

Appendix E Previous Assessments and Investigation Reports

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Planning & Development



Specification for Ground Investigation Works

Wildfox Resorts Afan Valley Limited
Afan Valley, Neath Port Talbot

Document Control

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1 Introduction

1.1 About this Specification

Ashfield Solutions Limited (“Ashfield”) has been commissioned by Wildfox Resorts Afan Valley Limited (Wildfox or “the Client”), to prepare a specification for intrusive ground investigation and risk assessment works at the proposed Wildfox Resort development, Afan Valley, Neath Port Talbot (“the site”). The location of the site is shown in Drawing 01.

The Supplier is invited to provide a formal costed and technically justified proposal with a detailed cost breakdown for the required works outlined within this specification. The proposal is expected to account for contemporary technical guidance and standards for intrusive ground investigation and the assessment of land contamination, ground stability (coal mining, landslides, other geotechnical parameters) and hydrological assessment of underlying localised peat.. The Supplier is also invited to comment on whether they believe any amendments or additional works are required to achieve the technical objectives outlined in Section 1.2.

This specification provides the following information to help the Supplier prepare the proposal:

- Section 2 - Background and supporting information.;
- Section 3 - A schedule of works;
- Section 4 - Details of site management considerations and constraints;
- Section 5 - An overview of the competency and standards expected of the Supplier and how the Supplier should demonstrate competency;
- Section 6 – An outline programme of works;
- Section 7 - Discussion on the health, safety and environment considerations which will need to be factored into the proposal and works;
- Section 8 - Information about how tenders should be submitted and how the contract will be awarded.

1.2 Aims & Objectives

Wildfox requires intrusive ground investigation works to be undertaken to support their aspirations to redevelop the site (please refer to Section 2 for further information). The overall aim of the works is to:

- Provide sufficient information to remove or reduce uncertainties associated with the site’s geo-environmental condition and constraints to support the redevelopment of the site.
- Conduct works to a sufficient standard to support the development planning applications.

The tender submission will be expected to account for, as a minimum, the following technical objectives:

- Conduct a detailed review of the existing geo-environmental and geotechnical information included in, and appended to, this specification.
- Based upon that review, produce a revised Conceptual Site Model (“CSM”) to account for statutory risks; and risks to current and future site users, the water and built environment.
- Using the revised CSM, design and undertake an intrusive site investigation (compliant with relevant standards and guidance) to address the identified uncertainties.

- Conduct a Generic and Detailed (if required) Quantitative Risk Assessment to evaluate the risks posed to future site users in the event of future residential development.
- Undertake targeted assessment of formerly identified coal mining constraints/uncertainties.
- Summarise likely statutory and development risks associated with potential land contamination.
- Ensure works are undertaken with full consideration of the restrictions/constraints as listed in this specification (Section 3.2).
- Highlight future development constraints by way of providing a Statement of Remediation Principles and Geotechnical considerations. It is expected that this will detail matters such as capping requirements, broad geotechnical requirements (e.g. foundation type), earthworks requirements, building requirements (e.g. use of specified membranes).
- Highlight potential development constraints identified during investigative works e.g., mine entry stand-off distances, areas of identified former coal mine workings (and any associated stand-off distances), compressible strata etc, all of which will require future consideration and design amendments to the proposed development plan.

The client requires the ground investigation to be completed (where possible), within a single phase of works and therefore, suppliers are requested to consider and design intrusive investigation works in a manner which satisfies this requirement. Both ground truthing mine entries and the risk assessment element of the works may be split into separate stages following a tiered risk assessment approach; and in consultation with Ashfield.

1.3 Ashfield's Role

Ashfield act as geo-environmental advisors to Wildfox and our role in this project is to facilitate the works and to ensure that the works meet the requirements of the specification whilst delivering value to the client. We will act as the main point of contact for the supplier throughout the works and should be regarded as the client's representative.

During the works, Ashfield will undertake site compliance audits, to ensure that works are undertaken in accordance with the works specification. Ashfield will also liaise directly with the supplier during the works to understand how the works are progressing and to see that opportunities are being taken to streamline any ground investigation works as new data becomes available

Ashfield will also take an active role in the technical direction and communication of the findings, risk assessments and recommendations to ensure that the outcomes are technically defensible whilst maintaining commercial focus.

Important: Collaborative working as part of a wider multidisciplinary project team is critical to the delivery of the proposed Wildfox Resort. The supplier should be comfortable undertaking the project with some level of independent verification or supervision during the works and should be willing to communicate and work closely with Ashfield during the site works, reporting and risk assessment phase of the works.

2 Background Information

2.1 Site Description

The site is located on the southern side of the Afan Valley, south and south east of Cymmer, Port Talbot, South Wales. The site is located centred on approximate Ordnance Survey National Grid Reference 285060E 195510N and covers an area of approximately 130 hectares (Ha). The site generally comprises undulating high ground, locally very steep. The majority of the site is currently covered with recently cut coniferous forest represented by stumps and brushwood, with some stands of coniferous forest still present locally in eastern areas.

2.2 Planning Status

Outline Planning Permission has been sought from Neath Port Talbot County Borough Council (a copy of which is provided in Appendix A) 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”*.

Specific to this specification and planning application, the following conditions require appropriate consideration and discharge:

- **Condition 13:** Submission of a scheme for the investigation of mine entries and shallow mine workings and a scheme for treatment and/or remediation of mine entries and mine workings.
- **Condition (24):** 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.
- **Condition 28 & 29:** A scheme to assess the nature and extent of any contamination on the site and 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.

In order to facilitate discharge of planning conditions, prior to commencement on site, the successful supplier will be required to present their agreed investigation design to the Local Authority and to holding formal discussions with Ashfield to ensure agreement prior to commencement.

2.3 Previous Reports & Information

The following reports, associated with previous planning applications for the site, have been provided by the Client and shall be issued to all Suppliers via a secure Dropbox link (Appendix C):

- AECOM Limited (2017) Coal Mining Assessment Report (no reference).
- AECOM Limited (2017) Initial Peat Survey (no reference).

- Breakwell Sumner Partnership Limited (2017) Geo-Environmental Phase I Desk Study (Ref. 16255).
- Landmark Information Group Limited (2017) Envirocheck® Reoirt (Ref, 110795354_1_1).
- Terra Firma (Wales) Limited (2017) Afan Valley Development – Landslip Potential (Ref. GCL/14536/Let1).
- AECOM Limited (2018) Summary of Findings in Relation to Peat Survey (no reference).
Containing:
 - Terra Firma (Wales) Limited (2018) – Preliminary Findings, Peat Survey (Ref. DE/14510/Let2).

3 Schedule of Works

3.1 Review of Background Information

The supplier is asked to review the information provided and outline and obtain any additional information they feel will be pertinent in undertaking a holistic assessment of the site to meet the aims and objectives. The supplier should identify what information they believe will be required in order to compose a robust assessment. This information will both inform the site investigation and assessment design but also provide a front-end section to the assessment report.

3.2 Geotechnical Matters

Although the development design is yet to be finalised, Suppliers should be comfortable in undertaking geotechnical assessment in specific areas of the site to inform any potential constraints/inform development design. This should focus on the appended outline Masterplan (Appendix B) to inform of development viability.

Suppliers are therefore requested to clearly define what geotechnical testing they consider appropriate to inform the scheme.

3.3 Landslides

The previous Terra Firma slope landslide assessment identified that *"the issue of ground water will again be picked up during the detailed site investigation and appropriate solutions will be put in place to mitigate intentional or accidental groundwater movements [...] It should also be noted that the landslip survey was carried out in the late 1970's and an up to date geomorphological survey of the slips should be carried out to determine their current condition and extent"*.

It is therefore critical that, during intrusive works, that the landslip morphology and type (i.e. what geomorphological features are present and other characteristics, such as different landscape element/landslip processes of each landslip element) are clearly understood. Therefore, Ashfield consider that, as a minimum, this assessment should seek to understand any developmental influencing factors pertinent to the activation of future slippages and constraints posed. Any identified influences will form part of the consideration of the management strategies and constraints to the scheme and should include matters, such as groundwater, drainage, rainfall/climate change and anthropogenic factors.

3.4 Coal Mining

The suppliers are required to develop an investigation to assess the condition of historical shallow workings & potential exploited seams. This shall also include:

- An assessment of potential locations of unrecorded workings owing to the presence of outcropping seams.
- Confirmation of location, depth and condition of mine entries, including adits.
- Assess the potential for unrecorded entries.

- Undertake a detailed inspection of surface features to confirm impact (such as areas of land movement and entries).
- Confirm the requirement for a tunnel stability inspection in advance of remedial works (grouting could increase tunnels rate of deterioration due to increased loading and consider a 30m stand-off from the pig track, to minimise constraints).

Upon completion of the above, outline treatment and remedial options should be provided as well as the provision of potential constraints (such as stand-off distances from identified underground workings, which will require future consideration and design amendments to the proposed development plan).

3.5 Archaeology

In advance of works, Ashfield shall confirm with the Local Authority on any requirements or agreements, in advance, to be considered prior to finalising investigation design.

3.6 Peat

Within the site boundary four localised areas of the site have been identified as potential locations of peat or organic rich soil.

Further investigation is required to establish the presence and thickness of any peat in these areas and to define the lateral extent of any peat deposits that may be present. Suppliers are requested to provide a detailed costed method for the assessment and hydrological survey, to establish the extent and depth of peat on the site and how the peat functions in relation to hydrology.

It is required that this survey is undertaken in tandem with other intrusive works but requires reporting, separately.

3.7 Contaminated Land Risk Assessment

The supplier is requested to undertake a tiered assessment of the risk posed by any identified residual contamination in accordance with LCRM and as such, an additional fee for a Tier 2 assessment is requested. The risk assessment will need to assess the risk that any identified residual contamination poses to the water environment, the built environment and future site users based on commercial end-use. Where relevant and justified in the context of the type of contaminants identified due consideration may need to be given to off-site receptors as part of this assessment.

As a minimum, a Tier 1 (generic) quantitative risk assessment (GQRA) will be required for the assessment of risks to human health from soil contamination. Consideration should be given towards some level of additional detailed quantitative risk assessment (DQRA) which may (or may not) be required to provide a robust and pragmatic assessment of risk in support of the proposed development. The supplier is asked to factor in to their proposal the degree of assessment they feel will be necessary, to deliver the objectives and requirements of this specification. The supplier should be guided by the available information and current conceptual understanding within the Phase 1 Report (Appendix A) to make a judgment in this respect. A contingency may be included for any additional assessment works the supplier considers may be necessary.

Upon review of the tender documents, it is possible that the risk assessment approach may be undertaken in separate stages and this should be reflected in the response to this specification document.

The risk assessment will need to consider the following components:

- Assessment of risks to human health (for future site users) in accordance with the CLEA framework;
- Assessment of risks from permanent gases in accordance with BS:8576 and CIRIA C665 and with due consideration of the conceptual site model and source generation potential;
- Assessment of risk to groundwater or other groundwater dependant surface waters which may be regarded as viable receptors. The assessment for the Water Environment should be in accordance with current legislation and is expected to incorporate industry standard approaches for example the Environment Agency's (England) Hydrogeological Risk Assessment guidance;
- Sensitivity Analysis which tests uncertain model parameters and assumptions; and,
- Risk Evaluation which discusses the risk assessment model outputs in the wider context of the site and development proposals.

To ensure consistency in submissions, the supplier's proposal should include for technical management, including:

- Time to meet and justify the proposed assessment methodology and parameters;
- Technical and commercial review of the draft report, by the client or clients representative on their behalf, prior to finalisation; and,
- Time for typical regulatory liaison to refine any outstanding technical issues on completion and submission of the risk assessment and/or remediation recommendations.

The risk assessment should be structured such that a phased and 'flexible' approach to the assessment can be undertaken, in consultation with Ashfield, and this should be reflected in the response to this specification document.

3.8 Intrusive Investigation

The supplier shall undertake an intrusive ground investigation, which will be specifically focussed on meeting the aforementioned technical aims and objectives. This investigation should be designed to provide a thorough dataset to be used for a robust contaminated land risk assessment and assessment of geotechnical conditions according to contemporary technical frameworks and best practice guidance.

- A detailed rationale for the chosen site investigation techniques (and reference to any directly relevant guidance documents).
- An outline site investigation location plan, methodology and rationale including proposed depth at each location.
- Frequency, type and method of field observations (e.g. Photo Ionisation Detector (PID) screening) and measurements to be employed for each location.
- Proposed reinstatement methods/techniques following ground disturbance to make safe.
- Photographic evidence of investigative positions should taken in an appropriate manner that includes as a minimum, scale and location code.

- Sampling frequency and rationale for chemical analysis at each location.
- Outline installation details/principles for groundwater/gas monitoring wells, including how final construction detail decisions will be taken onsite. This should consider differences in geology, presence/absence of perched water, multiple water bodies, contamination, and the potential for aquifer testing to support risk assessment (see below).
- Details of monitoring well installation materials to be used: HDPE/PVE, pipe diameter, screen size, filter pack specification, surface completion details (e.g. lockable flush cover, lockable extended cover, pipe remaining above ground level).
- Detail the protection measures and strategies to protect underlying groundwater bodies from further contamination as a result of the monitoring programme and avoid introducing additional contamination pathways.
- Details of how wastes arising from the works will be managed.
- Details of any additional testing that may be undertaken to support the risk assessment process, for example, the provision of SOM/FOC data to assist in defining appropriate use of GAC.
- Details of any proposed subsequent monitoring visits in relation to groundwater (where present).
- Details of any proposed subsequent monitoring requirements in relation to permanent gases (where appropriate giving due consideration to specific guidance).
- Suppliers may consider a need for subsequent hydraulic conductivity testing, to assist the conceptualisation of the site and performance of hydrogeological risk assessment. If this is appropriate, then suppliers should include the following information in their submissions:
 - the rationale and description of the proposed testing method;
 - management of abstracted (waste) groundwater, if applicable;
 - duration and frequency of testing; and
 - method of interpreting testing results and justification.

The supplier should indicate within their proposals any additional measures they believe will be necessary as part of the site investigation works in order to fulfil the overall aims and objectives of the commission.

Please note: special measures will need to be incorporated into the planning of any ground investigation design to show a concise consideration for coal mining (such as displacement of potential mine gasses and appropriate drill flush methods).

3.9 Groundwater & Ground Gas Monitoring

The supplier will need to undertake groundwater monitoring to understand hydraulic properties (groundwater flow direction and gradient), chemical quality and the potential influence on slipped surfaces. An understanding of current ground (i.e. permanent) gas regime (and possibly vapours) is also required. Ashfield requests that suppliers consider the following information within their proposal submissions:

- Number of groundwater/gas monitoring & sampling rounds;
- The frequency of any proposed groundwater/gas monitoring rounds;
- Number of groundwater sampling & monitoring locations per round;
- Provision for gas monitoring to be undertaken under varied barometric pressures;
- Intended sample analysis and justification of analysis;
- Method of well development;
- Method of well purging and sampling along with justification of approach;

- Details of how the supplier will use a targeted approach prior to the installation of monitoring wells;
- Suppliers should state the anticipated recovery period for wells following installation;
- Details of how abstracted waters will be managed;
- Method of identifying phase-separated product and confirming thickness (if present);
- Details of all analytical field equipment and field measurements which will be used to help deliver the objectives; and,
- Any records of equipment changes or recalibrations are recorded within information.

3.10 Reporting

To aid in stakeholder liaison, the supplier should produce a final report which is:

- Is concise and continually focussed on the client's objectives;
- Provides clear conclusions which enable constructive decisions to be made moving forward;
- Is technically transparent and supported by evidence; and,
- Includes a non-technical executive summary.

The report should be stand-alone and should incorporate any necessary information from previous reports in order to communicate the issues clearly. Upon submission of the 'draft' report, Ashfield will complete a peer-review and recommend any revisions (if required) prior to the submission of a 'final' report to the client and/or regulators.

No report should be submitted to the regulatory authorities without express permission from the client or Ashfield.

3.11 Digital Data Provision

There is a growing importance for our clients to be in possession of accessible digital copies of the data they have procured. Therefore, the supplier is asked to provide raw digital data in addition to digital documents such as .PDF files. Depending on the digital data management system being adopted by the supplier to analyse their geo-environmental data, this could be provided in the form of a 'GIS-ready' geo-database; or may from one or more alternative file types such as .xls or alternative readable database files. Examples of the data which would be expected in raw digital form include:

- Geological logs and records of any field measurements and tests (e.g. in .xls format);
- Soil and groundwater laboratory analysis data (e.g. in .xls format);
- Groundwater levelling data (e.g. in .xls format);
- Ground gas (i.e. permanent gases) monitoring data (e.g. in .xls format); and
- Topographical survey data including borehole/sample location coordinates and elevation in .xls and 3D AutoCAD .dwg or .dxf format.

Within their submission, suppliers should indicate their intended format(s) for digital data provision such that these can be agreed, prior to final submission.

3.12 Additional Information

The Schedule of Works described above is an outline of the minimum works Ashfield believe will be required to deliver the objectives.

Ashfield request that Suppliers provide a schedule of rates for variation of any future contract/ground survey works to facilitate development design.

Suppliers are actively encouraged to propose and discuss alternative strategies or works where these can be demonstrated as beneficial to the client's aspirations for the site.

4 Site Management & Constraints

4.1 Ecological Constraints

The main ecological constraints relates to most of the site supporting habitat suitable for reptiles, hence the need to have ecological 'oversight' of the intrusive investigation works. There are also areas of more marshy grassland and peat on the site, where particular care would need to be taken to minimize damage during any intrusive works. . Japanese knotweed, montbretia, and Himalayan balsam have all been previously recorded on site and care is required to be taken when working in their vicinity, and to avoid them being spread off site.

Suppliers should be familiar with working under such constraints, such as avoiding potential reptile hibernacula, minimising tracking into and out of the site, micro-siting of trial pit/ bore hole locations etc.

There will be an ecological clerk of works overseeing the intrusive works, which will likely require some positions to be cleared and access to be agreed in advance.

A position statement can be provided to Suppliers, if required.

4.2 Principal Designer

Under the CDM Regulations 2015, Ashfield will adopt the role of Principal Designer for the management of ecology mitigation and ground investigation works up to the point of earthworks/construction of development platform(s), with the successful tenderer, adopting the role of Principal Contractor for this phase of works

5 Competency & Standards

5.1 Technical Standards

The supplier should acknowledge the technical standards and methodologies to which the works will be undertaken. As a minimum and unless otherwise justified with good reason, the supplier will be expected to deliver the works in accordance with industry guidance and standards (and referred to within submissions).

The supplier is encouraged to also refer to other relevant guidance documents and also consider the value and/or requirement of undertaking works to BS EN 1997 Geotechnical Design (Eurocode 7).

5.2 Supplier Competency

The supplier should demonstrate within their proposal that the organisation has a proven track record of delivering projects of this nature. The supplier should outline the proposed project team and should provide CVs, which demonstrate the skills, competencies and experience of each team member as relevant to their role on the project.

5.3 Subcontractor Competency

The supplier will be directly responsible for the procurement and management of subcontractors and third parties on the site and must ensure that they meet the standards required to deliver the works to the highest standards both technically and safely. The following information requirements are considered preferable to indicate subcontractor competency and should be provided as part of their proposal:

- Details of all proposed subcontractors and third parties to be used;
- Evidence of subcontractor competency and experience;
- For drillers – the supplier should confirm that the subcontractor is a member of the British Drillers Association. Ideally, the lead driller meets or is working towards the competency requirements for a “Qualified Operator” in BS 22475-2:2011. Drillers, including support operatives, should hold a Construction Skills Certification Scheme (CSCS) blue skilled (Land Drilling) card;
- Laboratory analysis – the supplier should confirm that the laboratory is UKAS and MCERTS accredited, where it is available, for the analyses being scheduled by the supplier.

6 Works Programme

6.1 Delivery Programme

The supplier should submit an anticipated project delivery programme with the proposal, which includes the following:

- [1]. Anticipated lead-in time following instruction;
- [2]. Estimate duration and sequencing of works – this should be broken-down as far as possible and as a minimum should identify the tasks as outlined in the Schedule of Works;
- [3]. Early warnings of tasks, constraints or other issues which the Supplier can reasonably foresee could impact the delivery programme; and,
- [4]. Identification of key milestones and project deliverables.

6.2 Project Timelines

The key dates for project timelines are as follows:

- Week commencing 29th November 2021 for a site visit (subject to confirmation with suppliers);
- Tender submission no later than 10th December 2021.
- 17th December 2021 Ashfield to provide formal instruction to the successful tenderer.
- Mobilisation to site by week commencing 4th January 2022.
- Interim copies of the final reports will be required for review by Ashfield.
- Ashfield review and work with supplier during completion of the reporting phase.
- Final draft of the reports will be required by approximately 4th March 2022.

Suppliers are requested to satisfy themselves with the above timeframes and deliverables and provide confirmation that they are able to meet the deadlines within their specification.

7 Health, Safety & Environment

7.1 Health, Safety & Environmental Plan

It is important that the supplier recognises and demonstrates their statutory obligation to offer a duty of care to their employees and ensure compliance the Health and Safety at Work Act 1974, and any relevant associated statutory instruments. If successful, the supplier will be required to produce a detailed Health, Safety & Environment Plan that addresses all activities (including any sub-contracted works) required during the proposed works. As a minimum, this will include:

- A clear definition of health and safety roles and responsibilities and competencies for the project team and subcontractors;
- A description of works to be completed;
- Method statements and risk assessments for each activity, including a detailed description of equipment to be used, methodology proposed, by reference to any current codes of practice, British and European standards if appropriate;
- Policies and procedures on the selection, induction, management and monitoring of subcontractors;
- Emergency response procedures:
 - Details of site inductions and registering of visitors;
 - Emergency contact details;
 - Hospital location plan;
 - Environmental response procedures;
 - In-house guidance notes;
 - Journey planning;
 - Details of accident and incident recording; and
 - Details of stop work authority/corrective action planning/management of change procedures.

The supplier will be expected to provide all health and safety equipment (cones, barriers, PPE etc.) to enable works to be completed safely.

The supplier is requested to provide the following information in support of their submission:

- Copy of company Health and Safety Policy;
- Outline of company health and safety roles and responsibilities;
- Evidence of suitable qualifications for those undertaking site works including details of any certificates and qualifications relevant to the roles being undertaken (for example CSCS awards etc.); and,
- Details of any major/Riddor incidents within the last three years.

7.2 Welfare

Suppliers will need to provide facilities that as a minimum comply with recommendations in the HSE publication titled Provision of welfare facilities during construction works (Construction information Sheet 59), which include first aid point and eye wash stations.

7.3 Utilities

During the works, the supplier will be required to satisfy themselves that utilities are absent prior to undertaking mechanical investigation methods within each exploratory location. The supplier should outline their intended approach to making investigation locations both safe for personnel and protecting underground services from damage leading to cost.

The supplier should adhere to all National Grid guidance on working close to infrastructure and also will be responsible for applying for any required permits.

7.4 Site Worker & Public Safety

As the works are on a mountainside with Public Right of Way access rights, with neighbouring residential properties, it is imperative that the following safety considerations are adhered to;

- Exposure to contaminated arisings, including wind-blown dust and potential asbestos containing materials;
- Risks associated with drilling activities or operation of any other plant which might be needed to deliver the works;
- Risk posed by uneven ground conditions and possible voids (open manholes have been identified on the site);
- Risks posed by the potential presence of needles/sharps on site; and,
- Minimise noise pollution and public complaints by operating within normal working hours.

7.5 Security

Suppliers will be considered solely responsible for site security throughout the duration of the contract. At all times unauthorised third party access shall be prevented.

8 Tender Submission

8.1 Site Visit

Given the size of the site, a site visit prior to providing a quotation for the works will be required. It is suggested that a site visit shall be conducted on the week commencing the 29th November 2021 between contacted Suppliers and Ashfield request confirmation that the Supplier is able to confirm their attendance during this period.

8.2 Tender Returns

In addition to the suppliers' own detailed breakdown of costs within their proposals, Ashfield also request within their covering letter suppliers clearly state costs for the following work items, as follows:

- [1]. Review of background information provided;
- [2]. Pre-commencement project planning, for example; Health and Safety documentation;
- [3]. Site Investigation Works (including mobilisation/demobilisation, utilities survey and topographical/exploratory location survey);
- [4]. Laboratory Analysis;
- [5]. Groundwater and Ground Gas Monitoring;
- [6]. Geo-environmental Risk Assessments;
- [7]. Statement of Remediation and Geotechnical Principles; and,
- [8]. Reporting.

We also request that day rates are provided for all anticipated, plant labour and management for the works and hourly rates for attendance of meetings (such as Microsoft Teams). If possible, a budgetary allowance should be provided.

All tender submissions are to be provided to Ashfield by the 10th December 2021. Please send all quotations electronically to paul.wood@ashfieldsolutions.com in pdf format with costs presented in an Excel spreadsheet format.

8.3 Supporting Information Required

The supplier should submit within their proposal copies of the following documentation:

- Professional indemnity certificate (£5 Million Pounds);
- Public liability certificate (£5 Million Pounds);
- Employer's liability certificate (£5 Million Pounds); and,
- Terms & Conditions.

8.4 Contract Award & Procurement

The supplier should satisfy themselves that the Schedule of Works is appropriate and achievable and should make themselves aware of the site constraints, timeframes and limitations. The supplier should

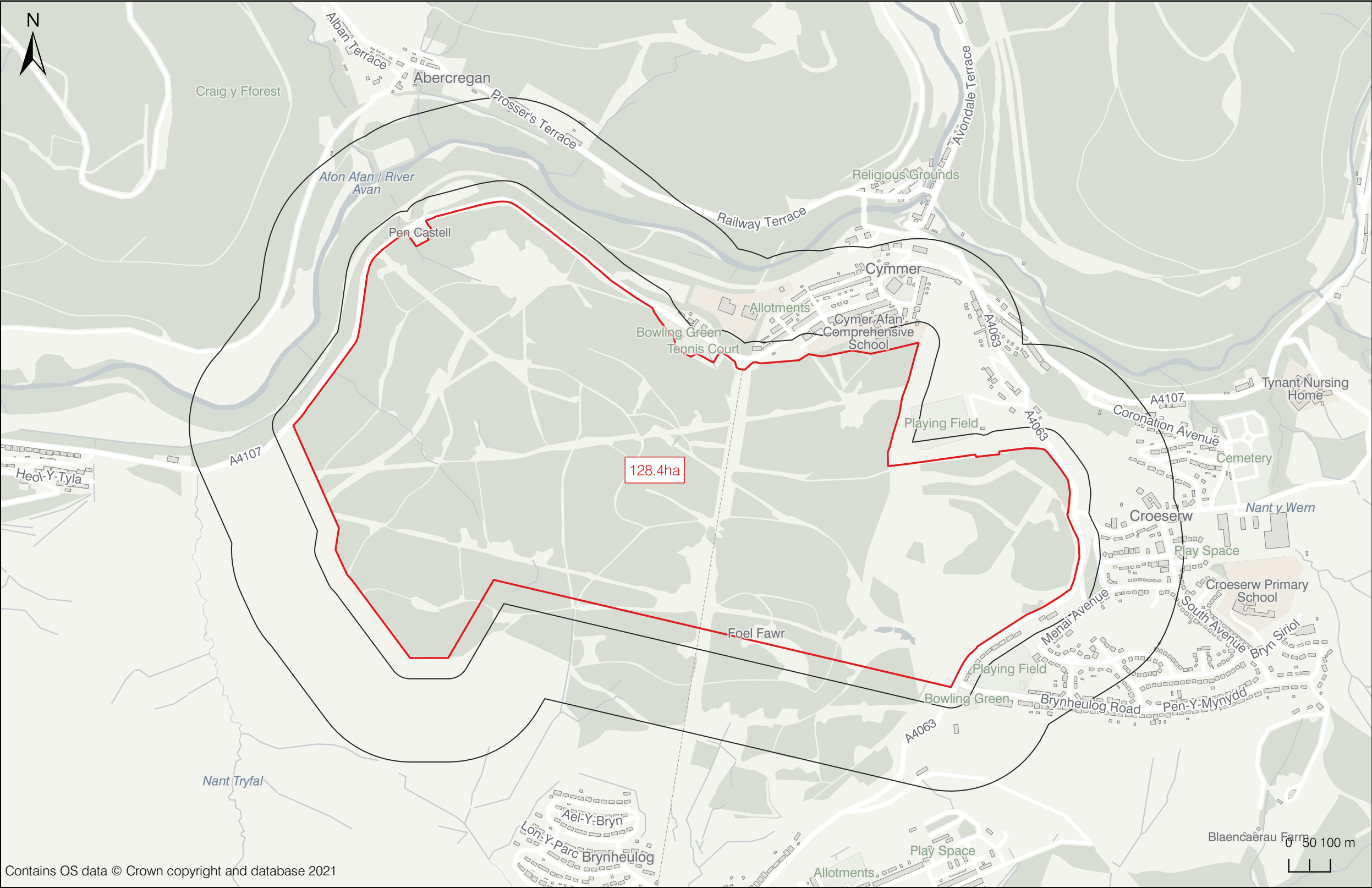
not rely solely on information within this specification to deliver the works and should satisfy themselves through use of historical information review that they have a good understanding of how to achieve the objectives. Where the supplier feels that additional works are required or constraints or technical limitations may prevent successful delivery of the objectives or any component of the Schedule of Works then this should be clearly stated within the suppliers proposal.

Procurement shall be directly via Wildfox Resorts Afan Valley Limited. Ashfield request that all Suppliers clearly detail within their submissions any requirements to facilitate their procurement as part of the tender, including standard terms and conditions of payment.

8.5 Warranties

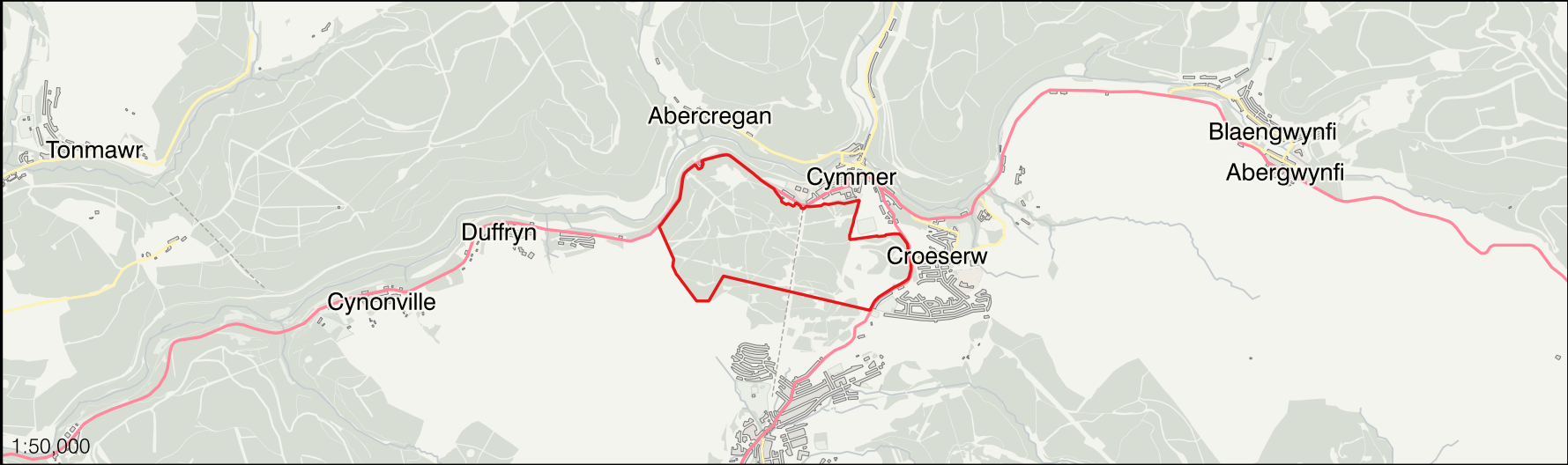
Given the development opportunity of this site, Ashfield is requesting that the successful supplier provide a warranty under deed for these works to the client and the first purchaser of the site. Any additional cost for this warranty provision should be included within the supplier's breakdown of costs.

Drawings



- Legend
- Indicative Site Boundary
 - Buffer

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Client		
WildFox		
Project		
WildFox Resort, Afan Valley		
Title		
Site Location Plan		
Report No.	Drawing No.	Revision
132621-S01	01	-
Scale	Date	Frame Size
1:10,000	22/10/21	A3
Produced by	Drawn by	Approved by
LC	LC	CM
ASHFIELD — SOLUTIONS GROUP —		

Appendices

Appendix A

Planning Documentation

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Approval

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

BACKGROUND

Original Committee Resolution

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

1. That following the site visit prior to today's meeting on 19 March, 2019, and in accordance with Officers' recommendations, Application No. P2018/0493 be approved, subject to the conditions detailed in the circulated report (as revised in the circulated amendment sheet), and subject to the applicant entering into a Section 106 Agreement with the broad Heads of Terms detailed in the circulated report: -

- Inclusion of a Legal Framework to address provision of Solar farm site and another off-site compensation site/s and associated Habitat Management Plans in accordance with a sequential approach
 - Contribution towards / provision of access to and improvements to National Cycle Network Route 885
 - Implementation (as far as practicable having regard to site works) of advanced structural landscaping.
2. That if the required section 106 agreement is not completed within six months of the date of this resolution (unless the LPA has otherwise agreed to an extension of this time limit in writing), that delegated authority is given to refuse planning permission on the basis that in the absence of the required legal agreement, the identified environmental impacts of the development, notably on biodiversity / habitat, would not be mitigated, precise reasons to be agreed in consultation with the Chair of Planning.
 3. That delegated authority is given to the Head of Planning & Public Protection and Development Manager – Planning, to make changes to the conditions and/or Heads of Terms of the required legal agreement, subject to consultation with the Chair of Planning, up to the point where the legal agreement is signed and outline consent issued.

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

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

Actions Subsequent to 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 24th 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 7th February 2019, and which formed a significant part of the officer's appraisal of the application in question.

The 24th 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 24th 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 31st March 2020, that delegated authority is given to refuse planning permission on the basis that in the absence of the required legal agreement, the identified environmental impacts of the development, notably on biodiversity / habitat, would not be mitigated, precise reasons to be agreed in consultation with the Chair of Planning.
3. That delegated authority is given to the Head of Planning & Public Protection and Development Manager – Planning, to make changes to the conditions and/or Heads of Terms of the required legal agreement, subject to consultation with the Chair of Planning, up to the point where the legal agreement is signed and outline consent issued.

Actions Subsequent to 24th 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 31st 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 TO2.
- 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 20th 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 21st September 2021 and a further advertisement in the South Wales Evening Post on 23rd 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 24th 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.

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.