

SECTION A – MATTERS FOR DECISION

AFAN VALLEY ADVENTURE RESORT

<u>APPLICATION NO:</u> P2018/0493	<u>DATE:</u> 25/07/2018
PROPOSAL:	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.
LOCATION:	Land At Pen Y Bryn, Croeserw Cymmer, Port Talbot
APPLICANT:	Afan Valley Limited
TYPE:	Outline
WARD:	Cymmer

BACKGROUND

Previous Committee Resolution

On 19th March 2019 Officers brought the above planning application for the proposed 'Afan Valley Adventure Resort' (AVAR) before the Planning Committee, at which time Members resolved as follows:

1. That following the site visit prior to today's meeting on 19 March, 2019, and in accordance with Officers' recommendations, Application No.P2018/0493 be approved, subject to the conditions detailed in the circulated report (as revised in the circulated amendment sheet), and subject to the applicant entering into a

Section 106 Agreement with the broad Heads of Terms detailed in the circulated report: -

- 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.

Links are provided below to the Committee documentation from 19th March 2019: -

- [Officer's report](#)
- [Amendment Sheet](#)
- [Minutes](#)

Actions Subsequent to Committee Resolution

Following the Committee resolution, little progress was made with the developer or its appointed agent towards resolving such legal issues. Accordingly, on 10th June 2019 Officers made contact with the agent reminding them of the recommendations of the Planning Committee and emphasising our concerns that no notable progress had been made since the resolution was made.

Subsequent to this letter, in late June, Members will be aware that there was significant coverage in the National press and on television concerning the alleged serious financial issues and irregularities concerning Northern Powerhouse Developments (NPD) and its Director Gavin Woodhouse, the company and person behind the applicant, Afan Valley Limited.

These allegations are serious matters requiring investigation by the Police and other organisations, and have led to Court decisions (as [reported](#) in The Guardian online) which removed Gavin Woodhouse's powers over Afan Valley Limited (and his other businesses) and appointed interim managers / administrators for Afan Valley Limited (Philip Duffy and Sarah Bell of the insolvency firm Duff & Phelps) to run the company.

Most pertinently for this Authority, however, these allegations of financial impropriety have raised concerns relating to the information that was contained in the Business Plan submitted by the applicants on 7th February 2019, and which formed a significant part of the officer's appraisal of the application in question.

Actions Subsequent to Reporting of Financial Allegations relating to NPD

Following the above reports, the appointed agent, Nineteen47, has been in regular contact with Officers. Most notably, these ongoing discussions have been led by Peter Moore who, despite stepping down from his role with NPD, has emphasised in writing and through recent actions that he remains committed to driving the project forward in conjunction with the appointed interim managers / administrators Duff & Phelps.

Throughout these discussions, Officers have emphasised that the six month 'deadline' expires on 19th September 2019, and that officers would be seeking to bring a report back to the Planning Committee shortly thereafter to update Members on the current situation. In this regard, Peter Moore, Philip Duffy, and the appointed agent have been liaising with financiers and current or potential partner organisations to prepare further submissions for the Council so that a decision may be taken by Members on how they wish to progress.

Receipt of Additional Information

The agent has recently submitted additional information to the Council to allow a re-assessment of the proposal based upon an updated business / financial case.

The [covering letter](#) (attached in full at Appendix A) has emphasised the following: -

- Notwithstanding recent events, the [business case and concept](#) that was previously presented to officers in advance of the planning committee in March 2019 remains unchanged and is re-submitted for consideration.
- This business case has been prepared by Peter Moore and is based upon his extensive experience in the leisure industry, most notably as Chief Executive of Center Parcs which is a very comparable business model in terms of revenue and development costs.
- Furthermore, much of the financial data has come direct from the activity operators and is deemed to be robust.
- The business case has been presented to Zenzic Partners who are experienced corporate financing specialists who will be taking the investment opportunity to the market. Zenzic Partners confirms that there is an availability of funding options from a range of sources and that there are various live discussions with lenders which can be progressed. This is supported by a detailed funding model and cash flow forecast during the project delivery.
- Ultimately debt funding will not be released until such time as planning permission has been granted and similarly opportunities for equity funding will be increased at this point.
- Letters of continued support (treated in the strictest of commercial confidence but viewed by Officers) have been received from the key activity operators.
- Peter Moore has been in continuous communication with the key individuals and organisations crucial to the success of the project, resulting in:
 - Letters of continued support have been received from [Stephen Kinnock MP](#) and Assembly Members [David Rees AM](#) and [Huw Irranca-Davies AM](#).

- There remains a stated commitment from key consultants AECOM (Infrastructure) and Powell Dobson (architects), plus Nineteen47 as planning agents.
- Land ownership details have also been clarified.

The agents have stated that “Peter Moore and myself as well as the landowner Clive Mishon and the Administrators Duff and Phelps wholeheartedly wish to take the project forward through the planning process and subsequently to on-site delivery”. Accordingly, they have “respectfully requested that the Council show continued confidence in the project delivery and grant a 6 month extension of time at the planning committee on 24th September 2019 to enable the s106 discussions and drafting to continue, so that the focus can then shift on to the project delivery which we are committed to getting underway at the earliest possible opportunity”.

They have further noted that, if members are minded to support this request, they recognise that “further extensions of time will not be granted and therefore there is a commitment on behalf of the project team to expedite the signing of the s106 as swiftly as practically possible”.

The ES, Addendum and all other supporting information is available to view on the [Council's online register](#) and within the application file.

PURPOSE OF REPORT

Following receipt of the above information, the purpose of this report is to provide an updated assessment which provides recommendations in respect of the impacts of recent events / reports and submissions on the overall assessment of the application, and also on the most appropriate way forward for the Council on the application in question.

It is noted that the report does not seek to reassess every element of the original report, not least because there has been no material change to the nature or environmental impacts of the development in question. In that respect the original resolution based on an assessment of the overall ‘planning balance’ remains robust.

Instead, the report only seeks to re-appraise the proposal against Policy TO1, and conclude whether there remains a sufficient degree of confidence based on the re-submitted business plan and other

submissions that the proposal would continue to satisfactorily meet the Policy TO1 tests of deliverability.

ASSESSMENT

The original report that was placed before Members of the Planning Committee on the 19th March 2019 emphasised that, given the site's location outside of any defined settlement limit (Policy SC1), the primary LDP Policy to assess such a tourism proposal 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.

Criteria 2 to 3 have been addressed in the original assessment which remains robust and therefore requires no re-evaluation.

Criterion (1) is of critical importance to this re-assessment, insofar as it relates to the need to demonstrate *“that the proposal is viable and contributes towards the quality and economic sustainability of the tourism industry”*.

Officers have always emphasised the critical importance of this criterion, with discussions at that time seeking further clarification on the deliverability and viability of the project, in order to satisfy the objectives of criterion 1 of Policy TO1. In this respect, the original report was only presented to Committee following submission of an updated and repackaged Business Plan, supported by the original ES and a subsequent addendum.

The 19th March 2019 Planning Committee report assessed such matters as follows: -

“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.”

The majority of these comments were taken verbatim from the submitted Business Plan (received 7th February 2019; Page 20), which also included a letter from their Solicitors Metis Law (dated 1st February 2019) confirming that they were “*in receipt of contracts/commercial agreements between our client and the following parties: Jaguar Land Rover, Bear Grylls Survival Academy, Go Ape, Landal Green Parks, Neuman Aqua and Snowflex. The terms of these documents establish relationships between our client and the parties referred to above in respect of the Afan Valley Adventure Resort Project”.*

The recent events have, however, required the Authority to reconsider the weight to attach to the above. For example, while the business plan indicated that contracts were in place with partner organisations, it has since transpired that some of these were more akin to expressions of interest in becoming a partner rather than a legal contract. Furthermore, the financial model originally proposed has since been ruled by a judge (on the recent NPD financial case) to be ‘thoroughly dishonest’ and a ‘shameful abuse of the privileges of limited liability trading’.

New Information

As referred to earlier in the report, the agent, administrator and Peter Moore have been engaging with each other, with financiers and with current and potential partner organisations over the course of the last three months since the NPD financial irregularities were reported. This has led to the submission of additional supporting information (some of which it has been agreed must be treated in commercial confidence).

In summary, the agent has advised as follows: -

- Peter Moore has agreed to heading up the team taking the project forward.
- The three 'critical Consultancy companies' - Nineteen47 (planning agents), AECOM (Infrastructure) and Powell Dobson (Architects) - have all reinforced their ongoing support for the Afan Valley Project. These in turn, have received indications of support from consultancies who have also contributed thus far, such as ecology, highways, landscaping etc.
- Landal Green Parks, Go Ape, Neuman Aqua, Venture Xtreme Consultancy and Briton Engineering Developments Ltd (World Manufacturers of SnowFlex) have provided letters supporting the project.
- Jaguar Land Rover (JLR) at this stage have been unable to come to a decision as to whether they wish to be involved with the project. However, Bear Grylls remains supportive and have endorsed the progression of discussions with alternative and equally capable 4x4 brands, who would be interested in delivering an adventure experience on the site.
- The administrator has met senior officers and verbally advised that a new company will be established shortly which (unlike NPD) is not in administration and will be the vehicle for taking forward the Afan Valley project.

Re-Assessment

The recent events concerning NPD and especially their financial model have clearly raised significant concerns about the viability / deliverability of the project, both at officer level and no doubt generally in the wider public view. This has been of great concern given the significant benefits identified in the original report to Committee, and the strong support locally for the project as a consequence.

For the same reason, it is clear that local expectations have previously been raised significantly that this development could make a fundamental and hugely positive change to the economic and social outlook for the area, only to be hit by the recent allegations over NPD. It is thus important to ensure that regard is had to the impact of this decision on the Community of a project which remains only at the planning stage.

Notwithstanding the above, the nature and content of recent submissions to the Council, and ongoing discussions with Peter Moore and his team, together with the administrators for NPD, have been encouraging insofar as they had emphasised their unequivocal support for driving the project forward.

The submissions have also notably retained the support of many of the key consultancies and operators, while the discredited financial model is to be replaced by a more 'standard' model aimed at making the project attractive to institutional investors at both debt and equity levels. In this respect, while the submissions indicate that financial partners are yet to be secured (because attracting such finance is dependent on 'planning certainty' being achieved) this is not unusual, nor is it inherently different from the conclusions reached in March 2019 insofar as the original (discredited) model, still required finance to be secured.

The more traditional debt/equity model does, however, have a greater degree of credibility for a project of this stature, and it is considered that although there clearly remains much to be put in place by the 'new' team dealing with this project - and as before there remains no guarantee that the project will be delivered - it is considered that the updated and additional submissions have provided sufficient evidence to demonstrate that the proposed development would still 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.

Biodiversity Matters

It is noted that all efforts over the last few months have, indisputably, focussed on the need to address the financial deliverability of the project going forward, and to satisfy Officers in that regard.

It remains notable, however, that the draft Heads of terms for a legal agreement require the "inclusion of a Legal Framework to address provision of the solar farm site and another off-site compensation site/s and associated Habitat Management Plans in accordance with a sequential approach". No work has been undertaken on this requirement by the applicant or its agents to date.

In order to progress with the required legal agreement, this requires ongoing and potentially complex discussions with both Natural Resources Wales (NRW) and the Council. While there is no reason at

this stage to consider such matters cannot be resolved through negotiations, nevertheless it is emphasised that these matters will need to be progressed in tandem with the financial and other matters relating to deliverability.

CONCLUSIONS

For the reasons detailed above, it is concluded that the original conclusions and assessment of the overall 'planning balance' contained within the March 2019 committee report remain robust albeit they are now supported by updated details relating to deliverability. Accordingly the recommendation below seeks to reinforce the original resolution to grant planning permission for the development, albeit with the expectation that the six month (maximum) extension to progress all discussions surrounding the required legal agreement would be accompanied by additional clarifications from the development team in respect of the status of their ongoing financial discussions.

RECOMMENDATION

That Members reaffirm their support for the development on the following basis: -

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 by 31st March 2020, 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

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 17023(90)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 Revision A;
- (d) 50% of the existing woodland set out in the Parameters Plan 17023(90) 210 Revision M and Golby and Luck Figure 11.32 Revision A 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 Stages 2, 3 & 4 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.