

PLANNING STATEMENT AND JUSTIFICATION REPORT

**RETENTION OF USE OF LAND AS A GYPSY/TRAVELER PITCH
INCLUDING ONE STATIC AND ONE TOURING CARAVAN, DAY/UTILITY
ROOM, MOVEABLE TIMBER AND METAL STORAGE SHEDS,
ALTERATIONS TO THE EXISTING ACCESS, HARDSTANDING AND
PARKING AREA, RETENTION OF FENCING TOGETHER WITH
ENVIRONMENTAL ENHANCEMENTS**

**PRICE'S YARD, LAND BETWEEN THE BUNGALOW & DULAIS ROCK
INN, MAIN ROAD, ABERDULAIS, NEATH SA10 8EY**

27th JANUARY 2025



Price's Yard & Setting in between dwelling and empty Public House Dulais Rock



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Application for Full Planning Permission Town and Country Planning Act 1990

Head of Planning
Neath Port Talbot County Borough Council
Brunel Way
Briton Ferry
Neath
SA11 2GG

HAYSTON DEVELOPMENTS & PLANNING LTD is making an application on behalf of Mr for the following planning permission.

1. **Proposal:** Retention of use of land as a gypsy/traveller pitch including one static and one touring caravan, moveable timber and metal storage sheds, new day/utility room, alterations to the existing access, hardstanding and parking area, retention of fencing together with environmental improvements
2. **Site location:** Price's Yard, Land between the Bungalow & Dulais Rock Inn, Main Road, Aberdulais, Neath, SA10 8EY.
3. **Type of Planning Permission:** Full

National and Local Planning Policy & Guidance: Planning Policy Wales Edition 12 (2024), Circular 005/2018 (Planning for Gypsy, Traveller and Showpeople Sites) June 2018, The Housing (Wales) Act 2014. The Mobile Homes (Wales) Act 2013, Designing Gypsy Traveller Sites Guidance May 2015, the Senedd's Local Government and Housing Committee publication '*Welsh Government and Local Authorities Failing Traveller Communities*' August 2022. The Welsh Parliament, Local Government and Housing Committee - Follow up Inquiry into the provision of sites for Gypsy, Roma and Travellers 2025, The Well-being of Future Generations (Wales) Act 2015, recent Welsh Government Guidance for those supporting Gypsy and Traveller Communities: Covid Virus (10th June 2020), The Human Rights Act 1998, Draft Guidance for Designing Gypsy and Traveller Sites. The Public Sector Equality Duty under the Equality Act 2010 and Article 8 of the European Convention on Human Rights. LDP (2016) Policy SP9, SC1, GT1, GT2, BE1, EN2/2 and TAN 15 (Development and Flood Risk (2025.)). The adopted Gypsy and Traveller Accommodation Needs Assessment (2022).

2.0 INTRODUCTION

2.1 The following documents support this planning application.

Planning Statement and Justification Report (this document)

- **Application Form** and associated certificate of ownership.
- **Drawing 01a**– Location and Plan at Scale A3 @ 1:2500 and 1:500
- **Drawing 02a** –Existing Survey Plan at Scale A3 @ 1:200
- **Drawing 03c** – Proposed Site Plan at Scale A3 @ 1:500
- **Drawing 04a** – Proposed Utility/Day Room Floor Plan at Scale A3 @ 1:50
- **Drawing 05a** – Proposed Day Room Elevations Plan at Scale A3 @1:50
- **Appendix A** – Supporting Statement Prepared by Travelling Ahead Advisory Service

- **Appendix B** – Nine Recent and relevant planning appeal decisions.
- **Appendix C** – Flood Consequences Assessment Report. Prepared by Francis Sant Consulting Hydrologist.
- **Appendix D** – Drainage Statement
- **Appendix E** – Green Infrastructure Statement and Biodiversity Enhancement
- **Planning Fee:** £667.00

PLEASE NOTE THE APPENDIX A IS MARKED AS PRIVATE AND CONFIDENTIAL AND NOT FOR THE PUBLIC DOMAIN.

IF THIS REPORT IS MADE AVAILABLE ON THE WEBSITE THIS INFORMATION SHOULD BE REDACTED

2.2 Policy Compliance

This report is prepared in accordance with the requirements of Policies contained within the *Local Development Plan for Neath Port Talbot (2011 – 2026)* and *Welsh Government Development Management Manual (05th May 2017)*.

2.3 No formal ecology report has been done as yet, as previous photos do not show trees etc (see Page 5 of the Flood Consequence Report for a google street view) and indeed any clearance was done by the previous owner. A GIS for net biodiversity gain is attached in **Appendix E**.

3.0 THE APPLICATION SITE

3.1 The 'L' shaped site has been owned by Mr & Mrs Clayton & Vera Price since September 2025 (Title Number CYM 871560). It extends to 0.0620 ha in area and is located on the northwestern flank of the classified road, Main Road, which gives access to the A465 to the north and the centre of Aberdulais to the south. To the north is much higher ground containing a number of trees and shrubs. The application site is located within the settlement limits of Aberdulais.

3.2 The application site frontage has a gated vehicular access onto Main Road leading to a hard standing area surrounded by 2m high timber vertical panel fencing all provided by the former owner of the site (Mr & Mrs Richard Patrick & Lisa Marie O'Brien). The application site contains a static caravan (chalet) which is moveable, a moveable timber shed and metal storage facility brought onto the site by the current owners (Mr & Mrs Price) in September 2025. To the northeast is the boarded up Public House (Dulais Rock Inn), which has been closed for some time and appears to be in a poor state of disrepair, whilst to the southwest is a detached property known as The Bungalow. The character of the surrounding area can be described as being mainly residential in nature.

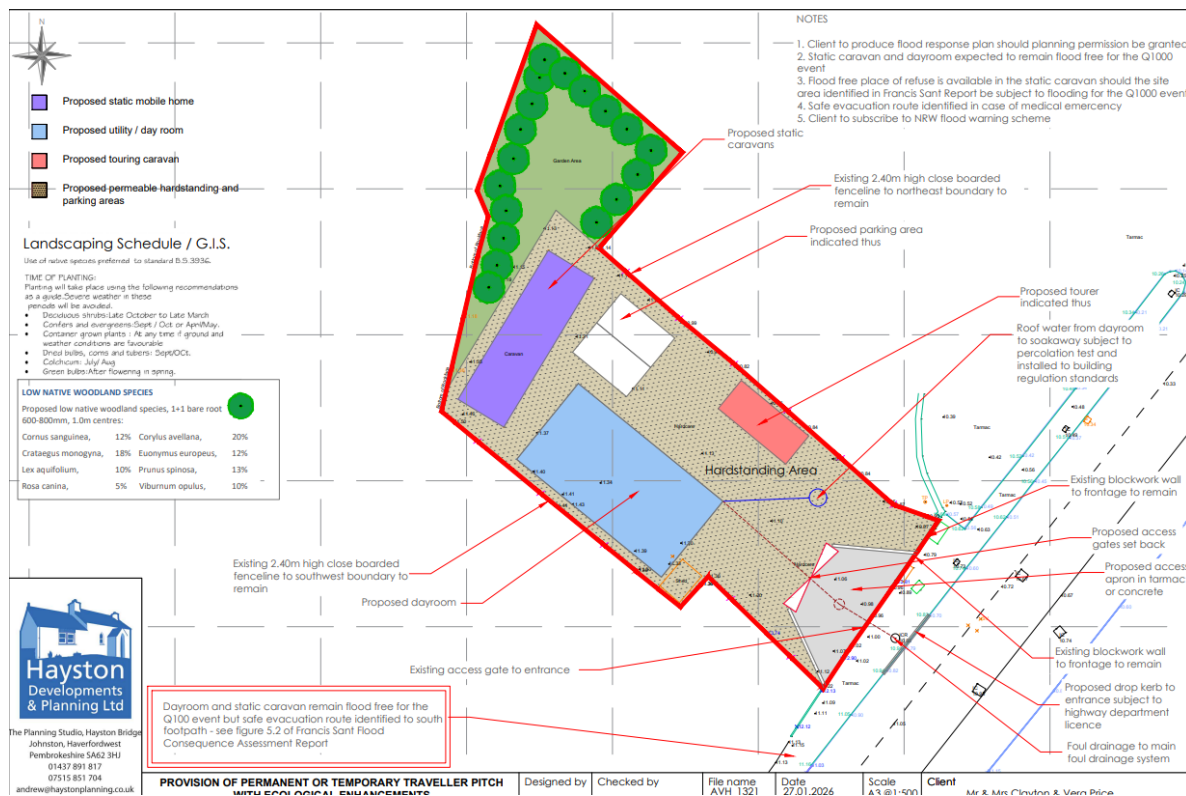
3.3 The application site is a relatively level, vacant parcel of land, between a built-up frontage along Main Road and falls within the definition of an infill plot of land located within the settlement limits of Aberdulais.



Scan of Drawing 01a showing the location plan

3.4 The site is in a 30mph zone and has good visibility to the north and south. There is a pedestrian path fronting the site and a wide road with a 'zig zagged' area which help visibility plays.

4.0 THE PROPOSAL



Scan of Drawing 03c showing the proposed site plan

4.1 The applicant intends to continue to use the site as a permanent family pitch and comprises of the following components. Details of the proposals are contained in Drawings 01a to 05a.

a) The stationing of one static residential caravan, that complies with the dimensional requirements of the various Caravan Sites Acts, which is located at the northerly end of the site adjacent to an area of higher ground containing shrubs and trees. It is sited on a surfaced hardstanding area, constructed by the previous landowner, (Mr & Mrs O'Brian), which extends to the front of the site adjacent to Main Road.



Photo of the existing static residential caravan

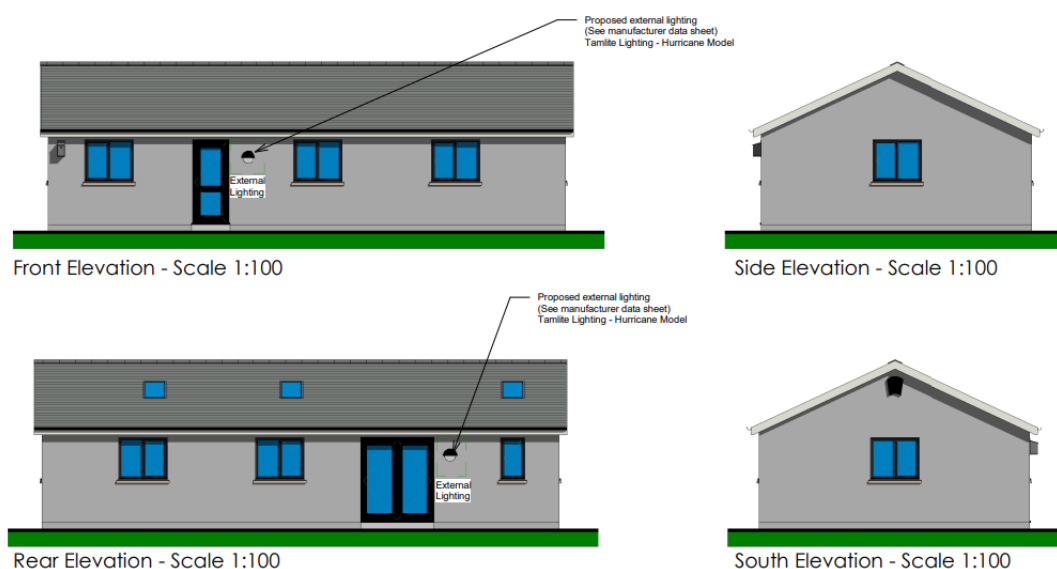


Photo of the existing static residential caravan

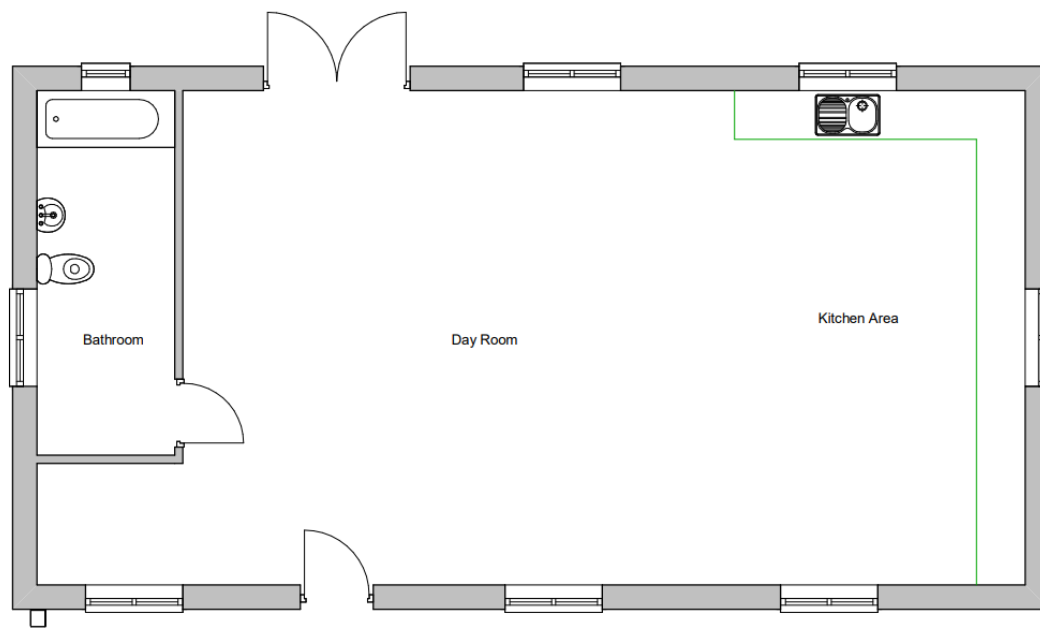
b) The construction of a new day/utility room to be located parallel with the western boundary having a gross internal floor area of 74.3m², 2.8m in height to the eaves and 4m to the ridge. It will be constructed in block work with a sand and cement render painted grey with a manmade artificial slate roof. Low intensity and low-level external lighting will be provided on both the front and rear elevations together with a bat box on the south facing gable wall.

c) Space for the stationing of two touring caravans, to the south of the static caravan and two parking spaces adjacent to the static caravan.

d) The caravan and utility/day room will be provided with soakaways for rainwater and foul water will be disposed via the existing public sewer connection located at the site entrance of the application site. Percolation test results for the soakaways will be submitted to Building Regulations, and a SuDS assessment will also be submitted for Building Regulation Approval in due course. A drainage statement and flood consequence report are also submitted in line with TAN 15 guidance (see **Appendices C and D**)



Scan of Drawing 05a showing the proposed day room elevations



Floor Plan - Scale :50

Scan of Drawing 04a showing the proposed day room floor plan

e) The existing 2m high perimeter timber vertical overlapping fencing will be retained. Additional trees and shrub planting will be undertaken within the northeastern area of the application site as detailed on drawings 03c.

f) The existing entrance accessway will be used by the applicant to gain entry and exit from the application site and it's proposed to construct dropped kerbs onto Main Road, with a highways licence also applied for.

5.0 THE APPLICANT'S DETAILS AND ETHNIC STATUS

5.1 **Appendix A** contains details of the applicant's ethnic status and genuine need for an appropriate alternative site to accommodate his immediate family in a safe and tranquil environment. The applicant's lifestyle falls within the definition of Gypsies in paragraph 2 of the Welsh Assembly Government Circular 005/2018 - Planning for Gypsy, Traveller and Showpeople Sites and Section 108 of the Housing (Wales) Act 2014 They are:

- a) Persons of a nomadic habit of life, whatever their race or origin, including -***
 - (i) "Persons who, on grounds only of their own or families or dependent's educational or health needs or old age, have ceased to travel temporarily or permanently, and***
 - (ii) Members of an organised group of travelling show people or circus people (whether or not travelling together as such); and***
- b) All other persons with a cultural tradition of nomadism or of living in a mobile home.***

6.0 NATIONAL PLANNING CONTEXT

6.1 National advice on Gypsy and Travellers is contained in Circular 005/2018 published in June 2018 and Paragraph 2 refers to Section 108 of the Housing (Wales) Act 2014 where Gypsies and Travellers are defined as referred to in Paragraph 5.1 above.

6.2 Section 101 of this Act also placed a duty upon local authorities to ensure that the accommodation needs of Gypsies, Travellers and Showpeople are accurately assessed and the identified need for pitches is met. This requirement is also contained in the Circular requiring Local Authorities to assess the accommodation needs (Gypsy and Traveller Accommodation Needs Assessment - GTANA) of not only Gypsies and Traveller's but Showpeople residing in any county and make provision on either public or private sites. The Housing Wales Act 2014 places a duty on local authorities to assess the need for the provision of sites for mobile homes in their area and, where that need is identified in a GTANA, more importantly, a local authority must exercise its powers under S56 of the Mobile Homes (Wales) Act 2013 to provide those sites.

6.3 Circular 005/2018 advises that where a need for additional pitches has been identified through a GTANA a sequential test needs to be undertaken to assess the availability of suitable sites within or adjacent to existing settlements. However, this does not preclude consideration of other sites away from existing settlements being put forward by members of the gypsy community as paragraph 39 states *'Sites in the countryside, away from existing settlements, can be considered for Gypsy and Traveller sites if there is a lack of suitable sustainable locations within or adjacent to existing settlement boundaries. In assessing the suitability of such sites, local authorities should be realistic about the availability, or likely availability, of alternatives to the car in accessing local services. Over rigid application of national or development plan policies that seek a reduction in car borne travel in order to effectively block proposals for any Gypsy and Traveller Site in a countryside location would be inappropriate. Sites should be considered in context and in relation to the local infrastructure, population size and density to ensure they are in proportion to local settled communities.* Notwithstanding the above, the first preference is for such development to be located within settlement boundaries.

6.4 Paragraph 4.2.36 of PPW ED 12 also states that *'Local authorities are required to assess the accommodation needs of Gypsy and Traveller families, together with Travelling Show People, and to allocate sites to meet the identified need. Where a GTANA identifies an unmet need a planning authority should allocate sufficient sites in their development plan to ensure that the identified pitch requirements for residential and/or transit use can be met'.*

7.0 CURRENT LDP PLANNING POLICY

7.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires that planning application decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In this case the statutory development plan is the Neath and Port Talbot Local Development Plan adopted in January 2016 to cover the period 2011 to 2026. As the applicant's lifestyle falls within the definition of Gypsies and Travellers in Welsh Assembly Government Circular 005/2018 - Planning for Gypsy and Traveller Caravan Sites and Section 108 of the Wales Housing Act are relevant

together with policies Policy GT1 and GT2 – Gypsy and Traveller sites of the LDP. Also, of relevance is the Gypsy and Traveller Accommodation Assessment 2016 and 2022 (GTANA)

THE GYPSY AND TRAVELLER ACCOMMODATION NEEDS ASSESSMENT (GTANA)

7.2 Sections 101 to 103 of the Housing (Wales) Act 2014 requires local authorities to assess the accommodation needs of Gypsy and Travellers within their area and that where there is an identified need sufficient site(s) should be allocated within the Council's LDP to address that need. Section 108 of the Wales Housing Act 2014 sets out that Gypsies and Travellers – means persons of a nomadic habit of life, whatever their race or origin, including persons who, on grounds only of their own or their family's or dependant's educational or health needs or old age, have ceased to travel temporarily or permanently, and members of an organised group of travelling show people or circus people (whether or not travelling together as such), and all other persons with a cultural tradition of nomadism or of living in a mobile home.

7.3 Part 3 of the Housing (Wales) Act 2014 required Local Housing Authorities to carry out a new assessment of the accommodation needs of gypsies and travellers residing in or resorting to its area. The Authority undertook its own assessment, and a final report was published in February 2016. The resultant document, Gypsy and Traveller Accommodation Needs Assessment (GTANA) concluded the County has an established Traveller and Gypsy community of 56 pitches on 3 sites. Following the findings of the previous 2012 GTANA the Local Development Plan (LDP) for the County Borough made further provisions for an extra 11 pitches at the existing Cae Garw site near Margam to accommodate the identified short to medium term need of 4 pitches for the period 2012 – 2017 and 7 pitches for the period 2018 – 2022. Due to the statistical inaccuracies associated with predicting the longer-term needs of the Gypsy and Traveller community, who by their very nature have nomadic lifestyles, it was the Council's view that the remaining need for 9 pitches would be reviewed as part of the LDP's Monitoring Framework and addressed by the Plan's Annual Monitoring Report (AMR) – this was subsequently endorsed by the Inspectors in their binding report.

7.4 Using the Welsh Government guidance 'Undertaking Gypsy and Traveller Accommodation Assessments' the 2016 GTANA was undertaken in-house by the Authority's Housing Strategy and Planning Policy Sections with input from the Estates' section of the Authority to collect the primary data for the study through interviews / questionnaires. The Study identified no need (an oversupply of 3 pitches) in the short term (2016 – 2021) with 4 pitches required on public residential sites towards the end of the LDP period (2022 – 2026). This need considered the supply resulting from the 11 pitches that received planning permission in February 2015 and the two pitches on the Briton Ferry site that were brought back into use. The study concluded the need for pitches would be assessed through the Annual Monitoring Report. There is no indication of where the further public pitches will be located, when planning permission will be applied for or whether funding will be available for the delivery of the additional pitches over the plan period. There is a high degree of uncertainty about the Council's future intentions to deliver these extra pitches over the plan period or to cater for an unforeseen need arising from the Gypsy community. It should be noted that Circular 005/2018 post-dates both the current LDP and the 2016 GTANA and is the most up to date national policy guidance.

7.5 The latest GTANA was carried out in 2021 and accepted by the Welsh Government in 2022 and published in 2024, identified no further pitches were required in the short term and 10 pitches in the long term. Potential opportunities to meet the identified need will be

considered and assessed as part of the NPT RLDP 2021 to 2036. This replacement LDP is at an early stage and is unlikely to be formally adopted for some time. The GTANA stated there are three authorised public sites within the County, two at Wharf Road, Briton Ferry and one at Cae Garw, Margam. The Giants Wharf Road site is full, in poor condition and in an area likely to suffer from severe flooding at high tides. Cae Garw is noted for its poor living conditions with much violence between families which the applicants have experienced. This latest GTANA does not identify where any additional pitches will be located or whether they will be public or private sites brought forward by the Gypsy community.

7.6 The GTANA report refers to Policy SP6 (Gypsies and Travellers) of the current LDP where provision will be made for 20 Gypsy and Traveller pitches through the allocation of a site and providing a framework to assess proposals for additional Gypsy and Traveller pitches through Policy GT 1 and GT 2. How the figure of 20 additional pitches is arrived at is somewhat confusing.

7.7 The supporting text in the GTANA suggests there is an aspiration within the Gypsy Traveller community for private sites, and the Council will work with and support Traveller households to identify and develop viable private sites to address any identified unmet need in accordance with adopted LDP Policy framework. The applicant trusts this will be the case in determining this application which identifies an urgent need for a pitch, demonstrated by the lack of alternative private or public sites in the County. and has brought forward this site as a viable solution for their accommodation need at no cost to the public purse.

7.8 Considering the comments made by The Senedd's Local Government and Housing Committee **It is evident that any unmet need for additional pitches will, over the next few years, only be satisfied by the provision of smaller family run private sites brought forward by the gypsy community.** The current proposal is for the applicants to establish the site as their home as they cannot be accommodated on any other private authorised site within the County. The current policy is insufficiently flexible to cater for any unexpected demand for new pitches arising from within the Gypsy community. Significant weight should be given to the lack of alternative sites within the County. It is interesting to note that the County Borough's Housing Department did not respond to the Senedd on the issues raised in the Housing Committee report in 2022.

8.0 LOCAL DEVELOPMENT PLAN CONTEXT

Policy GT1- Gypsy and Traveller Site

8.1 This policy only refers to the Cae Garw site in Margam. As explained above this Council run facility is neither safe or appropriate for the needs of the applicant and his family. The family have firsthand experience of the poor living conditions and danger to their safety of living on this Council run site. This was an issue identified as a material consideration in an appeal relating to two pitches on land at Riverside Stables, Tyn Yr Heol Access Road, Pen y Bryn, Pyle in August 2018 (see **Appendix B** for a copy). The appeal was allowed as the applicant's welfare was given considerable weight by the Inspector despite the site lying within the countryside.

8.2 In the event of planning applications being submitted by either public or private sector parties, where a need has been identified, Policy GT 2 is criteria-based against which such applications will be assessed.

Policy GT 2 – Proposals for new Gypsy, Traveller and Traveller Sites

Sites and/or pitches to accommodate Gypsies and Travellers residing in, or resorting to, the County Borough will only be permitted where all the following criteria, where relevant, are satisfied:

1. Sites will be allowed outside settlement limits only when it has been demonstrated that there are no suitable sites or pitches available within:
 - (a) The allocated Gypsy Site at Cae Garw (GT1), or within other existing authorised Gypsy and Traveller sites in Neath Port Talbot; or
 - (b) Within existing settlement limits.
 - (c) The site is in a sustainable location.
 - (d) The site has a utility connections including water, electricity, sewage disposal, waste disposal and safe play areas for children,
 - (e) No detrimental impact on residential amenity or the environment
 - (f) There is a safe means of access and parking facilities.

8.3 This application site is located within the settlement limits of Aberdulais and is located within an otherwise built-up frontage. . Whether the applicants rely on general need, personal need or both, there is no requirement for them to prove a need to live specifically on a particular site, or that no other site is available. The Court of Appeal held in south Cambridgeshire DC v SSCLG & Brown (2008) EWCA Civ 1010 that:

“In seeking to determine the availability of alternative sites for residential Gypsy sites. There is no requirement in planning policy, or case law, for an applicant to prove that no other sites are available or that particular needs could not be met from another site. Indeed, such a level of proof would be practically impossible...”

8.4 The statement on behalf of the applicant is contained in **Appendix A** identifies a genuine need for a safe and secure pitch within a reasonable distance to friends and acquaintances, schools, facilities and services. As there are no private or public sites available, and unlikely to be available in the near future within the County, the applicant has put forward this site to cater for his long-term needs. The provision of private Gypsy sites is recognised in Circular 005/2018 together with the adopted GTANA in making a valuable contribution to the overall supply within the County without entailing any public expenditure.

8.5 It is evident that any unmet need for additional pitches will, over the next few years, only be satisfied by the provision of private sites brought forward by the Gypsy community.

8.6 In preparing this statement reference is made to the nine recent appeal decisions contained in **Appendix B**. Of particular importance, and of relevance to this application, is a very recent appeal decision (CAS-03390-W2G2H2) issued on 24th October 2025, Nr

Wrexham (see **Appendix B**). In summary the Inspectors considered the main issues relevant to these applications were:-

- a) The availability of alternative sites across the County, referred to above.
- b) Whether the site is sustainably located.
- c) The impact the proposed development would have on the character and appearance of the area.
- d) The effect on Highway safety.
- e) Impact from potential flooding
- f) Whether there are any material planning considerations that would justify granting planning permission, in particular the general need and supply of Gypsy and Traveller sites in the area and the personal circumstances of the applicant.

Availability of alternative sites

8.7 The Authority do not dispute there are currently no public or private sites available within the County, as referred to in recent decisions made by this Authority. The Authority also recognises there remains a demand for private sites from the Gypsy and Traveller community. However, it is highly unlikely that the authority can bring forward any sites in the foreseeable future to meet the needs of the applicant or the Gypsy and Traveller community in general. Any private sites will only be brought forward by the Gypsy and Traveller community in the foreseeable future.

8.8 With regard to general need for caravan accommodation by members of the Gypsy and Traveller community, this was discussed at the Senedd Housing and Local Government Committee in early May 2025 and reported in the Daily Post (north Wales Edition 10th May 2025). At this meeting there was unanimous consensus of opinion that members of this community are described as outcasts and second-class citizens and are discriminated against. The Chair of the Committee, Mr John Grittiths, told the Senedd *'At heart, this is a matter of human rights. These communities are entitled to an alternative way of life. In essence, living in a caravan reflects their traditional way of life and should be supported'*. The applicant has identified a genuine urgent need for a family pitch for the reasons detailed in **Appendix 1**. On this occasion the applicant has identified this site being appropriate for their needs as they are fully aware no other public or private sites are available where the family would be safe from abuse and violence. The identified lack of alternative sites warrants substantial weight in the planning balance and complies with criterion 1 of Policy GT 2.

Sustainability

8.9 The application site, by its very nature and location, is sustainably located within the settlement limits of Aberdulais facilitating access to a range of community and commercial services, schools and alternative modes of transport. The applicant's children currently attend the local primary school on a daily basis and that opportunity is an important consideration. All services to the application site are or soon will be in place.

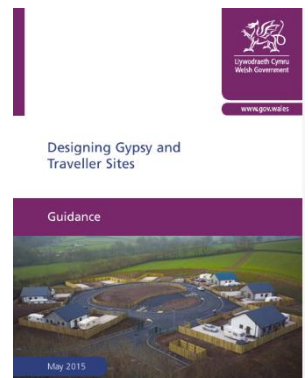
8.10 Paragraph 19 of the Circular advises that issues of site sustainability are important for the health and wellbeing of gypsies not only in respect of environmental issues but also for the maintenance and support of family and social networks. Site sustainability should not be

considered only in terms of transport mode, pedestrian access, safety and distances from services but the benefits that follow from a settled base including access to health facilities as well as the maintenance and support of family and social networks. It is therefore considered the site is sustainably located.

Impact on the character and appearance, amenity and privacy

8.11 The application site was, originally, a vacant, overgrown parcel of land (with no trees) located within a built-up frontage in what can be described as a residential area. The proposed development is low-level in nature and, as the site is well screened from general view by boundary fencing set against a back cloth of higher ground with mature trees, any impact on the surrounding environment will therefore be minimal.

8.12 Both Policy GT2 and Circular 05/2018 allow Gypsy sites either within, immediately adjacent to settlement boundaries or in the open countryside and must therefore include an acceptance that some alteration with regard to the character and appearance is inevitable. However, the building and structures are generally low level in nature and, considering the existing vegetation and the proposed landscaping as part of the Green Infrastructure Statement and mitigation proposals, the impact will be reduced to a degree that minimises the effect and will assimilate into the surrounding character of the landscape (see **Appendix E**). The proposed development is small and low level in nature, and the layout has been designed in accordance with the Welsh Government document '*Designing Gypsy Traveller Sites Guidance May 2015*' providing ample private amenity space for the applicant and his family. The development will have very low impact on the amenity of any local residents and will respect the character of the immediate surroundings.



Impact on highway safety

8.13 The application site has an existing and improved gated vehicular access directly Main Road provided by the previous owners of the site. Whilst this development may not have planning permission, Main Road has a wide carriageway with good visibility in both directions and there is a footpath along the southern side. The recently issued Enforcement Notice (Ref ENF/2025/0182 dated 17th December 2025) does not fully explain what, if anything, is required to improve the access. However, this application provides an opportunity to implement improvements including lowering the front wall and providing dropped kerbs along the site frontage. These facilities can be provided by the imposition of appropriately worded conditions. The site has a large, relatively level surface with ample room for residents and visitor parking and vehicular turning facilities. By definition Gypsies and Travellers rely on private vehicles for everyday living and work.

8.14 Whilst the proposal will create additional traffic movements on a daily basis to and from the site, it is not considered any harm caused to highway safety would be significant considering the more permissive approach provided by Circular 005/2018 and is a material consideration that weighs in favour of the development. In view of the above it is concluded the development will not harm highway safety.



Photos of visibility splays

Sewerage , surface water drainage and utilities

8.15 There is a public sewer available in very close proximity to the application site with an access point into the mains available located within Main Road adjacent to the front of the site. There is sufficient fall in levels to allow foul water to drain by gravity however, it may be necessary to install a non-return valve to prevent the backflow from the system. The caravan and utility/day room will be provided with soakaways for rainwater and percolation test results for the soakaways will be submitted to Building Regulations for approval, and a SuDS assessment and submission. A Drainage Statement, in line with TAN 15 advice, is attached in **Appendix D**.

8.16 The site has the benefit of a water supply, and discussions have taken place with Western Power to install an electricity supply. Household waste will be left at the site entrance for

collection by the Local Authority waste disposal service. The site is occupied on Gypsy family without incurring any expenditure from the public purse.

Impact from potential flooding

8.17 **Appendix C** of this statement contains a comprehensive Flood Consequences Assessment (FCA) and Flood Response Plan (FRP) dated November 2025 prepared by Francis Sant Ltd Hydrologists which considers advice in the updated TAN 15.

8.18 The FCA indicates the site is partially located within a Fluvial flood Zone 2 with the northwestern boundary within Flood Zone 3 and at risk of fluvial, tidal and surface water flooding. This indicates that the area potentially could be at risk during a 1in 1000 year fluvial event while part of the site could be affected during a 1 in 100 year fluvial and surface water event and a 1 in 200 tidal event taking 100 years of climate change into consideration.

8.19 The prime objective of the FCA is to develop an appreciation of :

- a) The risk and consequences of potential flooding on the development; and
- b) The risk and consequences (i.e. the overall impacts) of the development on flood risk elsewhere.

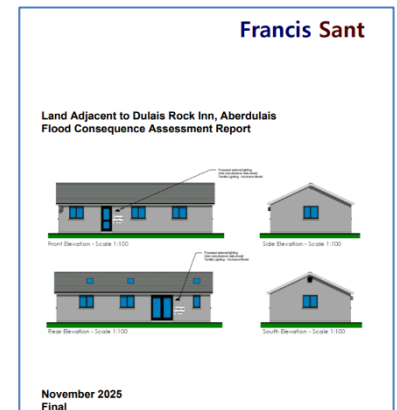
8.20 In assessing this submission, the NRW are respectfully requested to digest the contents of pages 8 -13 in respect of analysis of potential flooding following a fluvial event and pages 13 – 18 in respect of a tidal event. With regards to a fluvial event, based on the Topographic survey the site is expected to remain flood free during the Q100 + CC event and the flood depth during the Q1000 event is expected to range up to 360mm with the western side of the site expected to remain flood free. The day/utility room and static caravan are located above 11.2m and are expected to remain flood free during the Q1000 event.

8.21 The Tidal Flood Maps suggest that most of the site lies in tidal flood Zone 1 and is expected to remain flood free during the Q1000 event. Part of the northeastern boundary is shown to be in Flood Zone 3 and potentially at risk during a T200 event. This may be due to an error in the Lidar Data and misinterpretation of the ground levels. It is intended to keep all development above 10.84m AOD in this area which is expected to remain flood free during a precautionary T1000 event with sea level rise.

Flood Resilience and Response.

8.22 The applicant has been made aware of the recommendations on pages 21 to 23 and 26 of the FCA when constructing and siting the proposed day/utility room and a Flood Response plan will be prepared. The applicant will also subscribe to the NRW flood warning scheme

8.23 Although the site is expected to remain flood free during a Q1000 event, potentially the site could be at risk during an exceedance event. Figure 5.2 of the FCA suggests the provision of an Evacuation Route which will entail a route from the centre of the site south through the vehicular access point turning west along the footpath.



8.24 Reference is made to two Planning Appeal decisions in flood zones - CAS-02030-S8W8X4 -Vale Road, Rhyl July 2014, APP/H0520/W/23/3334636 – Chatteris Road, Somersham, Huntingdon, May 2024 and APP/U6925/C/20/3258177 and attached in **Appendix B**.

CAS-02030-S8W8X4 Vale Road, Rhyl

This 2024 decision related to an application to change the use of land to form a residential traveller site for 6 static caravans. One of the main issues addressed by the Inspector was 'Whether the proposal would comply with planning policy to steer highly vulnerable development away from areas at the highest risk of flooding'. In determining the appeal, the Inspector considered the proposal would not meet local or national planning policy guidance which emphasises the need to take a precautionary approach and directs development away from areas of highest risk. However, the personal circumstances advanced in support of the proposal including interference with the private life of the family and their respective children, safeguarded under Article 8 of the European Convention on Human Rights, which includes consideration of the best interests of the children. Given the accepted lack of alternative provision, dismissing the appeal is likely to condemn the children to a roadside existence. The children's best interests would be served by a settled family base and access to education and other necessary services. The inspector considered this element carried substantial weight in favour of allowing the appeal. Despite the potential risk from potential flooding, the Inspector concluded the impact on the lives of the family and, in particular, the children, the lack of an available alternative sites outweighed this risk to a significant degree. Permission was granted. These circumstances are relevant to this application.

APP/H0520/W/23/3334636 Chatteris Road, Somersham, Huntingdon

This 2024 decision related to the proposed change of use of land to provide four additional Gypsy pitches and two of the issues were whether the development would be at risk from flooding and whether alternative sites are available. It was established the site lies within Flood Zone 3a but outside of the extent of the Fenland Breach and therefore not considered to be at risk of flooding in the event of a breach of the Ouse Washes flood defences. Nevertheless, the additional permanent residential use is classified as highly vulnerable. During the appeal hearing it was established the appellants have an unmet need for pitches which cannot be met by current authorised sites or any alternative sites either within the borough or neighbouring sites. The Inspector attached significant weight to this consideration. Other personal factors were addressed including the age of the appellants and the need to have a settled base to gain access to specialist medical facilities. On balance the Inspector concluded the potential risk from flooding was outweighed by the lack of alternative sites and the need for a settled base for the families. On this occasion a temporary five-year permission was granted based on the likelihood that sites will be identified by the LPA in the short term. These two appeal decisions have a significant bearing of the appeal site

9.0 OTHER SIGNIFICANT MATERIAL CONSIDERATIONS

9.1 Gypsies are ethnic minorities who have the protected characteristics of race under S149 (7) of the EQ Act 2010, The applicant and his family do have other or additional protected

characteristics that are relevant to the public sector duty (PSED) in the circumstances the applicant has four young children, under the age of 8 who attend the nearby primary and nursery school on a regular basis. Their interests would be best served by having a settled base, reasoning that if the application is refused it is extremely likely that there would be no other alternative but for the family to exist at the roadside. The Declaration of the Rights of the Child states that *“The child, by reason of his/her physical and mental immaturity, needs special safeguards and care including appropriate legal protection”*. As such, their best interests are a material consideration that should be given significant weight’. The young children would benefit from a settled base in their early life so as to experience consistent health care only available to families with a settled site. In view of above it is considered significant weight should be afforded to the applicants four existing children who enjoy a settled and safe life, all of whom attend a local school on a regular basis.

9.2 Article 3 of the United Nations Convention on the Rights of the Child requires that the best interest of the children shall be a primary consideration. It is well established in law that no other factor should inherently carry greater weight in the decision-making process than the best interest of the children. Article 8 of the European Convention on Human Rights as enshrined in Section 8 and 14 of the Human Rights Act 1998 gives paramount respect and importance to protect private and family life, as well as the public sector duties under the Equality Act 2010. These must be afforded an importance or weight as great as any other material consideration prior to examination of the circumstances of the case. The lack of alternative sites within the current plan period, the personal circumstances of the family, contained in **Appendix A** and the rights to a peaceful and safe family life which amount to ‘very special circumstances’ within the planning balance

10.0 CONCLUSION

10.1 The applicant’s lifestyle and traditions fall within the statutory definition of Gypsies as defined in Welsh Assembly Government Circular 005/2018 ‘Planning for Gypsy, Traveller and Showpeople Sites’. The applicant and his family had to leave their pitch in Cae Garw for safety reasons and need to continue their traditional and cultural way of life living in caravans. This site has been purchased by the applicant in September 2025 and is now occupied by the family to enable them to live in a tranquil and safe environment close to friends and acquaintances. There are no public or private pitches available within the county and unlikely to be so in the immediate future. The applicant has therefore identified and demonstrated an urgent need for appropriate alternative accommodation. As the Chair of the Senedd’s Housing Committee states *‘members of these communities are entitled to an alternative way of life’*. The lack of any suitable available sites outweighs any perceived harm that this small development may cause.

10.2 The criteria in adopted Policy GT2 are somewhat outdated having been formulated before the publication of Circular 005/2018. However, this development has been assessed and concluded it is fully in accordance with the requirements in terms of sustainability, access, will not cause significant visual intrusion and is sensitively located on an infill plot within the settlement limits of Aberdulais. The back cloth to the site is an elevated area covered with trees and shrubs an area surrounded by natural vegetation which will be supplemented by additional planting referred to in the Green Infrastructure Statement. These proposals will result in a net gain to the biodiversity credentials of the site.

10.3 It is not considered this small-scale development for one family pitch for two static units in this location will cause any significant harm to highway safety considering the more permissive approach provided by Circular 005/2018 and is a material consideration that weighs in favour of the development.

10.4 It is considered the personal circumstances of the applicant and family who have identified a genuine need for the accommodation, the lack of alternative sites within the County as a whole, the site's sustainable location and low level of traffic generation are material considerations in favour of the proposal that, on balance, outweigh all other matters.

10.5 Mr and Mrs Price have four children below the age of 12 who are protected by Article 3 of the United Nations Convention on the Rights of the Child which requires that the best interest of the children shall be a primary consideration. The children all attend a local primary school on a regular basis. The health and wellbeing of their children is very important for the family. The family's previous living arrangements were totally unacceptable for members of the Gypsy and Traveller Community. For the family's wellbeing it is important for them to continue a traditional way of living in a caravan in a safe and tranquil location close to relatives. It is well established in law that no other factor should inherently carry greater weight in the decision-making process than the best interests of the children. Any possible change of flooding is manageable and still far safer than being on a more dangerous unauthorised location on the roadside. This approach and common sense opinion has been endorsed by many Inspectors. This protection is a significant material consideration in the planning balance when determining this application.

10.6 The development of this site would be a considerable benefit in an area where it has clearly proved difficult to find suitable alternative locations for Gypsy and Traveller development.

10.7 The Authority have confirmed that there are no alternative sites available within the County and have acknowledged no sites will come forward within a three-year timetable of a temporary consent given the status of the development plan and the Authority's failure to make provision of new sites identified in the GTANA. Due to the short to medium term lack of any planned public sites becoming available a permanent permission is necessary,

10.8 Despite the existing LDP being in force, the policies are somewhat out of date considering the more recent Welsh Government publications and advice on how to determine planning applications relevant to the Gypsy and Traveller community. The LDP replacement is unlikely to be adopted within the short to medium term and, for these reasons, the application needs to be taken on its individual merits based on the fact there are no public or private sites available to satisfy existing and future demand for family pitched.

10.9 The application is accompanied by a comprehensive Flood Consequences Assessment together with a Flood Response Plan following the advice in the revised TAN 15 effective from the 1st April 2025. In summary the Hydrologist considers the application site is far less vulnerable from both fluvial and tidal flooding as the permanent building and mobile chalet will be located on higher ground and are expected to remain flood free during a Q1000 event. The proposed evacuation route will provide a safe means of exit in times of an exceptional event.

The above demonstrates that very special circumstances exist that outweigh any perceived harm that such a proposal will have on the surrounding landscape, amenities of any residents or highway safety.

Should you require any further information please do not hesitate to contact Hayston Developments and Planning Ltd.

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Appendices