

## PLANNING COMMITTEE

12<sup>TH</sup> OCTOBER 2021

### AMENDMENT SHEET

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

#### Consultation Responses

Following publication of the officer report, the following additional representations have been received

**The Royal Society for Protection of Birds (RSPB)** has written in advising that they object to this application due to concerns over the impact of the proposal in relation to breeding nightjar through the loss of breeding habitat and the lack of detailed mitigation and compensation measures.

The application site supports 8 pairs of breeding nightjars which is of National significance in Wales. Section 8.220 of the ES states, *the loss of all the nesting habitat for this species will result in a significant adverse impact on this feature. This would represent a major adverse impact on a feature considered of National ecological importance.*

Nightjar is Amber listed in the Birds of Conservation Concern in Wales 3 (2016 update). Loss of habitat for breeding is believed to be the biggest issue for nightjar populations. Inadequate mitigation and compensation measures

The ES implies that a combination of habitat retention and mitigation within the Application Site and off-site compensation is proposed to mitigate/compensate for the scale of habitat loss associated with the Proposed Development. We understand that the applicant has held discussions with NPTCBC and NRW regarding the two off-site compensation areas and is considering the development of an Ecological & Landscape Management Plan.

RSPB welcome the above proposed outline measures, but we would like to see more detail in respect of the ways in which the developer intends to manage the development site and vicinity (including off-site areas), from the point of view of breeding nightjar, by means of an Ecological & Landscape Management Plan. The mitigation and compensation measures will need to be delivered via legally binding planning obligation and/or condition.

In summary, they object to the proposal as it stands as it represents a major adverse impact on breeding nightjar.

**Officer Response:** In response to the comments raised, it should be noted that the RSPB has previously been consulted in respect of this application on August 9<sup>th</sup> 2018 and 8<sup>th</sup> February 2019, with no response having been received on either occasion. Notwithstanding this, it is noted that the RSPB actually welcome the ‘outline measures’ but seek more detail, and in this respect it is emphasised that all of the issues raised above have been previously considered and will be addressed by the imposition of suitably worded ecological conditions together with the legal agreement and the associated heads of terms. The mitigation and compensation measures will need to be delivered via legally binding planning obligation and/or condition. In addition, the report identifies that the economic benefits of the development outweigh any residual impacts that may arise following the implementation of the required ecological mitigation and compensation measures.

**NPT Structures** No comments

**Natural Resources Wales (NRW)** offer no comments further to their previous response but note from the additional information submitted that further ecology surveys will be undertaken with the reserved matters application. Your Authority will need to consider whether this is acceptable as all surveys submitted with this outline application are now over 2 years old and therefore out of date.

**Crime Prevention Officer** Makes no further comments

**CADW** advises that the additional information does not alter the advice given previously and raises no objection

## Amended Resolution

Following discussion with the Chair of Planning, Resolution 4 is amended (**in bold**) to read as follows: -

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, **and subject to the discretion of the Chair of Planning to request that any such application be determined by Planning Committee.**