

Dear Chair and Committee Members,

The Cabinet Secretary's letter of June 10, 2025, entirely omits any engagement with the specific "Quiet Area (QA 28) procedure". This is a critical oversight, as the Welsh Government's own policy (D1) and previous Ministerial correspondence (A1) confirm the following:

Cabinet Secretary's letter of 10 June 2025 – key omissions

While the letter restates headline economic benefits, it fails to engage with five matters the Committee specifically flagged:

- **Quiet Area (QA 28) procedure** – The letter does not explain why the Welsh Government has not triggered the **WG12523** process for de-designation (D1), despite Swansea Council admitting it did not do so (A2).
- **Ongoing Breach:** Consequently, any construction and day to day running that increases noise within QA 28 without the statutory Ministerial de-designation, following public consultation, would constitute an unlawful increase in noise inside a formally designated Quiet Area, as required by the Environmental Noise (Wales) Regulations 2006 (D1). This process has not even begun.
- **Ministerial Prerogative:** Only Welsh Ministers can remove a designated Quiet Area, and this process requires prior public consultation. The Cabinet Secretary's Quiet-Area letter of March 7, 2025 (ref **RE/00179/25**) explicitly states that "No Quiet Area has ever been removed" (A1).
- **Noise safeguards – acknowledged Quiet-Area sensitivity.**
"Vacuum of Responsibility": As evidenced by the latest correspondence outlined below, there is now a clear "vacuum of responsibility" where the Council states it will not protect the Quiet Area (A2), and the Welsh Government will only intervene if formally requested to do so (A3). This leaves Kilvey Hill's protected status exposed to irreparable harm.
- **Condition enforcement** – Assumes conditions are adequate, yet Swansea Council has now refused to amend them (A9) and admits it will rely on the applicant for any s.73 revisions.
Legal Conflict: This creates a stark "legal conflict" where the Council's position directly contrasts with Welsh Government policy and Ministerial statements (A1, A2).
- **Ethical / corporate issues** – Offers no detail on the operator's overseas casino interests (A10) or on how Welsh public money will be ring-fenced from gambling activities.
- **Funding and long-term risk** – There is concern that the money raised is not inward investment, but rather debt guaranteed by land. Failure of the 125-year lease by Skyline Swansea Limited could place Kilvey into a business portfolio, earmarking it for development. This would burden the asset with debt and allow for minimal tax returns until the debts are covered, potentially functioning as a tax break. The escalating estimated cost (£40 m, with £12 m public contributions) (A4) and the absence of local governance merit a value-for-money review before any funds are drawn.
Loss of local governance: The only UK-based director (Nigel Short) resigned on 1 June 2025, leaving Skyline Swansea Ltd entirely overseas-controlled (A11). This cuts across the Cabinet Secretary's assertion that the scheme secures "local benefit" and strengthens the case for robust community-benefit and claw-back clauses. We believe an audit by Audit Wales and public scrutiny are needed.

Key developments – What it proves:

- **3 Feb 2023:** Screening opinion decided without informing applicant/WG of Quiet Area constraints (A0).
- **7 Mar 2025:** Conditional planning consent issued, but no condition-discharge applications validated (A5).
- **7 Mar 2025:** Public call-in voided, leaving no public route for intervention (A4).
- **7 Mar 2025:** Cabinet Secretary's letter confirmed only Welsh Ministers can remove Quiet Areas, requiring public consultation, and none have ever been removed (A1).
- **10 Apr 2025:** Swansea Council stated it's not their role to alter Quiet Area status and didn't refer the scheme to Ministers (A2).
- **9 May 2025:** Residents' planning-law firm (Richard Buxton Solicitors) had to draft 30+ corrections to basic water-quality, ecology and noise conditions because the Skyline ES left critical gaps (A8).
- **11 June 2025:** Council refused to tighten conditions, stating it requires a fresh s.73 application from

Skyline (A9).

- **Lease of public land:** Not executed; disposal needs lease agreement and re-advertising under s.123 LGA 1972 (B2).

Taken together, these letters show a **vacuum of responsibility**: *The Council will not protect the Quiet Area, and the Welsh Government will only step in if formally asked. These documents fundamentally change the picture, revealing a "vacuum of responsibility" where the Council won't protect the Quiet Area and the Welsh Government will only intervene if formally asked.*

Fact-check:

- **Quiet-Area Law** – Confirmed against **WG12523** and **RE/00179/25** (no QA has ever been removed; Ministers must consult) (D1, A1).
- **Legal Conflict:** The Council's PAP response denying need for de-designation starkly contrasts WG policy/Ministerial letters (A2, A1). The **Noise & Soundscape Plan 2023–28** reaffirms QA protections.
- **Committee Report** sections discuss the nature of the assessment and the lack of specific, comprehensive noise monitoring within the quiet area (A5).

Relevant excerpts:

"It is important to note that the quiet area designation is not related to or bound by any objective noise levels or limits."

"It is acknowledged that it is likely to be quieter in the more central areas..."

"Notwithstanding this, it is not considered necessary to require additional monitoring..."

"It is accepted that Kilvey Hill is currently a relatively quiet and tranquil area... noted through site visits..."

These show the tranquillity assessment was largely qualitative (site visits), not based on new data (A5, B1).

Pollution Control confirmed the Quiet Area is not within their remit (B1), and the Council relies on the applicant's own noise model (A5), despite admitting it has set no noise limits.

The PAP response defends the officer report by stating that Pollution Control officers "did not object" and that the proposal "would not result in an unacceptable impact upon the quiet area" (A2).

However, it's important to remember that Swansea Council has not yet set any noise limits (A5, A6).

Therefore, Pollution Control officers have no responsibility to comment on noise levels, rendering their "non-objection" moot—especially considering the Council's own admissions in provided letters. Is this a statutory failing?

Please for scale reference, note the **damage** based on available data below to the Quiet area.:

(A7) Ramboll noise contour graphic "Luge Track + Amplified Music at 4 m AGL" (Fig 2) Skyline Quiet Area Damage 2025-05-06.jpeg

Supplied by petitioner – not public
Black line is Quiet area Boundary
Red line is skyline Planning application boundary
overlaid on luge noise mapping only

Shows (scale of loss of the Quiet Area with much untested data LAmx gap). Much sound data is not available and unmapped by Skyline based on the tranquillity of the quiet area, nor a community **assessment/engagement** on effects.

Key problems that now demand Ministerial and/or PEDW (Planning & Environment Decisions Wales) and NRW intervention

1. Quiet-Area tranquillity protection and potential breach remains un-tested as outlined

- Council "not our role" claim - Skyline PAP response.pdf, verified at JR letter paras 11–14 (A2).
- Condition stalemate - Council refusal to alter conditions Ref: JW_DVP-280063.pdf (A9), single-page refusal letter expressly cites need for a s.73 by the applicant (A9).
- **2022/2986/SCR SCREENING OPINION (A0)** Decided but without informing the applicant or WG of the Quiet Area Application Constraints or public at PAC stage
- Swansea's own lawyer admits the Council never instigated the Ministerial de-designation process (A2).
- Yet the Cabinet Secretary confirms the hill is still formally designated and that removal must go through Ministers after consultation (A1).

- Much sound data is not available and unmapped by Skyline based on the tranquillity of the quiet area, nor a community assessment leaving EIA for the purposes of the designated quiet areas Environmental and recreational use missing.
- Council says it is *not* its role to alter Quiet-Area status and therefore did **not** refer the scheme to Ministers.
- Therefore construction would unlawfully increase noise inside QA 28 without the statutory approval required by the Environmental Noise (Wales) Regulations 2006 quite possibly needing Designation by default as precedence which is unacceptable.
- Welsh government needs to build policies and processes before a site of national interest can be allowed to designated by default by lack of procedural processes and the lack cross departmental triggers to start start such processes
- Welsh Ministers alone can remove a Quiet Area and would first need to consult the public. No Quiet Area has ever been removed and policies not existing by admission.
- NRW has still not reviewed drainage, groundwater-risk or SINC mitigation plans that are essential under the Habitats Regulations. Nor reviewed the effect to the Nationally Protected, Quiet area tranquillity requirements due to it not being seen at the WG planning level.

2. Conditions stalemate

Condition 51 bars any start on site until the s.106 is signed by all landowners, but neither the lease nor the s.106 exists (**A5, B2**). At the same time, the Council says it will only revisit conditions if Skyline volunteers (**A9**). That leaves no effective mechanism to fix the defects.

Conclusion and Action Requests

Given the serious and unresolved issues outlined—including the failure to initiate the statutory Quiet Area (QA28) de-designation process (**D1, A1, A2, A3**), the discredited environmental evidence (**A5, A6, A7, A8, B3**), and Swansea Council's refusal to enforce or revise planning conditions (**A9**)—this case now exposes a clear legal and procedural vacuum.

Welsh Ministers have a statutory duty under **WG12523** and Planning Policy Wales to uphold protections for designated Quiet Areas (**D1**). To date, no Quiet Area has ever been removed (**A1**). Yet this scheme proceeds without WG policy in place, without consultation, de-designation, or proper community assessment—placing the Government at risk of facilitating an unlawful breach of the Environmental Noise (Wales) Regulations 2006 (**D1**).

We are especially concerned that Quiet Area policy is being undermined by omission: with no de-designation framework initiated and no environmental baseline within the Quiet Area, the site is effectively being "de-designated by default"—a precedent that cannot be allowed.

Natural Resources Wales (NRW) has not reviewed any incomplete or report mentioned in constraints, required either drainage, groundwater, or habitat mitigation data (**B3**), while **PEDW's** role remains unclear with no call in and in light of Swansea Council's refusal to vary or tighten conditions without applicant consent (**A8**). Though the call-in window for the original application has passed, new decisions—such as discharge of conditions or refusal to revise them—remain open to judicial review over constraints, particularly where national policy has not been properly considered (**D1, D2**).

Welsh Government guidance (**D2, Making Good Decisions**) confirms that decisions may be quashed where public authorities ignore relevant policies or act irrationally. The Welsh Government itself has standing to initiate judicial review where statutory duties are breached (**D2, B3**).

This is not a call to oppose investment in Swansea—but to ensure that development respects environmental law, planning policy, and public interest.

We therefore ask the Committee to:

1. **Secure a formal Welsh Government commitment to uphold the Environmental Noise (Wales) Regulations 2006, and either:**
 - trigger the statutory Quiet Area de-designation process with full public consultation (**D1**), or

- halt the project unless that process is lawfully completed.

2. Refer the project to Audit Wales for independent review of:

- the financial model, including the £12m public grant ,
- the escalating £40m cost (**A5**),
- the long-term risk of debt on public land (**B2**),
- and the loss of local governance after Skyline Swansea Ltd became entirely overseas-controlled (**A11**).

3. Request NRW and PEDW intervention to ensure:

- full assessment of tranquillity impacts on QA28 (**A5, A6**),
- scrutiny of untested environmental evidence (**A6, A7**),
- and a review of planning conditions under the Habitats Regulations and Quiet Area criteria.


4. We call for an immediate halt to all construction in QA28. This suspension must remain until robust environmental safeguards and policies are legally established and clearly detailed. These procedures should include clear de-designation Triggers and processes (**A1, B1, B3, D1, D2**).

- Seek clarification from the Welsh Government on how it intends to address the current "vacuum of responsibility" and ensure Quiet Area protections are formally integrated into local planning frameworks (**D1, A1, B3**).
- Support a judicial review, or encourage the Welsh Government to initiate one, to challenge Swansea Council's failure to apply national Quiet Area policy and enforce statutory planning duties (**D2, A3, A8, A9, B3**).
- Demand full transparency regarding Skyline's overseas casino interests (**A10**), and ensure public funds are ring-fenced from gambling-related activities in line with grant conditions.
- Insist on enforceable community-benefit and claw-back clauses, to ensure that any claimed "local benefit" is legally secured—particularly as the company is now entirely controlled from overseas (**A11**).

I urge the Committee to press the Welsh Government for a **formal commitment to uphold the Environmental Noise (Wales) Regulations 2006** regarding Quiet Areas, and to initiate the necessary de-designation process with full public consultation if they intend to proceed with the project as planned. Furthermore, a **thorough independent audit of the project's financial model and the proposed public funding** is essential before any funds are released.

Key Supporting Documents & Links

Our position is supported by the following references and ex key documents:

-  Annex A – Source cross-reference This annex provides a cross-referenced list of key docume...
<https://docs.google.com/document/d/1oagoex7nFKa6eLKsосу5Mn2iEpyKPCq5SBgcJ-oV-80/edit?usp=sharing>

I am available to provide any further information or clarification the Committee may require.

Yours sincerely,

Neil Jones

(on behalf of Swansea Friends of the Earth and the 3,051 signatories to Petition P-06-1373)