

## **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>	<p>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 &amp; 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.</p> <p>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.</p> <p>(September 2021 - Additional Submissions addressing development finance/deliverability, including revised Business Plan from Wildfox Resorts and indicative programme; Planning policy update; Ecological validation note, and minor changes to Concept Masterplan and Parameters Plan).</p>
<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**

### *Original Committee Resolution*

On 19<sup>th</sup> 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 19<sup>th</sup> March 2019: -

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

#### *Actions Subsequent to March 2019 Committee Resolution*

Following the original Committee resolution, little progress was made with the developer or its appointed agent towards resolving such legal issues. In addition, and as outlined in the [Update report](#) presented to Members on September 24<sup>th</sup> 2019, significant matters of concern were raised 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.

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

The 24<sup>th</sup> September 2019 Update report to Members identified that, subsequent to Reporting of Financial Allegations relating to NPD, 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.

The report put before Members on September 24<sup>th</sup> 2019 also provided an update with regards to the signing of the S106 Agreement and considered the updated business/ financial case which had been put forward and required to be assessed against Policy TO1 of the LDP.

At this meeting it was resolved that **Members re-affirmed 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 31<sup>st</sup> 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.

#### *Actions Subsequent to 24<sup>th</sup> September 2019 Committee Resolution*

Following the above report, positive discussions continued with Peter Moore and the appointed agents in respect of finalising the required section 106 legal agreement. In this respect, although the original 31<sup>st</sup> March 2020 ‘deadline’ passed, officers continued with such negotiations/ discussions having regard to the potential strategic significance of the development and the inevitable impact on timescales during the early stages of the Covid-19 pandemic.

Such additional latitude has been made possible by the significant support of both Officers and the Planning Committee to date, and the clear desire to give the best opportunity for the project to progress towards delivery.

More recently, there have been significant discussions held between the land owners, administrators (applicant) and additional parties interested in progressing the development, with the Council having latterly been engaged in discussions with the new Group looking to deliver the project, with such matters discussed in detail below.

## PURPOSE OF REPORT

The purpose of this report is to:-

- Advise Members of the new Business Plan for *Wildfox Resorts Afan Valley* and related submissions on behalf of the Salamanca Group, and to appropriately assess such submissions against the relevant policy framework, notably Policy TO1.
- To update the Officer's assessment having regard to any material changes in site or policy circumstances since the matter was last reported (September 2019)
- To update Members on the progress made in relation to the S106 Agreement, and in particular to consider the extent to which such discussions have any material bearing on the 'planning balance'.
- To provide details of the amended plans received and the applicants request and acceptability of amending the wording of some of the conditions imposed.

While this report will include a re-assessment of the new business plan and associated submissions, it is emphasised 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.

Most pertinently, while the original (two) resolutions based on an assessment of the overall planning balance remains robust, this report will explain that the legal agreement now seeks to include a 'financial backstop' in respect of ecological impacts which, should that option be triggered, changes the nature of ecological impact arising from the development.

Accordingly this report requires Members to make a further, final resolution at Committee to confirm whether they remain content that the development remains deliverable, and that the benefits of the development (as identified in the original report) outweigh identified impacts arising from the development and that planning permission should be granted subject to the terms of the section 106 outlined in this report.

## ADDITIONAL SUBMISSIONS

In a letter dated 20<sup>th</sup> September 2021, the planning agent has provided the following submissions, with a request that the matter proceed expeditiously to a final resolution at Planning Committee: -

- [Supporting Letter](#)
- [Updated \*Wildfox Resorts\* Business Plan](#)
- [Octopus Real Estate – Support Letter](#)
- [Wildfox Resorts Indicative Programme](#)
- [Planning Policy Update](#)
- [Validation of Ecological assessment](#)



The submissions also clarify minor changes to: -

- [Site Location Plan](#)

- [Concept Masterplan](#)
- [Parameters Plan](#)

## ADDITIONAL PUBLICITY / CONSULTATIONS

Given the length of time since the last consultation, and the nature of recent submissions, additional publicity was undertaken in respect of this additional/ amended information, with neighbouring properties consulted and a site notice displayed on 21<sup>st</sup> September 2021 and a further advertisement in the South Wales Evening Post on 23<sup>rd</sup> September 2021.

In response, one additional local representation has been received, which raises the following issues:

1. Concerns in respect of geological weaknesses above their house where a road is to be built.
2. How is privacy being maintained? The road being built will be directly above our property. Though there will be some protection by the woods, there will still be a certain degree of privacy taken away.
3. A stream running down the mountain next to house currently comes onto our garden and feeds our pond where we keep ducks and geese. Could you confirm that this is being maintained and what actions are being taken to ensure its current path.
4. How are noise levels not being increased significantly? Staff cars could cause a considerable amount of disturbance.

In response to the above, it is noted that the Planning Committee has previously resolved twice that the development is acceptable in planning terms, and that the benefits associated with the development outweigh previously identified impacts. In this respect, while these additional comments are noted, it is considered that they do not raise any new or additional matters of note at this late stage in proceedings which would affect the earlier conclusions on the development.

In addition, all consultees have been notified, with the following responses have been received:

**Coal Authority** – No further comments to make

**The Head of Engineering and Transport (Highways)** – No objection subject to conditions previously suggested.

**The Head of Engineering and Transport (Drainage)** – No further comments.

**Footpaths Officer** – advises that public rights of way affect the site and provides no further comments.

## ASSESSMENT

### Updated Business Plan / Deliverability

In their supporting letter, the agents have emphasised the considerable efforts post-resolution to secure development funding to bring the proposals forward and ensure full compliance with Policy TO1 of the Local Development Plan which seeks to ensure that tourist related proposals are planned on a sound financial basis and are deliverable.

Notably, the letter introduces and formally confirms that Salamanca Group, working in conjunction with Pure Advisory, have secured the finance necessary to mobilise the project and to progress and conclude all reserved matters. Salamanca Group are, it is stated, an established financial institution with a track record of delivering large scale projects both overseas and in the UK, which are commensurate with the scale of the Afan Valley proposals.

The submissions notably also confirm that Salamanca have “*entered into a contractual process with the landowners and are committed to delivering this unique and exciting project which ... will deliver significant economic and social benefits to the area*”.

To emphasise their track record, the submissions provide information relating to Salamanca’s most high profile and recent development focussed on their ownership of a former Royal Ordnance Facility near Bridgwater in the South West of England. This has seen them fully remediate a 616 acre site, complete a new access road, fully comply with the conditions and section 106 obligations, and the creation of a new brand known as ‘Gravity’ which is attracting interest from international occupiers that are in the clean growth sectors, committed to transport decarbonisation – and creating over 7,500 jobs. This development evidences and supports their “*commitment to regeneration and the capacity and capability to shape and pursue sustainable development, secure finance, move projects forward into delivery*”.

Following completion of their own due diligence, the Salamanca Team have thus confirmed that they are fully committed to the delivery of the adventure resort at Afan Valley, with the new brand established to progress this being Wildfox Resorts Group Ltd.

They further advise that: -

- The team is committed to a sustainable model of development with a strong focus on environmental and social governance, with specific commitment to generating socio-economic value over and above the planned environmental obligations.
- Building individual confidence and resilience, the creation of pathways to work, opening up new opportunities for work experience, apprenticeships and jobs, is an area where Salamanca Group can add genuine value to help transform Afan Valley and its communities.
- A [website](#) has been established and a press statement is available on the website to confirm the current position.
- Salamanca team have been interviewing and appointing technical team members, with many of the former advisors (including Peter Moore) being retained / re-appointed to ensure continuity with the technical submissions and

thinking to date and also to assist with the speed of mobilisation and ambition to make effective progress.

- The Board of Directors will include Lord David Triesman (Chairman), and Peter Moore OBE (Director) with Baroness Tanni Grey-Thompson a Board Advisor.
- They are committed to establishing partnerships with other SMEs and operators in the area, while conducting a professional procurement exercise.
- The recent submissions have been accompanied by a supporting letter from Octopus Real Estate, who have emphasised that they actively seek to support and invest in companies and projects with strong Environmental and Social Governance (ESG) credentials, while seeking opportunities to support sustainable growth across the UK. Having undertaken significant research into the Wildfox Resort project, they have stated their belief "*that it is a project that will promote both ESG and sustainable growth in its area*". Their supporting letter also emphasises that their Investment Committee has approved Heads of Terms for a loan facility to support the progression of the scheme's development. The loan will cover the costs associated with discharging all outstanding Reserved Matters of the planning consent, and release funds to satisfy the borrower's contractual obligations to the landowner.
- Minor amendments to the section 106 are being drafted to ensure the consenting process and the financial and legal processes are fully aligned to enable delivery
- An indicative programme of work is included demonstrating an intent to conclude reserved matters in the summer of 2022, with the (ambitious) aim of site opening in 2024.

As a consequence, with the team in place, and landowners and finances are aligned, they have formally sought the ratification of the resolution in respect of the outline application.

#### Assessment against LDP Policy TO1

Policy TO1 of the Local Development Plan, in essence, seeks to ensure that tourist related proposals are planned on a sound financial basis, are deliverable and will promote sustainable development and enhance economic growth in the tourism sector. In this respect, having considered the earlier business plan submissions, the original report concluded that "*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 further submissions presented to Members on the 24<sup>th</sup> September 2019 concluded that the more traditional debt/equity model put forward at that time had a greater degree of credibility for a project of this stature, such that it was 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”.*

The submissions now before the Council relate to a wholly new business plan, and Officers have been in discussion with the new ‘delivery team’ in recent months, and have been made fully aware of their intentions to retain the original concept for the resort, and to progress towards delivery of the development at the earliest opportunity. This ambitious implementation timetable has been made possible not only by appropriate legal controls over the land, but also by the strong commitment of the Salamanca team, Pure Advisory, and their financial partners. In this respect, having reviewed the submissions and met the delivery team, it is considered that the introduction of the Salamanca Group and their finance partners, and the clear alignment with the landowners (including the administrators) have now gone that extra step even beyond previous submissions, in demonstrating true deliverability.

As before, this does not automatically provide 100% certainty that the development will be delivered *on the ground*. What it does, however, is indicate that the new delivery team represent the greatest chance of success for a project of this magnitude to deliver the clear benefits identified within earlier reports, and moreover to deliver greater benefits through their additional commitments to a sustainable model of development with a strong focus on environmental and social governance, and the creation of additional pathways and opportunities for work, and to add genuine value to help transform Afan Valley and its communities.

Consequently, it is considered that the updated and additional submissions provide ample evidence to reaffirm that the proposed development continues to be in compliance with the criteria set out within Policy TO1. However, as the commitments from Wildfox are central to the deliverability of the scheme, the Heads of Terms are amended to ensure they are joined as a developer party to the section 106 agreement.

#### Changes in Site or Policy Circumstances since the matter was last reported (September 2019)

Since the application was originally presented to Members in March 2019 and September 2019, there have been a number of updates to National policy which require clarification and assessment to determine whether they have any material impact on the conclusions previously reached on this development.

Notably, [Planning Policy Wales](#) (Edition 11) was revised and restructured in February 2021 to coincide with publication of, and take into account the policies, themes and approaches set out in, [Future Wales - the National Plan 2040](#) and to deliver the vision for Wales that is set out therein.

Future Wales now forms part of the Development Plan for all parts of Wales, comprising a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. All Development Management decisions, strategic and local development plans, planning appeals and all other work directed by the development plan need to accord with Future Wales.

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015 and the Well-being of Future Generations (Wales) Act 2015.

PPW11 takes the seven *Well-being Goals* and the five *Ways of Working* as overarching themes and embodies a placemaking approach throughout, with the aim of delivering *Active and Social Places*, *Productive and Enterprising Places* and *Distinctive and Natural Places*. It also identifies the planning system as one of the main tools to create sustainable places, and that placemaking principles are a tool to achieving this through both plan making and the decision making process.

The following guidance is of particular relevance in the assessment of this planning application (with related or relevant comments below):

- Paragraph 2.27 advises that planning authorities should ensure that social economic, environmental and cultural benefits are considered as part of the decision making process.

The benefits of each of these have been previously considered within the information which was originally submitted in support of the planning application, in particular the Environmental Statement, where the overall conclusions are set out in chapter 18. These have been assessed within the original report to Members the overall conclusions being that the benefits are substantial and outweigh any harm identified.

- Paragraph 3.60 of PPW states that development within the countryside should be located within and adjacent to those settlements where it can be best accommodated in terms of infrastructure, access, habitat and landscape conservation.
- Chapter 5 'Productive and Enterprising Places' covers the economic components of placemaking and states that *"a more Equal Wales can be achieved through promoting sufficient employment and enterprise opportunities for people to realise their potential and by recognising and building on the existing economic strengths of places to assist in delivering prosperity for all."*
- Section 5 of PPW Productive and Enterprising Places includes the development of land necessary for economic activity, including tourist related proposals.
- Paragraph 5.4.2 states that the Welsh Government seeks to maximise opportunities to strengthen the foundational economy, particularly the food, retail, tourism and care sectors which play such a prominent role throughout Wales; the planning system should be supportive of this aim. This is further supported at paragraph 5.4.4 which states that wherever possible, planning authorities should encourage and support developments which generate economic prosperity and regeneration.
- Paragraph 5.5 states 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. Tourism can be a catalyst for regeneration, improvement

of the built environment and environmental protection. In addition to supporting existing tourist areas, appropriate tourism-related development in new destinations is encouraged. In rural areas, tourism related development is an essential element in providing for a healthy and diverse economy. In addition to more traditional forms of rural tourism, planning authorities should plan positively for active, green and cultural tourism where they are appropriate. Development should be sympathetic in nature and scale to the local environment.

As previously concluded the proposals will deliver significant economic benefits to the area, with the location of the Site being selected not only due to its physical attributes which will support the proposed activities, but also due to its close proximity to a number of communities including Cymmer, Croewerw, Caerau and Maesteg.

- PPW Chapter 6 (Distinctive and Natural Places) covers the environmental and cultural components of placemaking, which are complementary to those of the Active and Social (Chapter 4) and Productive and Enterprising (Chapter 5) themes and collectively contribute towards the national sustainable placemaking outcomes.
- This includes (at 6.2.5) the need to enhance the quality of the built environment by integrating green infrastructure into development through appropriate site selection and use of creative design, to embed the benefits of biodiversity and ecosystem services into new development and places, helping to overcome the potential for conflicting Distinctive & Natural Places and contributing towards health and well-being outcomes.
- Paragraph 6.3.3 references landscape considerations and states that all the landscapes of Wales are valued for their intrinsic contribution to a sense of place, and local authorities should protect and enhance their special characteristics, whilst paying due regard to the social, economic, environmental and cultural benefits they provide, and to their role in creating valued places. Considering landscape at the outset of formulating strategies and policies in development plans and when proposing development is key to sustaining and enhancing their special qualities, and delivering the maximum well-being benefits for present and future generations as well as helping to deliver an effective and integrated approach to natural resource management over the long term.

These proposals will secure and deliver reforestation of large parts of the Site, with this being an integral part of the landscape strategy which accompanies the outline application submission. The landscaping scheme will be developed in tandem with the detailed design and as well as delivering benefits to the biodiversity across the Site, will also assist in softening the impact of the proposals upon the surrounding area. Whilst it is acknowledged that the benefits of this will not be seen overnight and in recognition of this and as outlined within the s106 Agreement, a programme of advanced landscape planting around the Site's perimeter will be implemented at an early stage.

- In terms of biodiversity, Paragraph 6.4.4 states that it is important that biodiversity and resilience considerations are taken into account at an early stage in both development plan preparation and when proposing or considering development

proposals. Since these considerations are not confined by administrative boundaries they must be addressed strategically through consultation and collaboration with adjoining planning authorities and other bodies such as NRW and the third sector. All reasonable steps must be taken to maintain and enhance biodiversity and promote the resilience of ecosystems and these should be balanced with the wider economic and social needs of business and local communities

### *Future Wales - the National Plan 2040*

As noted earlier, [Future Wales - the National Plan 2040](#) now forms part of the Development Plan for all parts of Wales, comprising a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. All Development Management decisions, strategic and local development plans, planning appeals and all other work directed by the development plan need to accord with Future Wales.

As set out in Chapter 3, Future Wales is outcome-led and aims to develop a Wales where people live ...

1. ... and work in connected, inclusive and healthy places
2. ... in vibrant rural places with access to homes, jobs and services
3. ... in distinctive regions that tackle health and socio-economic inequality through sustainable growth
4. ... in places with a thriving Welsh Language
5. ...and work in towns and cities which are a focus and springboard for sustainable growth
6. ... in places where prosperity, innovation and culture are promoted
7. ... in places where travel is sustainable
8. ... in places with world-class digital infrastructure
9. ... in places that sustainably manage their natural resources and reduce pollution
10. ... in places with biodiverse, resilient and connected ecosystems
11. ... in places which are decarbonised and climate-resilient.

The following Strategic and Spatial Choices policies within Future Wales are considered to be of particular relevance in the assessment of this additional information: -

- Policy 4 – Supporting Rural Communities

Confirms the Welsh Government's support towards sustainable and vibrant communities and advocates that development plan policies must consider how age balanced communities can be achieved and consider the role of new affordable and market housing, employment opportunities, local services and greater mobility in tackling these challenges.

- Policy 5 – Supporting the rural economy

Demonstrates WG support for sustainable, appropriate and proportionate economic growth in rural areas.

The supporting text associated with Policy 5 identifies the importance of rural communities developing strong economies and supporting local enterprise. Rural businesses and employment opportunities can reduce the need for workers to travel long distances and reduce reliance upon larger economic centres. It is recognised that the lack of employment opportunities is a key reason behind rural depopulation and this can contribute to deprivation and inequality. Developing local opportunities is important to retain workers, broaden skills and sustain communities. Foundational economic activities are recognised as being the backbone of the rural economy. In particular, tourism and leisure is recognised as a major and growing employer and contributor to the Welsh rural economy. Sustainable forms of tourism, including opportunities for active, green and cultural tourism, should be explored.

- Policy 9 – Resilient Ecological Networks and Green Infrastructure

‘To ensure the enhancement of biodiversity, the resilience of ecosystems and the provision of green infrastructure, the Welsh Government will work with key partners to:

- identify areas which should be safeguarded and created as ecological networks for their importance for adaptation to climate change, for habitat protection, restoration or creation, to protect species, or which provide key ecosystems services, to ensure they are not unduly compromised by future development; and
- identify opportunities where existing and potential green infrastructure could be maximised as part of placemaking, requiring the use of nature-based solutions as a key mechanism for securing sustainable growth, ecological connectivity, social equality and well-being.

. . . . In all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit) the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature-based approaches to site planning and the design of the built environment.’

- Policy 11 – National Connectivity and Policy 12 – Regional Connectivity

Policies 11 and 12 relate to National and Regional Connectivity respectively and outline the Welsh Government’s commitment to supporting investment to improve these. On a national level, this includes encouraging longer trips to be made by public transport and improving the rail, bus, road and cycle networks. Regionally, Active Travel through prioritisation towards walking and cycle is supported as well as the delivery of bus services, metros and ultra-low emission vehicle infrastructure.

Planning authorities should support developments associated with improvements to national connectivity and, where appropriate, maximise the opportunities that arise from them. Planning authorities must ensure that, where appropriate, new development contributes towards the improvement and development of the National Cycle Network and key links to and from it'.

Within the above context, the Development Plan for the area comprises [Future Wales - the National Plan 2040](#) and the Neath Port Talbot Local Development Plan, with section 38(6) requiring decisions to be in accordance with the Plan unless material considerations indicate otherwise.

#### *Future Wales - the National Plan 2040*

Future Wales was only recently adopted in February 2021, after which date all Development Management decisions, strategic and local development plans, planning appeals and all other work directed by the development plan need to accord with Future Wales.

As a set of key strategic policies seeking to address key national priorities, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities, significant weight should be afforded to Future Wales to reflect its Development Plan status.

Although introduced following previous resolutions, at such a new strategic level it is clear that the proposed Adventure Resort would accord with both the objectives underpinning, and the policies within, Future Wales, as follows: -

- The scheme would introduce sustainable, appropriate and proportionate economic growth in this rural area, which would support the rural communities (Policy 4) and the Rural Economy (Policy 5). Notably, the new submissions go further in emphasising their commitment to *facilitate engagement and support through their partner Bounce Forward to work with schools, teachers and young people to build up resilience and life skills, create pathways to training and employment opportunities for local people to enable them to have clear routes to new jobs. Furthermore, it is intended to forge relationships with local education establishments from primary schools to colleges and universities, to support skills training, apprenticeships and create future employment opportunities for students as part of a pipeline of local talent to ensure the resort can thrive and succeed and the community can enjoy and participate in this success.*
- The development would create resilient ecological networks and green infrastructure (Policy 9 refers) as part of placemaking, using nature-based solutions as a key mechanism for securing sustainable growth, ecological connectivity, social equality and well-being.
- The scheme would *deliver localised highway improvements within the vicinity of the accesses as well as a clear signage strategy*, and through the section 106 agreement (see below) contribute towards the improvement and development of the National Cycle Network and key links to and from it (Policy 11 refers)

The recent publication of PPW11 and Future Wales, therefore, are considered only to broaden the level of National support for a development of this scale and magnitude, with its multi-faceted benefit to the local economy and beyond, such that they do not materially impact on (other than to provide additional support to) the previous positive resolutions at Committee.

### Section 106 Agreement and Impact on 'Planning Balance'

#### *Biodiversity Matters*

Members will be aware that the section 106 Heads of Terms (above) are required (partially) to facilitate “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*” to mitigate as far as possible the identified biodiversity impacts of the development. Notably relating to nightjar and reptiles.

Officers, when drafting the previous resolution, had expected that discussions following Committee(s) would identify the necessary additional compensation site – for example the Corrwg Bank site managed by NRW on behalf of WG, or another site that might be identified during discussions - and that the owners of that site would be signatories to the section 106 agreement. However, whilst positive discussions have previously taken place with both NRW and other relevant parties, in light of the need to address and align land ownership, finances and delivery model, to date it has not been possible to secure a specific site.

It is clear, however, that the grant of planning permission for the development is critical to unlocking the next stages of this development, notably finance for condition discharge and reserved matters submissions. In this respect, further protracted delays over the specific arrangements for a compensation site with the new delivery team would cause unacceptable delays and create uncertainties which could have an adverse impact on the deliverability of the project.

As a consequence, while all parties remain committed to delivery of biodiversity mitigation on an additional site in the locality (in addition to the ‘solar farm’ site), in order to facilitate the early issuing of the planning permission, a sequential ecological mitigation approach has been agreed with the developer which includes a financial ‘backstop’ which would be provided to the Council in the event a site cannot be secured in advance of development commencing.

This financial backstop has been agreed at a figure of £1.25m, with £750,000 required to be paid upfront and the remainder over an agreed 20 year period. This “*Ecological Compensation Contribution*” would be utilised for the purposes of “*funding biodiversity projects that will deliver habitat and species conservation within the county of Neath Port Talbot and for no other purpose. Where possible, such projects will particularly focus upon upland habitats (heathland, bog, marshy and acid grasslands, upland woodlands), associated species (such as Nightjar) and connecting habitats that support the resilience of upland habitats within the locality*”.

In the event of this financial *backstop* payment being paid, the Authority would look to identify, manage and/or purchase such land to provide such ecological compensation.

This approach remains in accordance with the original resolution which was to secure “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*”.

It is acknowledged, however, that this sum *may* not be sufficient enough to mitigate specifically for all of the identified ecological impacts of the development, for example on Nightjar.

Having regard to the above, while the development would have significant adverse impacts on biodiversity, as provided in the original assessment these can be mitigated to a lesser or greater extent by the legal agreement (including this financial backstop provision) and conditions. Notably, however, in any event and as previously stated, the delivery of the proposed 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, and complying with to the extent that these benefits, subject to compliance with conditions and the signing of the required legal agreement, would outweigh the identified residual environmental impacts of the development.

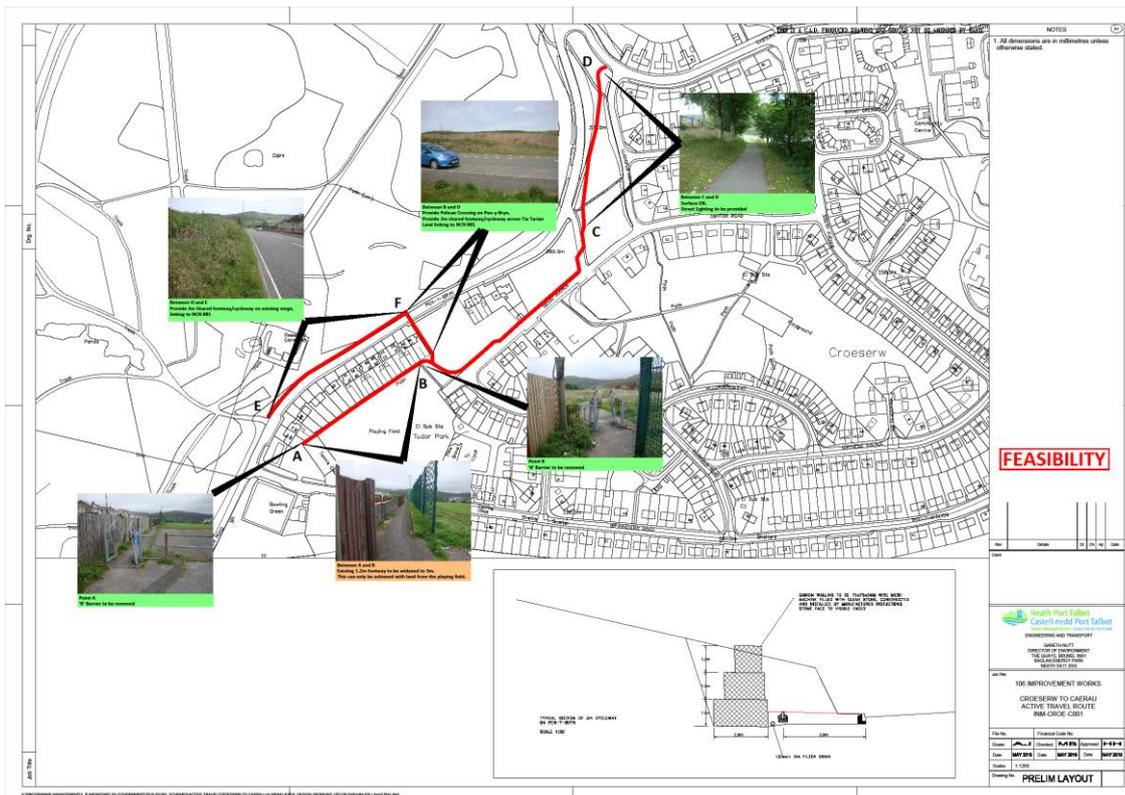
It is therefore concluded that the original conclusions and assessment of the overall planning balance contained in the March 2019 committee report remain robust together with a clearer and agreed backstop position.

It is further noted that the legal agreement will also secure appropriate financial contributions / bonds in respect of the Habitat Management Plans for both the solar farm site and the additional compensation site, which will ensure such works are controlled as part of the package of mitigation/compensation works.

### *Sustainable Transport*

Numerous discussions have taken place with the applicant to secure the most appropriate link to the National Cycle Network (NCN). Initially it was suggested that such a link would take place from points E to A (see plan below) with the connection between A and B needing improvement as it is currently not wide enough to take any additional capacity. Following consultation with the relevant Highways Officer it was suggested that an alternative route E to F to B (see plan below) would provide a better link to the NCN.

To facilitate this connection, the re-routed footpath within the site would be utilised and upgraded linking to a new crossing point. A new path would be formed on council owned land to provide a connection to Point B. A financial contribution of £180,000 associated with the provision of such a route has been agreed by the applicant and is to be secured through the S106 Agreement.



## Landscaping

Details of the proposed advanced landscaping has been provided which sets out the nature and extent of the advanced planting measures alongside the proposed means of protection, timing of implementation and associated costs. This will be controlled through the Section 106 agreement.

## AMENDED PLANS / CONDITIONS

### *Receipt of Amended Plans*

As part of the ongoing s106 discussions (above), the agent submitted an updated site location plan and masterplan which indicated the removal of a small parcel of land owned by Arqiva Ltd which is located to the south of the Alpine Zone and a small additional parcel of land next to the Welsh Water reservoir located in the eastern part of the site close to the proposed secondary access.

The removal of these small areas of land are inconsequential to the proposals, but facilitate an early conclusion of the s106 process.

The agent has notified the owners of this land of the amended plan which removes their land from the site, and these amendments have also been advertised on site and in the press. No responses have been received to date in respect of these changes, and accordingly there is no material impact on any matters considered to date.

As part of the recent (September 2021) submissions, an amended Parameters Plan has also been received which removes the previous reference to Bear Grylls Survival Challenge in the Forest Village Zone. The applicant considers that such a reference is

unnecessary as the purpose of this plan is only to define the scale parameters, as such and to align with all other plans reference has been amended to 'Forest Survival Skills' Again, however, this is considered to have no material impact on any matters considered to date.

### *Suggested Amendments to Conditions*

Following a review, the applicant has requested amendments to a number of conditions detailed in the original recommendation. While such matters could have been dealt with under delegated powers bestowed by previous resolutions, for completeness as part of this 'final resolution' these amendments are appraised below together with the responses, where appropriate, from the relevant consultee.

- *Condition No 5*

For clarity, Condition no. 5 is updated to reflect the following amended plans submitted in September 2021.

- Drawing No 17023(05)100 Rev ~~G~~ **F**      Site Location Plan
- Drawing No 17023(90)210 Rev ~~M~~ **N**      Parameters Plan
- Drawing No 170239SK) 01 Rev ~~M~~ **O**      Concept Masterplan

- *Condition No 7*

The applicant considers that this condition is slightly onerous in that it requires them to submit a phased development plan before the submission of reserved matters and as such requests that it is amended to allow submission with the first reserved matters application. It is considered that this request is reasonable as it will ensure that there is no delay in the submission of the reserved matters.

Accordingly it is recommended that the condition is reworded as follows:

(7) Notwithstanding the submitted Phasing Plan (Drawing No 17023(SK)02 **as part of the first reserved matters application**, ~~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.

- *Condition No 13*

The applicant has sought an amendment to the condition to allow for the site investigation details to be submitted prior to the first reserved matters, not least so the results can inform the reserved matters submissions. This is considered to be acceptable. Furthermore, it is also considered that this condition can be amended to allow additional flexibility for such details to be submitted and approved on a phase-specific basis.

It is therefore recommended that the condition is re-worded as follows:

(13) No development shall commence **on each phase (or sub-phase) of development identified within condition 7 above until such time as** ~~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

- *Condition No 23*

The applicant considers the wording of this condition to be confusing and questions whether it is an audit following construction of each phase to confirm that mitigation has been carried out as per the CEMP and LEMP. If it is not an audit then they consider that it replicates the information presented in the Strategic and Phase specific CEMP/LEMP.

The Biodiversity Officer has confirmed that the wording of the condition represents a compliance statement confirming that the Reserved Matters submission for each phase (or sub-phase) of development complies with the overarching Strategic Ecological Landscape Management Plan (SELMP). This is considered to be a critical control, and therefore it is recommended that the wording of the condition remains as drafted (and as follows):

(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.

- *Condition 24*

As is the case for condition 13, the applicant has sought an amendment to the condition to allow for the ground investigation and hydrological survey to be submitted prior to the first reserved matters. The wording of the condition as drafted would not preclude such submission, however as for condition 13 it is considered that this condition can be amended to allow additional flexibility for such details to be submitted and approved on a phase-specific basis.

It is therefore recommended that the condition is re-worded as follows:

**(24) Prior to or as part of the first reserved matters submission on each phase (or sub-phase) of development identified within condition 7 above** 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 app

- *Conditions 28 and 29*

The applicant considers that if parts of the site are proven not to be contaminated then works should be able to commence on these areas while contaminated parts of the site are remediated.

Given the size of the site and complexities relating to the development, allowing such assessment/work to progress on a phase by phase basis (subject to agreement for each phase or sub-phase as agreed under condition 7) appears reasonable, especially if no contamination is found. This would require change also to condition 28 to allow phased submission of the investigation reports. The

applicant also wishes to have the opportunity to submit such details for approval before first reserved matters.

In this respect it is noted that the Land Contamination Officer originally raised no objection to the proposal subject to conditions, one of which required the submission of a Phase II site investigation, but raises no objection to development progressing on those parts of the site which do not require remediation providing this does not impact or hinder such remediation works and the developer maintains good working practices and site management to prevent cross contamination.

It is therefore recommended that conditions 28 and 29 are reworded as follows:

(28) As part of **or before** the first reserved matters consent **relating to each phase of development as identified in condition 7** 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) **If the details approved under condition 28 require such further submissions, no development shall take place in each phase (or sub-phase) of development as identified in condition 7 (including demolition, ground works, site or vegetation clearance)** 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~~ **has been** 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.

- *Conditions 38 and 44*

The applicant acknowledges that these are reasonable conditions, however states that document HD19/15 has been superseded by GG119 – Road Safety Audit. The Highways Officer has confirmed that this is the case and therefore raises no objection to the proposed amendment to the wording of the conditions as follows: -

(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 **GG119 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.

(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 **GG119 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 Development Plan.

- *Condition 42*

The applicant considers that it is more appropriate that the Travel Plan is updated every 10 years instead of 5 years as stipulated in the condition.

This condition, however, is neither a matter of highway safety or capacity but rather a mechanism through which both staff and those utilising the resort can be guided to use more sustainable means of transport and reduce the demand on

private transport. For a development of this magnitude, it is considered appropriate that the review period remains at five years. However it would be possible in future to vary this condition, provided evidence is submitted to demonstrate the success of the measures introduced in the initial operation of the resort.

It is therefore recommended that the condition remains worded as originally drafted as follows:

(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.

- *Condition 45*

To allow a degree of flexibility the applicant has requested that the condition be reworded to read '*having a maximum gradient, as much as practically possible, of 1 in 12*'.

Following consultation with the Highways Officer, it is considered that the requested wording is imprecise and would not meet the tests set out in the Conditions Circular. Nevertheless, the applicant was requested to provide details of what would be the likely minimum gradient required, and in response has confirmed that their preference for 1 in 10 would be required to allow for localised difficulties which may be encountered during the construction of the visitor access road. Although from an operational point of view the applicant would not like significant sections to be at this gradient, the suggested amendment to the wording of the condition would allow flexibility if required and to ensure that the impact upon ground levels can be minimised where necessary.

The Highways Officer has subsequently confirmed that a gradient of between 1:10 and 1:12 would be acceptable, and accordingly it is recommended that the condition is reworded to read:

(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 **between 1 in 10 and 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.

- *Condition 61*

The applicant has requested clarification as to the source of the figures used in this condition. In response, the Environmental Health Officer has advised that the limits referenced in the condition were proposed by the Applicant and are 5dB above the existing background sound level, which he considered were felt to be achievable under most construction conditions. However it was recommended that condition 62 (which allows a maximum of 56 days exceedance of these levels at an absolute noise limit of 65 dB LAeq (1 hour) freefield) also be put in place to allow the applicant to occasionally exceed these limits.

Discussions with the applicant's noise consultant have indicated that they would seek noise limits based on Annex E of BS5228, however the Environmental Health Officer does not consider these to be appropriate at this rural location (as they set much higher noise limits). Having regard to the request and the specific nature of the development, however, he has confirmed he would be agreeable to amend the condition to allow the limits to be revised upwards to a limit that is 10dB above background (i.e. 5dB higher than the limit currently proposed in the condition).

Consideration has been given to whether this would mean that Condition 62 should then be removed however, again considering the specific nature of the development, it is considered that retaining such additional tolerance for a 56 day period provides flexibility for a work programme to be prepared which would meet development requirements while minimising the likelihood of unacceptable noise impacts occurring throughout the construction phase.

It is therefore recommended that the condition is amended to read as follows:-

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	<del>50</del>	<b>55</b>
NSR 2	<del>46</del>	<b>51</b>
NSR 3	<del>46</del>	<b>51</b>
NSR 4	<del>48</del>	<b>53</b>
NSR 5	<del>44</del>	<b>49</b>
NSR 6	<del>40</del>	<b>45</b>
NSR 7	<del>44</del>	<b>49</b>

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

- *Condition 63*

The applicant has advised that this condition is appropriate as a plant noise condition, but not one that relates to recreational activities. As a consequence, they are of the opinion that recreational activities should form a separate condition with the requirement to submit a further Noise Impact Assessment (NIA) with the objectives and outcomes of the NIA to be agreed with the Authority.

The reason given for this request is that they do not consider it appropriate to assess all of the activities against the same benchmark, or by using the same method, thereby allowing flexibility to produce something which they consider to be appropriate and meaningful.

The Environmental Health Officer has advised that these limits were suggested by the applicant and were proposed as being consistent with the principle of *Lowest Observed Adverse Effect Level*, as set out in the Noise Policy Statement for England and being considered an acceptable level of detriment to local amenity arising from noise. The limits were also considered by all parties to be consistent with *BS 4142:2014 Method for rating and assessing industrial and commercial sound*, hence why this British Standard is referenced in the condition.

The Environmental Health Officer has however confirmed that he has no objections to the current condition being split into two separate conditions for plant and recreational noise, and a new Noise Impact Assessment for recreational noise submitted for approval. However, he would not support any increase in the noise rating level for recreational noise, as increased volumes of artificial soundscape in such a quiet rural location could veer towards a *Significant Observed Adverse Effect Level* that would be detrimental to local amenity and potentially contrary to Policies BE1 and EN8 of the Neath Port Talbot Development Plan.

The Environmental Health Officer states that the plant noise limits are acceptable but a condition requiring an assessment for recreational noise should be included as different recreational noise sources will need to be assessed against the appropriate standards for those sources.

The Environmental Health Officer accepts that it was not possible at outline stage to undertake a meaningful assessment of operational noise, however there remains a need for appropriate control to be imposed through condition. He is content to include a new condition for 'Recreational and Leisure Noise' but in the absence of information on an alternative noise assessment framework / noise standard for recreational noise, the recommended condition below requires methodologies to first be agreed by the Planning Authority.

It is therefore recommended that Condition 63 is reworded to read as follows:

(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

An additional condition no. 64 is also recommended as follows:

(64) Prior to the commencement of the use hereby approved, a Recreational and Leisure Noise Impact Assessment shall have been submitted to and approved in writing by the local planning authority. The noise levels shall be determined at the nearest noise-sensitive premises or at another location that is deemed suitable by the Local Planning Authority, with all measurements and assessments being undertaken in accordance with standards and methodologies which shall first have been agreed in writing by the local planning authority. All recreational and leisure uses shall thereafter be operated to ensure compliance with the approved assessment / scheme.

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

## CONCLUSION

Following the receipt of additional submissions from the new team seeking to deliver the Afan Valley Resort (as *Wildfox Resorts*) the proposal has been re-assessed notably against LDP Policy TO1, as well as considering the impact of any material changes in site or policy circumstances since the previous resolution. The assessment has also addressed additional matters relating to biodiversity compensation through the required legal agreement and considered requested (and other) changes to the conditions to be attached to the consent.

The conclusions reached are that the new delivery team has demonstrated that the proposals would meet the requirements of Policy TO1 as a deliverable tourism proposal, and moreover that they would seek to deliver greater benefits through their additional commitments to a sustainable model of development with a strong focus on environmental and social governance, and the creation of additional pathways and opportunities for work, and to add genuine value to help transform Afan Valley and its communities. The commitments from Wildfox are considered to be central to the deliverability of the scheme and, as a consequence, the Heads of Terms seek to ensure they are joined as a developer party to the section 106 agreement.

The terms of the legal agreement would also ensure that there would be no unacceptable impacts on biodiversity, and that identified impacts that might not be wholly mitigated would in any event be outweighed by the economic benefits associated with the proposed development. Finally, the changes proposed to the conditions would continue to ensure an appropriate degree of protection on matter including residential amenity.

Accordingly the recommendation below seeks to reinforce the original resolution to grant planning permission for the development subject to the proposed amendments to the legal Heads of Terms and the conditions detailed earlier in this report.

## RECOMMENDATIONS

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, to include the payment of an 'Ecological Compensation Contribution' of £1.25 million to the Council in the event an additional site cannot be secured in advance of development commencing.
  - 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.

and subject to the requirement that Wildfox are joined as a developer party to the section 106 agreement.

2. That if the required section 106 agreement is not completed by 12<sup>th</sup> April 2022, 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.
4. That in order to ensure expeditious decisions are made on all associated matters, in the interests of programme delivery, the Planning Committee resolves that power to determine all subsequent applications (including but not limited to discharge of conditions and reserved matters) remain delegated to the Head of Planning & Public Protection and Development Manager - Planning in accordance with the Delegated Arrangements, albeit in the event of local member objections such decisions are to be ratified by the Chair of Planning.

## 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 F - Site Location Plan  
Drawing No 17023(90)210 Rev N - Parameters Plan  
Drawing No 17023(90)01 Rev O - 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 N, 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 as part of the first reserved matters application 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 on each phase (or sub-phase) of development identified within condition 7 above until such time as 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 N 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) ) Prior to or as part of the first reserved matters submission on each phase (or sub-phase) of development identified within condition 7 above 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 or before the first reserved matters consent relating to each phase of development as identified in condition 7 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) If the details approved under condition 28 require such further submissions, no development shall take place in each phase (or sub-phase) of development as identified in condition 7 (including demolition, ground works, site or vegetation clearance) 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 has been 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 GG119 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 ten 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 GG119 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 gradient of between 1 in 10 and 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	55
NSR 2	51
NSR 3	51
NSR 4	53
NSR 5	49
NSR 6	45
NSR 7	49

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 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.

(64) Prior to the commencement of the hereby approved use, a Recreational and Leisure Noise Impact Assessment shall be submitted to, and approved in writing by the Local Planning Authority. The noise levels shall be determined at the nearest noise-sensitive premises or at another location that is deemed suitable by the Local Planning Authority. Measurements and assessments shall be made in accordance with standards and methodologies approved by 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 Development Plan.