

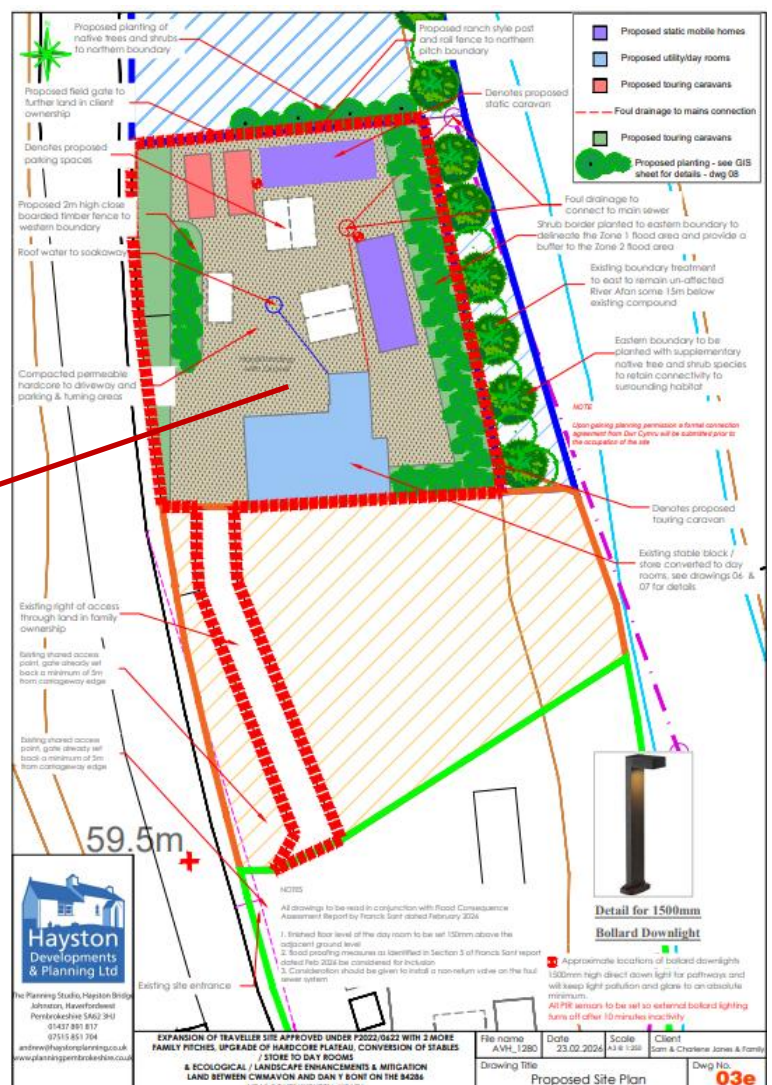


PLANNING AND JUSTIFICATION STATEMENT REPORT REVA

**EXTENSION OF EXISTING APPROVED GYPSY PITCH TO
PROVIDE TWO ADDITIONAL FAMILY PITCHES, CONVERSION
OF STABLES TO DAY/UTILITY ROOMS, UPGRADE OF
HARDCORE PLATEAU WITH ECOLOGICAL LANDSCAPE
ENHANCEMENTS AND MITIGATION**

**JANE'S YARD, MAES Y BETTWS, OFF THE B48926,
PONTRHYDYFEN, NEATH, SA12 9SD**

24th February 2026



**Aerial photo (google maps) of the application site and
existing approved pitches and scan of the proposed site
plan (Drawing 03e)**

HAYS / 1450

Application for Full Planning Permission Town and Country Planning Act 1990

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HAYSTON DEVELOPMENTS & PLANNING LTD is making an application on behalf of Mr & Mrs Sam & Charlene Janes & Family for the following planning permission:

- **Proposal:** Extension of existing Gypsy site (approved under P/2022/0622) to accommodate two additional family pitches, conversion of existing barn and store to create two day/utility rooms, upgrade of hardcore of plateau area, ecological/landscape enhancements and mitigation measures.
- **Site location:** Jane's Yard, Maes y Bettws, off B4286, Pontrhydyfen, Neath.
- **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Guidance for those supporting Gypsy and Traveller Communities: Covid Virus (10th June 2020), The Human Rights Act 1998, Draft Guidance for Designing Gypsy and Traveller Sites.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 Needs Assessment (2022).

1.0 INTRODUCTION

1.1 The following documents support this planning application.

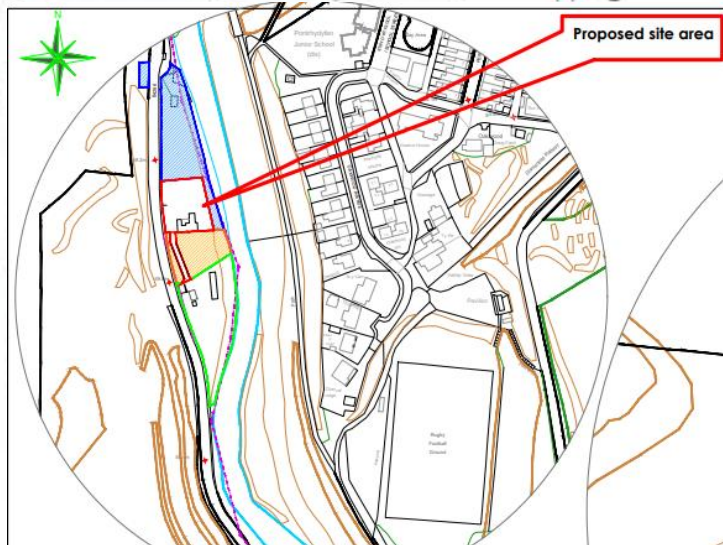
- **Planning Statement and Justification Report** (this document)
- **Application Form** and associated certificate of ownership.
- **Drawing 01e – Expanded location plan at Scale A3 @ 1:1250**
- **Drawing 02e- Location and block plan at Scales A3 @ 1:2500 and 1:500 respectively**
- **Drawing 03e – Proposed site plan at Scale A3@1:250**
- **Drawing 04d – Existing Stable/Store Floor Plan Scale A3 @1:50**
- **Drawing 05d – Existing Stable/Store Floor Plan Scale A3 @1:50**
- **Drawing 06b – Proposed Day Room Floor Plan at Scale A3 @1:50**
- **Drawing 07b –Proposed Day Room Elevations at Scale A3 @ 1:100**

- **Drawing 8b** - GIS Site Plan at Scale A3 @ 250
- **Drawing 09a** - Existing Vs Proposed Cont
- **Appendix A** - Supporting Statement prepared by Travelling Ahead Advisory Services
- **Appendix B** – 7 recent and relevant planning decisions relating to land outside of any settlements
- **Appendix C** – Preliminary Ecological Appraisal, 2025 Kite Ecology October 2025
- **Appendix D** – Green Infrastructure Statement and Biodiversity Enhancement Scheme, Kite Ecology October 2025.
- **Appendix E** – Phase 2 Contaminated Land Report by Rhondda Geotechnical Services (dated 12/06/2025)
- **Appendix F** – Flood Consequence Report by Francis Sant Feb 2026

PLEASE NOTE 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

2.0 THE APPLICATION SITE

2.1 The application site, edged in red on Drawing 01d, is a rectangular shaped parcel of land which has been in the applicant's ownership since December 2023, (Title Number WA196515). It extends to 0.1224ha and fronts the eastern side of the B4286, Maes Y Bettws, on the approach to Pontrhydyfen. The site frontage is defined by a 2m high vertical, overlapping timber fencing for security and privacy reasons and the rear of the site is bounded by the River Afan to the east. At this point the River Afan is at a considerable depth below the application site. Along the southern boundary is a single storey, flat roof, stable and storage building constructed in a combination of timber and blockwork. The surface of the application site has recently been levelled and rolled using clean crushed stone. To the north is a triangular paddock used for grazing animals.



2.2 Immediately to the south there is a vacant parcel of land, owned by the applicant's brother, beyond which is a Gypsy/Traveller pitch, granted planning permission in June 2023 (RefP2022/0622, which is now occupied by the applicant's parents. An improved access point onto the B4286 has been completed and it is intended to utilise this to serve the proposed development. There is a footpath along the eastern side of the B4286 leading to Pontrhydyfen to the north and Cwmavon to the south.



Photos of the existing site showing the levelled and rolled (crushed stone) surface



Photos of the access to the site

Since this photo was taken the access has been improved, further in line with the original application

3.0 THE PROPOSAL

3.1 The applicant intends to use the site as a permanent family pitch and comprises of the following components. Details of the proposals are contained in Drawings 03d to 09a.

a) The stationing of two static residential caravans that will comply with the dimensional requirements of the various Caravan Sites Acts located on a recently refurbished hardstanding area located along the eastern boundary. The surface of the central area of the site has recently been provided with a fresh layer of permeable cleaned and rolled stone.

b) The existing flat roof stable and storage barn will be converted into two adjoining day/utility rooms each containing a lounge, bathroom and kitchen area. This building, in its current form, is between 3m and 3.5m in height. The external walls will be finished in a combination of sand/cement render with painted or timber/composite cladding having a vertical emphasis. The existing flat roof will be replaced by a mono-pitched roof above part of the proposed kitchen constructed in a grey glass fibre. The pitched roof over the remaining part will be covered with grey corrugated metal insulated sheets or zinc. The finished building will measure 3m to the eaves and 4m to the ridge. Low intensity downward facing lighting units will be attached to the rear external walls. Bird and bat boxes will also be installed on the external north facing wall.

Other ecological mitigation is shown in the GIS (**Appendix D** and in this report).



Photos showing the existing flat roof stable and storage barn proposed to be converted to two day / utility rooms

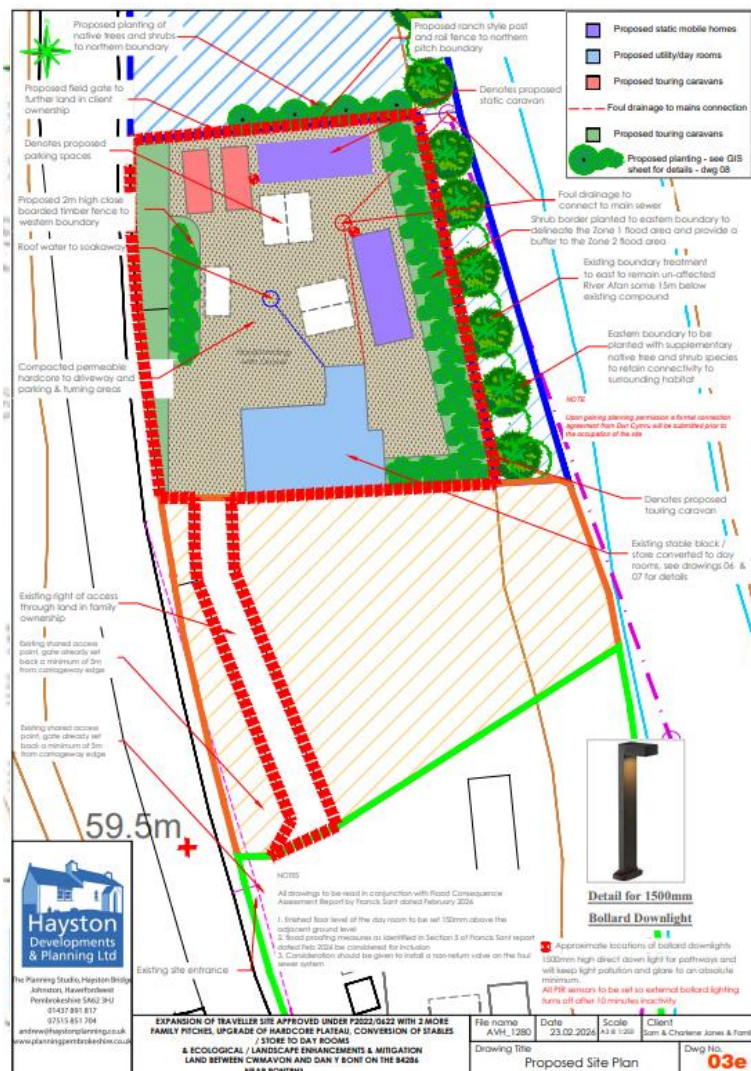
c) The stationing of two touring caravans, to the south of the converted stables and storage building and two parking spaces adjacent to the static caravans.

d) The caravans and utility/day room will be provided with soakaways for rainwater and foul water will be disposed via the existing public sewer connection located in the north easterly corner of the application site. Percolation test results for the soakaways will be submitted to Building Regulations and SuDS / Drainage Dept.

e) The existing perimeter timber vertical overlapping fencing will be retained, and a new ranch style post and rail timber fence will be constructed along the northerly boundary. Additional trees and shrub planting will be undertaken within the application site as detailed on drawing 03e and 08b and the GIS/ Biodiversity Enhancement Scheme detailed in **Appendix D**.

f) The existing site entrance gated accessway will be used by the applicant to gain entry and exit from the application site. Access across the land adjoining immediately to the south is on land within the family ownership.

This access has already been improved and might need further adjustment.



Scans of Drawing 03e and 07b showing the proposed Site plan and day rooms



North Elevation



South Elevation



West Elevation



North Elevation

4.0 THE APPLICANT'S DETAILS AND ETHNIC STATUS

4.1 **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.*

5.0 NATIONAL PLANNING CONTEXT

5.1 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.

5.2 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 Travellers 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.

5.3 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.'*

5.4 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'*.

6.0 CURRENT LDP PLANNING POLICY

6.1 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 ASSESSMENT

6.2 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.

6.3 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 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.

6.4 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.

6.5 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 flooding at high tides. Caer Garw is noted for its poor living conditions with much violence between families. 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.

6.6 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.

6.7 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 an extension to the nearby approved pitch on land to the south within the family's ownership as a viable solution for their accommodation need at no cost to the public purse.

6.8 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.

7.0 LOCAL DEVELOPMENT PLAN CONTEXT

Policy GT1- Gypsy and Traveller Site

7.1 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 and similar issues have been encountered on the Giants Wharf site, which is also on a flood plain. 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. The appeal was allowed as the applicant's welfare was given considerable weight by the Inspector despite the site lying within the countryside and Green Wedge. See Appendix B

7.2 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.

7.3 This application site is located outside the settlement limits of any settlement. Nevertheless, 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..."



7.4 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.

7.5 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.

7.6 In preparing this statement reference is made to the 7 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. 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. These include Green Wedges.
- d) The effect on Highway safety
- e) Flooding on the access
- f) Whether there are any material planning considerations that would justify granting planning permission, in particularly the general need and supply of Gypsy and Traveller sites in the area and the personal circumstances of the applicant.
- g) Implications on the River and SAC

Availability of alternative sites

7.7 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. Any private sites will only be brought forward by the Gypsy and Traveller community in the foreseeable future.

7.8 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 Grittihs, 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 A**.

Sustainability

7.9 This application site is in a countryside location and consistent with national planning policy and the adopted LDP advocates strict control in such areas. Nevertheless, as a matter of fact, the site lies very close the nearby settlement of Pontrhydyfen and Cwmafon, a community hall, convenience stores, public houses, places of worship and a health centre. The nearest primary school is Ysgol Gynradd Cwmafon Primary School and the nearest secondary school Cefn Saeson Comprehensive School. The site is close to a bus stop where buses serve local communities and Port Talbot. The application site does not therefore lie within a remote countryside location. Advice in section 39 of Circular 005/2018 states that *'Sites in the countryside, away from existing settlements, can be considered for Gypsy and Traveller sites if there is a lack of suitable locations within or adjacent to existing settlement boundaries. In assessing the suitability of such sites, local authorities should be realistic about availability, or likely availability, of alternatives to the car in assessing local services. Over rigid application of national or development plan policies 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.'* By definition Gypsies and Travellers rely on private vehicles for everyday living and work.

7.10 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.

Green Infrastructure Statement Summary

7.11 This statement should be read in conjunction with the detailed and comprehensive Preliminary Ecological Appraisal (**Appendix C**), the Green Infrastructure Statement and Biodiversity Enhancement Scheme (Net Benefit for Biodiversity Plan) (**Appendix D**) prepared by I & G Consulting. Attention is drawn to **Appendix C** and, in particular Section 5 of the report. **Appendix D** aims to improve and enhance the Biodiversity and Resilience of the application site and details of the mitigation are shown on Drawing 08b of the main report and

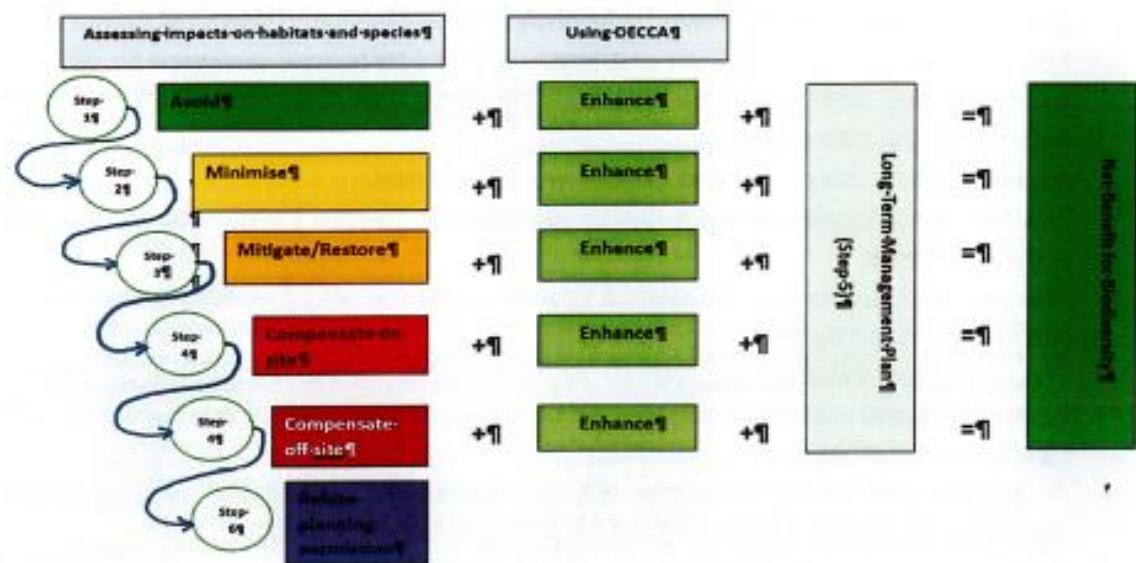


Protected species.

7.12 I&G Ecological Consultancy undertook a detailed survey of the application site for evidence of use by protected species including badgers, birds and bats as these were considered the most likely to utilise the site. The survey identified that the majority of the site has negligible or no ecological value. There was no evidence of use by protected species however, the proposed development should be used as an opportunity to improve the biodiversity of the site. It is considered unlikely that the development would impact on the

biodiversity of the area, particularly if the recommendations of the report are included in the scheme as mitigation.

7.13 The report concluded there was no evidence of protected species on site. The development should be used as an opportunity to improve the diversity of the site. To this effect Drawing 08b contains details of all the recommendations put forward by I & G Drawing 07b detail the provision of bat and bird boxes on the external elevations of the proposed communal day/utility room. External lighting will be limited to low intensity downward facing lighting units. There will be no high-level illumination or halogen lighting which will discourage bats and there will be no external lighting on the south elevation near where the bat box will be located. All external lighting will include a motion sensor and a one-minute timer to avoid them being left on continually.



The Step-Wise Approach

Note: A stepwise approach has been undertaken to assess and secure net benefits for biodiversity via this proposed new development. Firstly, considering avoidance, minimising impact and then enhancement and long-term management on site. During this particular assessment off-site compensation measures were not considered to be needed and would, however, only be considered as a last resort.

7.14 PPW Ed 12 requires the submission of a 'green infrastructure statement' as part of most planning applications. This advice came into effect on 18 October 2023 and incorporated into PPW 12.

7.15 The overall intention is to continue and enhance their Section 6 duty to maintain and enhance biodiversity as part of new development proposals. The changes in policy include the submission of a 'proportionate' green infrastructure statement; the need to consider biodiversity net gain, enhancement and long-term management at each step; promoting new planting as part of development based on 'securing the right tree in the right place.'

It is contended that the County Council's network of green infrastructure both new and existing is preserved and enhanced.

Proposed Enhancements / Biodiversity Net Benefits

The conclusions and recommendations put forward by I&G Ecological Consultancy have influenced the proposed enhancement scheme.

The proposal is considered to comply with the broad principles set out in the new policy advice, as the following biodiversity net gains / ecological and landscaping enhancements are proposed:

- The proposal seeks to mitigate and remove any waste materials and debris improving the visual appearance proposing a significant landscaping enhancement and details a scheme and schedule illustrated on Drawing 08b
- The proposal seeks to mitigate and improve tree / hedgerow provision by offering a additional tree and hedge planting scheme along the perimeter of the site where necessary with native species.
- All existing boundary trees and hedges will be retained.
- The site is not located within a Green Wedge/Belt, Special Landscape Area or other protected status
- The proposal avoids any designated or protected sites, and therefore any damage to biodiversity or ecosystems.
- The proposal includes biodiversity enhancements, which includes the proposed landscaping and native planting, but also the incorporation of bird and bat boxes within the overall development.
- A species rich native hedgerow will be established across the eastern western perimeter of the site. All planting will be with species of local provenance.
- A sustainable drainage system forms an integral part of the development with foul water drainage disposed via the public sewer connection in the northeastern of the application site. A sustainable urban drainage system will be installed to deal with surface water.

7.16 This Green Infrastructure Assessment aligns with the County Council's commitment to sustainable development by integrating green infrastructure into the proposed scheme, the development aims to contribute positively to the local environment while providing a sustainable development in this countryside location. Given time, the proposed infrastructure plan will result in a significant net gain in biodiversity.

Impact on the character and appearance, amenity and privacy

7.17 The application site does not directly adjoin any residential properties and is separated from the settlements of Pontrhydyfen by the River Afan and therefore would not be detrimental to residential amenity of any residents. 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 mature trees, any impact on the surrounding environment will therefore be minimal.

7.18 Both Policy GT2 and Circular 05/2018 allow Gypsy sites either 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 landscape. 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, his partner, children and grandparents. The development will have very low impact on the amenity of any local residents and will respect the spaciousness of the immediate surroundings.



Impact on highway safety

7.19 The application site, together with land owned by the family has an existing and improved gated vehicular access directly onto the B4286 linking Cwmafon and Pontrhydyfen. It has a wide carriageway with good visibility in both directions and there is a footpath along the eastern side. The proposed development site has ample room for resident and visitor parking and vehicular turning facilities.

7.20 The authority has recently served a Breach of Condition Notice on the applicant's father alleging the improvements to the access leading to the adjoining parcel of land, which has permission for a pitch and is now occupied, has not been fully implemented. It is requested, on behalf of the father, that the authority's Highway Engineer contacts the family to fully explain what, if anything, is required. Updates to the access and gates can easily be resolved. The need of bins has also been enforced, even though they are already on site.

7.21 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.

Previously, there was an active stables and horse use by another owner here, which brought daily traffic. That reactional use is now replaced.

Sewerage, surface water drainage and utilities.

7.22 There is a public sewer in close proximity to the application site with an access point into the main available which is located on the north-eastern boundary. There is sufficient fall in levels to allow foul water to drain by gravity. The land is known to be free draining and not suffering from flooding being at a much higher level than the River Afan. The caravans and utility/day rooms will be provided with soakaways for rainwater and percolation test results for the soakaways will be submitted to Building Regulations and SuDS Drainage Dept for approval.

7.23 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 ready and available for immediate occupation without incurring any expenditure from the public purse.

Other Material Considerations

7.24 Mr and Mrs Janes have a total of seven children, four of which are under the age of 18 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 health and wellbeing of their children is very important for the family. The family's current temporary living arrangements are totally unacceptable to members of the Gypsy and Traveller community; however, there is no alternative choice available to them. 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. This protection is a material consideration in the planning balance when determining this application.

Contaminated Land Assessment

7.25 A Phase II Contaminated Land Report for the adjoining family pitch and is provided under P2024/0082 and agreed on 5th November 2020. No contamination was found in this report for this adjoining site, that was part of this field a year ago.



8.0 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 family need to continue their traditional and cultural way of life living in caravans. This site has been purchased by the applicant and is available for immediate occupation to enable the family 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 to the landscape that this small development may cause.

8.2 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, and will not cause significant visual intrusion and is sensitively located within an area surrounded by natural vegetation which will be supplemented by the Green Infrastructure Statement and Biodiversity Enhancement Scheme. These proposals will result in a significant net gain to the biodiversity credentials of the site.

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

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Contaminated Land Assessment



7.25 A Phase II Contaminated Land Report was undertaken by Rhondda Geotechnical Services for the adjoining family pitch and is provided in **Appendix E**. This was submitted to the LPA under P2024/0082 and agreed on 5th November 2025. No contamination was found in this report for this adjoining site, that was part of this field a year ago.

Flood Consequence Report

7.26 Previously the application was invalidated as part of the red line clipped the flood zone. Francis Sant Ltd was commissioned to undertake a Flood Consequence Report and recommendations within this report are included within this submission. The redline has been reduced and the layout now amended and shown in Drawing 02e. Part 6 of the conclusion and recommendations are scanned in below, however, the full report in **Appendix F** should be referred to.

6 CONCLUSIONS AND RECOMMENDATION

Conclusions

The client wishes to extend a residential compound at Pontrhydyfen by having two additional static caravan pitches, two additional touring caravan pitches, and converting an existing stables block into two dayroom spaces, however, part of the site lies in a Zone 2 flood area, as shown on the Flood Map For Planning, and is considered at risk of flooding during a 1 in 1000 year event with 100 years of sea level rise. The eastern boundary of the site is also close to a Zone 3 flood area at risk during at least a 1 in 100 year event. Francis Sant were, therefore, asked to undertake a Flood Consequence Assessment to evaluate the risk.

As shown on the Flood Map For Planning, the site's eastern boundary, is potentially at risk of flooding from the adjacent Afon Afan but is not considered at risk from tidal or surface water flooding. The site is also not expected to be at risk from reservoir failure, and the risk of ground water flooding is considered to be low.

To mitigate against the flood risk the caravan pitches will be moved away from the flood zone and the area proposed for the growth of shrubs will be extended/moved westwards (see Figure 6.1). If possible, the floor level of the proposed day rooms will be raised by 150mm and wet proofing measures will be employed, where appropriate, as identified in Section 5.

A Flood Response Plan is not considered necessary at present, but the families should remain vigilant to the potential of flooding and the risk should be reviewed periodically. A flood free access route from the site is expected during all considered fluvial events.

A sustainable drainage solution, in accordance with the Welsh Government Standards and the SUDS Manual, should be incorporated into the design. SAB approval may also be required which should be confirmed with the local authority.

A summary of the schemes compliance with TAN 15 is provided in Table 6.1.

8.0 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 family need to continue their traditional and cultural way of life living in caravans. This site has been purchased by the applicant and is available for immediate occupation to enable the family 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 to the landscape that this small development may cause.

8.2 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, and will not cause significant visual intrusion and is sensitively located within an area surrounded by natural vegetation which will be supplemented by the Green Infrastructure Statement and Biodiversity Enhancement Scheme. These proposals will result in a significant net gain to the biodiversity credentials of the site.

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

8.4 It is considered the personal circumstances of the applicant and family has 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.

8.5 Mr and Mrs Janes have seven children, four are below the age of 18 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 health and wellbeing of their children is very important for the family. The family's current living arrangements are totally unacceptable for members of the Gypsy and Traveller Community. For the family's wellbeing it is important for them to return to 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. This protection is a material consideration in the planning balance when determining this application.

8.6 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. The site is in the applicant's ownership and is readily available for immediate permanent use.

8.7 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.

8.8 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.

8.9 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.

Note: This application is a resubmission, following previous invalidation, and a FCA is now submitted with updated plans (01e, 02e, 03e and 08c) altering the layout to avoid flood issues and the access has been improved on site.

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RTPI

mediation of space · making of place