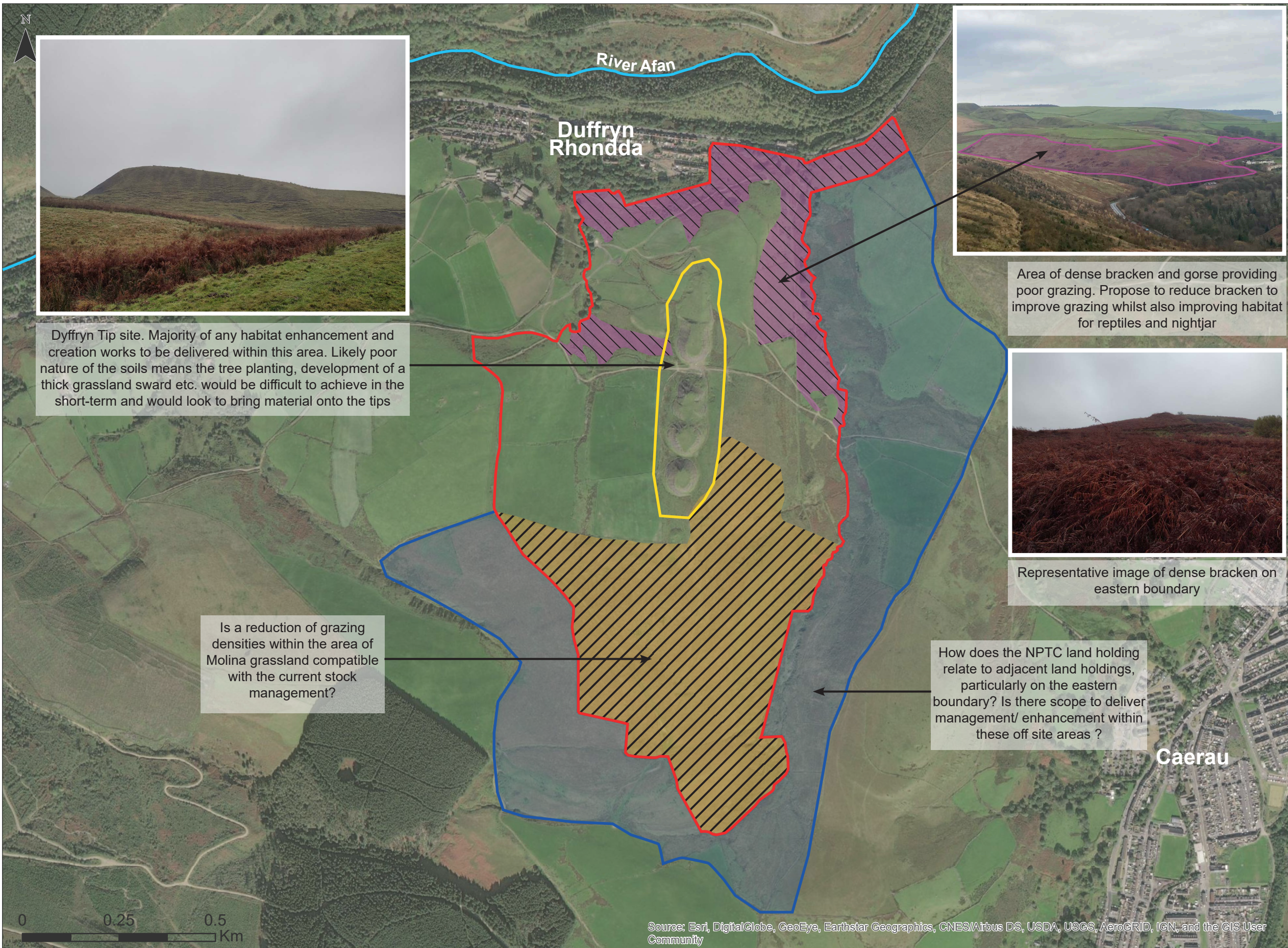




- WildFox Resort Site Boundary
- Solar Farm Site Boundary
- Phase A Boundary
- Phase B Boundary
- Proposed hibernacula location (length to be agreed)
- Roads and Paths
- Running Water
- Existing Bridleways**
- BR42
- Phase One Habitat Survey**
- J.2.4 Fence
- Inland cliff acid neutral
- A2.2 Scattered scrub
- A3.1 Scattered broad-leaved trees
- A3.2 Scattered coniferous tree
- A2.1 - Scrub - dense/continuous<sup>1</sup>
- A2.2 - Scrub - scattered
- B.1.2 Acid grassland - semi-improved
- B.5 Marsh/marshy grassland
- B.6 Poor semi-improved grassland
- C.1.1 Bracken - continuous<sup>2</sup>
- C.1.2 Bracken - scattered
- C.3.1 Other tall herb and fern - ruderal
- D1.1 - Dry dwarf shrub heath - acid
- D2 - Wet dwarf shrub heath
- D5 - Dry heath/acid grassland
- E1.6.1 - Blanket sphagnum bog
- E2.1 - Flush and spring - acid/neutral flush

<sup>1</sup> Areas of dense Scrub will be thinned by 50%

<sup>2</sup> Areas of continuous Bracken will be treated with herbicide to reduce areas by 75%



**LEGEND:**

**Note :** All areas shown are approximate only

- Neath Port Talbot Council (NPTC)
- Land Ownership Boundary
- Dyffryn Coal tips
- Adjacent land holdings
- Area dominated by Molina grassland
- Area of dense bracken

**Suggested Management Proposals**

The primary aim of the suggested management proposals is to provide habitat for nightjars and reptiles to offset the loss of habitats associated with the WildFox development. Currently we have developed a high-level proposal focusing on three key areas as summarised below

**Dyffryn Coal Tip**

As required by NPTC the Dyffryn Coal Tip is to be fenced off and livestock excluded with the location and extent of the fencing is to be determined by NPTC. We propose to provide several enhancements within this fenced off area for night jars and reptiles. Long-term management will be minimal although periodic monitoring visits on an annual basis are likely to be required.

**Bracken control**

Areas of dense bracken appear to be limiting the grazing potential of the site. We propose to undertake a programme of bracken control to allow a more diverse grassland to develop, improving the quality of the grazing land and providing benefits for wildlife. Grazing densities should be retained as is and the area should be fenced off where this does not interfere with the current management of the livestock, with grazing limited to the winter period if feasible.

**Grazing Densities**

Reducing grazing pressure and limiting grazing within certain areas to summer or winter would provide benefits to wildlife. However, we are not seeking to interfere with the current grazing regime or suggest measures which would have a material impact on the management of the farm. However, we would like to explore this option, particularly if there is scope to deliver this in combination with the provision of other benefits such as maintenance of access track and Public Rights of Way.

**332310590 Dyffryn Tips- Suggested Management Proposals**

## Appendix A Relevant Legislation and Policy

**Table A/1** outlines legislation relating to protected species that may be encountered on site

| Ecological Feature            | Legislation                                                                                                                                      | Summary of Relevant Sections                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Common reptile species        | Wildlife and Countryside Act 1981 (as amended)                                                                                                   | Intentionally kill or injure any common reptile species (common lizard, adder, slow-worm, grass snake)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Breeding Birds                | Wildlife and Countryside Act 1981 (as amended)                                                                                                   | Intentionally kill, injure, or take any wild bird or their eggs or nests.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Bats (all UK species)         | Schedule 2 of Conservation of Habitats and Species Regulations 2017 (as amended)<br>Schedule 5 of Wildlife and Countryside Act 1981 (as amended) | <p>Deliberately capture, injure or kill a bat;<br/>Deliberately disturb a bat (disturbance is defined as an action which is likely to: (i) Impair their ability to survive, to breed or reproduce, or to rear or nurture their young; (ii) Impair their ability to hibernate or migrate; or (iii) Affect significantly the local distribution or abundance of the species);<br/>Damage or destroy a bat roost;<br/>Intentionally or recklessly disturb a bat at a roost; or<br/>Intentionally or recklessly obstruct access to a roost.</p> <p>In this interpretation, a bat roost is "any structure or place which any wild [bat]...uses for shelter or protection". Legal opinion is that the roost is protected whether or not the bats are present at the time.</p> |
| Priority Habitats and Species | Environment (Wales) Act 2016                                                                                                                     | Section 7 of the Environment (Wales) Act 2016 requires the Welsh Ministers to publish, review and revise lists of living organisms and types of habitat in Wales, which they consider are of key significance to sustain and improve biodiversity in relation to Wales. These habitats are often referred to as Priority Habitats and Species.                                                                                                                                                                                                                                                                                                                                                                                                                          |

## Appendix B Draft Decision Notice

**NEATH PORT TALBOT COUNTY BOROUGH COUNCIL  
CYNGOR BWRDEISTREF SIROL CASTELL-NEDD PORT TALBOT**

**TOWN AND COUNTRY PLANNING ACT 1990  
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT  
PROCEDURE)(WALES) ORDER 2012**

**APPROVAL OF OUTLINE PLANNING PERMISSION**

**Name and address of the applicant**

AFAN VALLEY LTD  
C/O AGENT

**Name and address of the agent**

Mr Jamie Pyper  
NINETEEN47 LTD  
106 MICKLEGATE  
YORK  
YO1 6JX

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**DATE REGISTERED:** 25 July 2018

**APPLICATION NO:** P2018/0493

**LOCATION:**

LAND AT PEN Y BRYN, CROESERW CYMMER, PORT  
TALBOT

**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. (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).

**NEATH PORT TALBOT COUNTY BOROUGH COUNCIL** as the Local Planning Authority in pursuance of its power under the above mentioned Act and Order hereby **PERMITS** the development as described above to be carried out in accordance with the application and the plans submitted therewith, subject to compliance with the following conditions:

## **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) for each phase (or sub-phase) of development identified within condition 7 shall be submitted to and approved in writing by the Local Planning Authority in writing before any development begins on that phase (or sub-phase) of development 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)

## List of 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 July 2018 (Rev A)

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 prior to submission, or 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, 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 timing of delivery of the development and a breakdown of the floor space of development by land use together with details of the supporting information which is to be submitted for each phase under the relevant conditions of this consent. 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 Prior to commencement of such works on site (or in each phase of development as agreed under Condition 7), the developer will notify the LPA of details of the nature and timing of temporary works (which shall include site investigations, ecological and habitat management, and associated temporary access, car parking, signage and welfare facilities or any other temporary works that may have been agreed in writing by the LPA in advance of such works commencing), which shall be accompanied by associated details of surface water impacts/mitigation and a report from an Ecological Clerk of Works identifying any ecological impacts arising from such temporary works (and how such impacts will be mitigated). The development shall be carried out in accordance with these details.

Reason:

To allow all temporary works required to proceed in a coordinated manner, having regard to the need to protect interest including drainage and biodiversity, and to ensure the development complies with Policy BE1 of the Neath Port Talbot Local Development Plan.

- 9 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.

- 10 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.

- 11 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.

- 12 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

- 13 No development shall commence on each phase (or sub-phase) of development identified within 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.

- 14 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.

- 15 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.

- 16 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.

- 17 For each phase or sub 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.

- 18 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.

- 19 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.

- 20 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 and to ensure the development accords with Policies EN7 and EN8 of Neath Port Talbot Local Development Plan.

- 21 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.

- 22 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.

- 23 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 21 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.

- 24 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.

- 25 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 and to ensure the development complies with Policy BE1 and EN7 of the Neath Port Talbot Local Development Plan.

- 26 As part of the first reserved matters for each phase (or sub-phase) of development identified within condition 7 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.

- 27 As part of the first reserved matters for each phase (or sub-phase) of development identified within condition 7 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.

- 28 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 2017 and to comply with the biodiversity conservation duty under the Environment (Wales) Act 2016.

- 29 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.

- 30 If the details approved under condition 29 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.

- 31 Work shall not commence on any building hereby permitted until such time as a point of connection on the public sewerage system has been identified by a hydraulic modelling assessment, which shall 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.

- 32 Work shall not commence on any building hereby permitted until such time as a potable water scheme to serve the site has been identified by a hydraulic modelling assessment, which shall 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 development 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.

- 33 No development in any phase (or sub-phase) of development identified within condition 7 where such phase (or sub-phase) affects the strategic water mains and/or service reservoirs shall take place 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 in such phase (or sub-phase) 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.

- 34 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.

- 35 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.

- 36 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

- 37 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.

- 38 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.

- 39 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.

- 40 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.

- 41 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.

42 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.

43 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.

- 44 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.

- 45 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.

- 46 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.

- 47 No building shall be occupied or access track constructed (other than any temporary access track that may be agreed under condition 8) 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.

- 48 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 18 and the detailed Phasing Construction Environmental Management Plan (PCEMP) under condition 19 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.

- 49 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.

- 50 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 Operational 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.

- 51 Prior to beneficial use of the proposed development commencing, and if required by Condition 30, a verification report which demonstrates the effectiveness of the agreed remediation works carried out in accordance with condition 30 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.

- 52 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.

- 53 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.

- 54 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.

- 55 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

- 56 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.

- 57 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 8) 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.

- 58 Notwithstanding those trees permitted to be felled under Condition 21, 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.

- 59 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.

- 60 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.

- 61 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.

- 62 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:

| Location | Limit |
|----------|-------|
| 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.

- 63 The construction noise limits specified in Condition 62 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.

- 64 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.

- 65 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.

Informatives:

1 Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at:<https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>(10) Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at:<https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>

2 Unless temporary approval has been given for diversion or closure, the Public Rights of Way shall remain open at all times, any damage caused to the Rights of Way shall be rectified to the satisfaction of this authority immediately.

3 The proposed development is bordered/crossed by a number of trunk/distribution watermains and service reservoirs, the approximate positions being shown on the attached plan. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. We have Conditions for Development near Watermain(s). It may be possible for watermains to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement

(Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com) The applicant is also advised that some public sewers and lateral drains may not be recorded on Welsh Water maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

4 Developers' attention is drawn to the provisions of Section 278 of the Highways Act, 1980 in cases where a development would require access or other works to be carried out within the existing highway. Where highway works to benefit a development require land adjacent to an existing highway to be constructed upon together with works on the existing public maintained highway, a hybrid S38/278 shall be used. Works that are to be undertaken within the existing public maintained highway only will require a S278 agreement. No Work shall be undertaken on the existing public maintained highway until the appropriate legal agreement has been entered into. Any works undertaken on the public highway without the appropriate legal agreement with the Highway Authority, the Highway Authority has the right to request the developer to remove and/or reinstate that part of the highway back to its original condition to the satisfaction of the Highway Authority. A plan detailing the differences between the existing and proposed highway shall be submitted to form part of the legal agreement, this should be made up of two colours, green for the proposed area to be adopted and brown for the existing highway. Developers are reminded that consent under the Town and Country Planning Act, 1990/91, conveys no approval for works to be undertaken affecting any part of the public highway, including verges and footways. The Developer must:-(i) Obtain the approval of Neath Port Talbot County Borough Council as Highway Authority for the details of any works to be undertaken in the Public Highway. (ii) Indemnify the Authority against all claims arising from such works, including claims under the Land Compensation Act. (iii) Give not less than 1 calendar months' notice in writing of the date of commencement of the works. As part of this process you are advised that only certain contractors are permitted to undertake the works on the public highway, a list of these contractors are available from the Highway Authority's Highway Development Control Section. Therefore to ensure the road works you are required to undertake are carried out to the satisfaction of the local planning authority you are advised prior to commencing any work on these works to contact the Head of Engineering and Transport at The Quays, Brunel Way, Baglan Energy Park, Neath SA11 2GG (FAO Mr T Davies Telephone No. 01639 686392 or e-mail [t.davies2@npt.gov.uk](mailto:t.davies2@npt.gov.uk)) to agree the specification, enter the necessary agreement and arrange onsite inspection of your works. For the implementation of the Traffic Regulation Order you should contact the Project Manager Specials and Traffic of Neath Port Talbot County Borough Council at The Quays, Brunel Way, Baglan Energy Park, Neath, SA11 2GG f.a.o. Mr Martin Brumby Project Manager Highways (e-mail [m.brumby@npt.gov.uk](mailto:m.brumby@npt.gov.uk) or telephone 01639 686013) who will advise you of the procedure for the implementation of the required Traffic Regulation Order. \*Please note this process can take up to 4 months - subject to the consultation process outcome\*.

5 The development should not directly affect the Welsh Government Woodland Estate which is located in close proximity to the site (WGWE) however, o Consent should not be based on any development of the existing recreational offer within the WGWE i.e.

additional trails or facilities to link into the development. o Consent should not be based on any assumed mitigation on the WGWE.o There should be no assumptions of grid connections or any kind of infrastructure or access through the WGWE.

6 If there will be a need for abstractions from watercourses on site the applicant may require an Abstraction licence from Natural Resources Wales under the Water Resources Act 1991 (as amended by the Water Act 2003), Environment Act 1995, The Water Resources (Abstraction and Impounding) Regulations 2006, The Natural Resources Body for Wales (Functions) Order 2012 to abstract water.

7 Bats often roost in trees, and work on these trees may disturb a bat roost. All bats and their roosts are protected against disturbance under UK and European legislation. If works are planned on a tree in which bats are roosting, Natural Resources Wales must be contacted. If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work shall cease and NRW should be contacted immediately. Where bats or their roosts are present, no works of felling, lopping or pruning shall take place unless a licence to disturb these species and/or their roosts has been granted in accordance with the relevant legislation.NRW can be contacted at:- Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff CF24 0TP, 0300 065 3000

8 The applicant is reminded that, under the Wildlife and Countryside Act 1981 (as amended) section 1, it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.Trees, scrub and grasslands are likely to contain nesting birds between 1st March and 31st July inclusive. Such habitats are present on the application site and area to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

9 The archaeological work must be undertaken to the appropriate Standard and Guidance set by the Chartered Institute of Archaeologists (CIFA), and it is recommended that it is carried out either by CIFA Organisation or an accredited Member.

10 Noise Sensitive Receptor (NSR) coordinate locations to be used when calculating and measuring noise levels in accordance with the requirements of Conditions 62 are set out as follows

|                                                                  |        |        |
|------------------------------------------------------------------|--------|--------|
| NSR1 North-west boundary to East of Cynonville                   | 282822 | 195254 |
| NSR2 North-west boundary to West of Dyffryn Rhondda              | 283415 | 195707 |
| NSR3 North-east boundary to West of Cymmer                       | 285846 | 195938 |
| NSR4 North-east boundary to East of Cymmer and North of Croeserw | 286332 | 195794 |
| NSR5 Eastern boundary to the South of Croeserw                   | 286228 | 195195 |
| NSR6 Northern boundary to the West of Cymmer                     | 285520 | 196009 |
| NSR7 Railway Terrace, Cymmer                                     | 285323 | 196416 |

Signed:

**Ceri Morris – Head of Planning & Public Protection**

**Date:**

### **IMPORTANT:**

(1) Please note that for all decisions issued after 16th March 2016 for outline or full planning permission, a revised decision notice will be issued whenever a subsequent consent is given, for example providing details of any Reserved Matters approvals (outline applications only) and/or approval of conditions (including on Reserved Matters). This will ensure that the current status of the conditions applied to a consent is clear. Accordingly you are advised to visit [www.npt.gov.uk/planning](http://www.npt.gov.uk/planning) to view the application documentation to see if this is the current version, or whether it has been superseded by a more up-to-date revision of this Decision Notice. For Reserved Matters approvals the revised Decision Notice will only be shown under the Outline approval.

(2) Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

(3) In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition). Please note that any works carried out without compliance with the conditions attached to this approval will be entirely at the risk of the persons involved and may result in formal action being taken by the Local Planning Authority.

(4) The developer should have regard to Sections 4, 7, 8 and 8A of the Chronically Sick and Disabled Persons Act 1970 and to the British Standards Institution's Code of Practice for "Design of buildings and their approaches to meet the needs of disabled people" (BS 8300:2009+A1:2010).

(5) From 1st October 2012 it has been an offence to install a public sewer or lateral drain without having an adoption agreement in place. From the 1st October 2012 the vast majority of all existing private sewers and lateral drains which link with the public sewer network were transferred to Welsh Water. For further details on how this will affect your development please contact: Welsh Water Developer Services, PO Box 3146, Cardiff, CF30 0EH. Telephone No. 0800 9172652 or email: [developer.services@dwrcymru.com](mailto:developer.services@dwrcymru.com).

## IMPORTANT INFORMATION: TOWN AND COUNTRY PLANNING ACT 1990

The applicant's attention is drawn to the notes below.

- (1) If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Welsh Government under Section 78 of the Town and Country Planning Act 1990 (as amended).
- (2) You can also appeal to the Welsh Government against a decision to refuse permission or grant subject to conditions in respect of applications made for :- Listed Building or Conservation Area Consent; Consent under a Tree Preservation Order; Advertisement Consent.
- (3) You can also appeal If your application for a Certificate of Lawful Existing Use or Lawful Proposed Use is partly or wholly refused or is granted differently from what you asked for (under Section 195/196) of the Town and Country Planning Act 1990 (as amended).
- (4) If you are aggrieved of the LPAs decision, the following deadlines apply for appeals to be submitted to the Welsh Government (from the date of the Council's decision):-

|                                                                                                           |                 |
|-----------------------------------------------------------------------------------------------------------|-----------------|
| (1) Planning Permission (with the exception of Minor Commercial and Householder applications – see below) | Within 6 Months |
| (2) Householder Appeal <small>see endnote i</small>                                                       | Within 12 weeks |
| (3) Minor Commercial Appeal <small>see endnote i</small>                                                  | Within 12 weeks |
| (4) Listed Building or Conservation Area Consent appeals                                                  | Within 6 months |
| (5) Tree Preservation Order (TPO) Consent                                                                 | Within 28 days  |
| (6) Advertisement Consent                                                                                 | Within 8 weeks  |
| (7) Certificate of Lawfulness of Existing (Section 191) or Proposed (Section 192) Use or Development      | Within 6 months |
| (8) Hazardous Substances Consent                                                                          | Within 6 months |
- (5) Appeals must be made on a form which is obtainable from the Planning Inspectorate, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ – Tel 0303 444 5940, or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs) .
- (6) The Welsh Government has power to allow a longer period for the giving of notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- (7) The Welsh Government is not required to entertain an appeal if it appears to them that permission for the proposed development could not have been granted having regard to the statutory requirements to the provisions of the development order, and to any directions given under the Order. They do not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by them.
- (8) If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Welsh Government, and the owner of the land claims that the land has become incapable of reasonable beneficial use in its existing state and cannot be rendered capable of reasonable beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the County Borough Council, in which the land is situated, as the case may be, a **purchase notice** requiring that Council purchase his interest in the land

in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

#### Making an Appeal

- (9) Please note that for all applications received by the LPA after 5<sup>th</sup> May 2017, it is now a requirement that any appeal made to the Planning Inspectorate (other than Householder and Minor Commercial Appeals, and appeals against refusal to grant advertisement consent) must be accompanied by all the information and evidence you intend to rely upon (a **“full statement of case”**). You must also send a copy of the notice of appeal and full statement of case to the LPA.
- (10) In addition, for ‘planning appeals’ an amendment to an application following notice of appeal may only be made to correct an error.
- (11) Additional details and information on making an appeal to the Welsh Government is available from the Planning Inspectorate at the above address and website. The relevant documents are entitled “making your planning appeal” and “planning appeals Public Local Inquiries”.
- (12) Further correspondence regarding this application should bear the reference number quoted on the top of the decision notice.

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THIS NOTICE RELATES ONLY TO A PLANNING DECISION AND DOES NOT RELATE TO OTHER LEGISLATION INCLUDING ANY LEGISLATION UNDER:

- BUILDING REGULATIONS – Please contact [buildingcontrol@npt.gov.uk](mailto:buildingcontrol@npt.gov.uk) or 01639 686820 to discuss all aspects of the service that is offered by Building Control
- HIGHWAY LEGISLATION

IF PLANNING CONSENT HAS BEEN GRANTED IT IS ADVISABLE TO ESTABLISH WHETHER ANY OTHER FORM OF CONSENT IS REQUIRED AND TO OBTAIN SUCH CONSENT BEFORE COMMENCING DEVELOPMENT

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<sup>i</sup> Please see the [Town and Country Planning \(Referred Applications and Appeals Procedure\) \(Wales\) Regulations 2017](#) for appeal procedures and for full definitions of:

- *“householder application”* (essentially an application for the enlargement, improvement or other alteration of a dwellinghouse, or development within the curtilage of such a dwellinghouse, or change of use to enlarge the curtilage of a dwelling house)
- *“householder appeal”* means an appeal in relation to a householder application, but excludes an appeal against conditions on the grant of planning permission; or an appeal which is accompanied by an enforcement or listed building consent appeal.
- *“minor commercial application”* (essentially relates to existing buildings of no more than 250 square metres gross external floor space at ground floor level, currently in use for any of the purposes set out in Schedule 1A to The Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2015 which is an application for change of use from Class A1 to A2 or A3; or Class A2 to A3); or the carrying out of building or other operations to a shop front.
- *“minor commercial appeal”* means an appeal in relation to a minor commercial application but excludes an appeal against conditions on the grant of planning permission; or an appeal which is accompanied by an enforcement or listed building consent appeal.

**APPENDIX 7.1**

**AFAN VALLEY ADVENTURE RESORT,  
NEATH PORT TALBOT:**

**HISTORIC ENVIRONMENT  
DESK-BASED ASSESSMENT**



Prepared by Dyfed Archaeological Trust  
For: nineteen47



