development approved under condition 7 (other than any temporary access track that may be agreed under condition 7) until such time as a scheme detailing the incorporation of buffer zones from all watercourses within which development will not take place (which shall as far as practicable measure 7m either side, from the top of the bank) has been submitted to and approved in writing by the local planning authority. The zones shall be permanently fenced-off prior to any site clearance or development taking place, and maintained as a development free buffer thereafter.

Reason:

In the interests of biodiversity, and to maintain the riparian habitat and corridor in accordance with Policy EN7 of the adopted Neath Port Talbot Local Plan.

(57) Notwithstanding those trees permitted to be felled under Condition 20, all mature native trees shall be retained as they may provide habitats for nesting birds and roosting bats.

Reason:

To conserve habitats that support species such as birds and bats; and to ensure compliance with the Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended) and in accordance with Policy SP15 of the adopted Neath Port Talbot Local Plan.

(58) Notwithstanding the Town and Country Planning Use Classes Order 1987 (or any Order revoking or reacting that order) the lodges shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence or by any persons exceeding a period of 21 days in any calendar year. An up to date register shall be kept at the holiday accommodation hereby permitted and be made available for inspection by the local planning authority upon request. The register shall contain details of the names of all occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.

Reason:

To ensure the accommodation is utilised for holiday accommodation only and to broadly align with the sales particulars issued by the applicant.

(59) Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) the gross floor space for uses within Class A1 and A3 shall not exceed those detailed in Section 5.2 of the Design and Access Statement.

Reason:

In the interests of clarity and to ensure the overall sustainability of the development, and to consider the impact upon the vitality, viability and attractiveness of nearby retail centres in accordance with Policy SP12 of the Local Development Plan.

(60) Demolition & construction operations shall be limited to 08:00-18:00 Mon-Fri, 08:00-13:00 Saturday, and no demolition & construction operations shall take place on Sunday and Public Holidays without the prior approval of the Local Planning Authority.

Reason:

To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Policies BE1 and EN8 of the Neath Port Talbot Local Development Plan.

(61) During the hours of 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 hours on Saturdays, the noise levels arising from demolition & construction operations shall not exceed the following limits at the specified locations (identified in Informative 1 )as measured in dB LAeq (1 hour) freefield:

<u>Location</u>	<u>Limit</u>
NSR 1	50
NSR 2	46
NSR 3	46
NSR 4	48
NSR 5	44
NSR 6	40
NSR 7	44

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, and to ensure accordance with Policies BE1 and EN8 of the Neath Port Talbot Local Development Plan.

(62) The construction noise limits specified in Condition 61 may be exceeded on a maximum of 56 days in a rolling 12 month period. The absolute noise limit permitted by this condition is 65 dB LAeq (1 hour) freefield. The Local Planning Authority shall be notified of all dates when an exemption from Condition 61 noise limits is used, detailing the receptors affected and the reasons for exceeding the noise limit.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, and to ensure accordance with Policies BE1 and EN8 of the Neath Port Talbot Local Development Plan.

(63) The noise rating level emitted from mechanical plant and recreational activities shall not be greater than 5dB above the existing background noise level. The noise rating levels shall be determined at the noise sensitive receptor locations set out in Informative 1. Measurements and assessments shall be made in accordance with “BS 4142:2014 Method for rating and assessing industrial and commercial sound”.

Reason:

To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Policies BE1 and EN8 of the Neath Port Talbot Development Plan.

## **APPENDIX – Landscape and Visual Impact Viewpoints / Digital Terrain Models**

The landscape viewpoints and Digital terrain models can be viewed by clicking the links below.

### Viewpoints

[Views 1 and 2](#)

[Views 3 and 4](#)

[Views 5 and 6](#)

[Views 7 and 8](#)

[Views 9 and 10](#)

[Views 11 and 12](#)

[Views 13 and 14](#)

[Views 15 and 16](#)

[Views 17 and 18](#)

[Views 19 and 20](#)

[Views 21 and 22](#)

[Views 23 and 24](#)

[Views 25 and 26](#)

[Views 27 and 28](#)

[Views 29 and 30](#)

[Views 31 and 32](#)

[Views 33 and 34](#)

### Digital Terrain Models (DTM)

[DTM View 5](#)

[DTM View 8](#)

[DTM View 9](#)

[DTM View 17](#)

[DTM View 19](#)

[DTM View 30](#)

[DTM View 32](#)

[DTM View 33](#)

[DTM View 34](#)