



PLANNING & GREEN INFRASTRUCTURE STATEMENT

PROVISION OF ONE TRAVELLER PITCH, DAYROOM, STATIC AND
TOURING CARAVAN (RELOCATION OF EXISTING STATIC CARAVAN
TO HIGHER GROUND WITH ECOLOGICAL ENHANCEMENTS)

**CARAVAN 2 STABLES, REAR OF YNYSGORED COTTAGES, ABERFAN
ROAD, ABERFAN, CF48 4QD**

25th February 2026



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TOURER (RELOCATION OF EXISTING STATIC CARAVAN. RELOCATION TO
HIGHER GROUND WITH ECOLOGICAL ENHANCEMENTS)
CARAVAN 2 STABLES REAR OF YNYSGORED COTTAGES, ABERFAN ROAD
ABERFAN, MERTHYR TYDFIL CF48 4QD

Designed by	Checked by	File name	Date	Scale	Client
		AVH_1385	23.02.2026	A3 - 1:1000	Mr & Mrs Ben and Catherine Price & Family
Drawing Title					Dwg No.
Aerial Photograph Showing Proposals in Context					05

*Scan of Drawing 05 showing an aerial photo of the site and the proposals in context – no
dayroom*

Application for Planning Permission Town and Country Planning Act 1990

Head of Planning
Merthyr Tydfil County Borough Council
Town Planning (Development Control)
Unit 5 Triangle Business Park
Pentrebach
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HAYSTON DEVELOPMENTS & PLANNING LTD is making an application on behalf of Mr & Mrs Ben Price & Family for the following planning permission:

1. **Proposal:** Provision of one Traveller Pitch, Day/Utility room (Optional), Static and Touring Caravan (Relocation of Existing Static Caravan to higher ground with ecological enhancements)
2. **Site location:** Caravan 2 stables rear of Ynysgored Cottages, Aberfan Road, Aberfan
3. **Type of Planning Permission:** Full
4. **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Guidance for those supporting Gypsy and Traveller Communities: Covid Virus (10th June 2020), The Human Rights Act 1998, Draft Guidance for Designing Gypsy and Traveller Sites.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).

1.0 INTRODUCTION

1.1 The following documents support this application.

- **Planning Statement and Justification Report** (this document)
- **Application Form and certificate of ownership.**
- **Drawing 01** – Location and Block Plan at Scale A3 @.1:2500 and 1:500 respectively
- **Drawing 02** – Proposed Site Plan at Scale A3 : 1:500
- **Drawing 03**– Recent Aerial Photograph
- **Drawing 04**– Proposed Utility / Day Room
- **Drawing 05** – Aerial Photograph with Proposals in Context with Day Room

- **Appendix A** – Private & Confidential Report on the applicant’s personal details and gypsy status by Travelling Ahead dated 18th February 2026 *(under the General Data Protection Act 2018 these details should not be available for publication or public scrutiny).*
- **Appendix B** – Flood Consequence Assessment Report – Francis Sant. May 2025 Rev C
- **Appendix C** - Biodiversity Enhancement Scheme (14/09/23) Reptile Mitigation Method Statement (11/09/23) & Ecological Appraisal Report (23/08/23) by I& G Ecology Consulting
- **Appendix D** – Appeal Decisions in Flood Zones that have been allowed as flooding has been managed and the needs of the travellers was a stronger planning material consideration.
 - **D1** - APP/3196061 – Wisbech St Mary, Cambridgeshire (24th September 2019)
 - **D2** –APP/3222285 – Cullompton, Devon (5th November 2019)
 - **D3** – APP/3196305 – Ramsey Heights (18th June 2019)
 - **D4** – Development Control Service DCS Number 100-071-536 Canbridgeshire
 - **D5** – APP/2186072 – Newark, Nottinghamshire (10th June 2014)
 - **D6** - Development Control Service DCS Number 200-007-802 Norfolk
 - **D7** – APP/3238594 – Wetheringsett cum Brackford, Suffolk (14th April 2022)
 - **D8** – APP/3153193 – Reading, Berkshire (02nd July 2018)
 - **D9** – APP/3264071 & APP/3264072 – Iron Acton (25th August 2022)
- **Appendix E** - 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 E**.
- **Planning Fee:** £667.00 plus £85 planning portal fee

1.2 This report is prepared in accordance with the requirements of Policies contained within the *Local Development Plan for Merthyr Tydfil* and incorporates a *Planning Statement in accordance with the Welsh Government Development Management Manual* (5th May 2017).

2.0 THE APPLICATION SITE / HISTORY

2.1 The application site is an ‘square’ shaped parcel of land extending to 575sqm in area, comprises of gently sloping land just to the north of Aberfan and approximately 4km to the southwest of Merthyr Tydfil. The Afon Taf is some 100m northeast and 200m to the east while the B4285, Aberfan Road, is located some 125m to the west with the A470 dual carriageway lies 350m beyond. The site is situated to the rear of Ynysygored Cottages and is accessed through an existing entrance from the B4285 alongside the northern boundary of No 1 Ynysygored Cottages.

2.2 The current unauthorised residential caravan lies 55m to the southeast of the proposed development site and close to an established barn/stable building, together with another barn and the use of land for the keeping of horses, erection of fencing and hardstandings was approved in August 2017 (Ref P/17/0152). The applicant successfully applied for planning permission for gravel tracks and further fencing in 2020 (Ref P/20/0082). The eldest daughter

that lives with the applicant operates a successful riding business and this is used by many school children.

2.3 The application site is relatively well screened from distant views due to the proximity of mature trees along the western flank of the Afon Taff, and a group of trees to the north of application site and trees along the eastern flank of the A470 and north of Ynysgored Cottages. Along the north eastern boundary of the land in the applicant's ownership, parallel with the Afon Taff, is an embankment constructed in the late 1980's/early 1990s which acts as a flood defence barrier. There are stables and other agricultural buildings on the land to the south.



Photo of the stables on site (2023)



Photo of raised path of flood embankment on adjacent Afon Taff to east of the site (2023)



Photo of the previous existing caravan (2023)

2.4 Previously the LPA did enforce the current caravan on site, which was appealed. However, due to the incorrect wording this notice was withdrawn on 26th April 2023. A new enforcement noticed was issued on the same day with a 12 months compliance date. Rather than appeal this, a retrospective planning application was made under P/23/170.

2.5 Application P/23/170 was registered on 27th June 2023 and determined 1.5 years later on 20th December 2024 with 3 refusal reasons, which are scanned in below:

- 1 The proposed development would result in an unjustified encroachment into the countryside, contrary to Policy SW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.
- 2 The proposed development, given its residential use and associated domestic paraphernalia, would be detrimental to the character and appearance of this rural area, contrary to Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.
- 3 The proposal would introduce highly vulnerable development within a C1 flood zone, as defined by Technical Advice Note (TAN) 15: Development and Flood Risk. Due to the risks of flooding and the nature of the proposal, it would represent an inappropriate form of development contrary to paragraph 6.2 of TAN 15 and Policy EnW4 of the Merthyr Tydfil Council Replacement Local Development Plan.

2.6 The first two reasons are considered unreasonable, as the benefits to providing a traveller site hold greater weight. The third reason for flooding concerns is noted.

2.7 After the decision was issued there was a discussion of whether an appeal to PEDW should be made or a possible resubmission. It was also known that TAN 15 guidance was being updated, and this was done in May / June 2025.

2.8 The applicant's has some business and personal matters to resolve and as such Hayston Developments and Planning Ltd were not engaged to submit an appeal. However, the challenge to find, purchase and get planning permission for new land is almost impossible. The applicant's also have a successful stable / horse business and the family of six are a very close family unit. The three younger children are settled in nearby local schools (see **Appendix A** on Updated Personal Circumstances)

2.9 In our experience, after enforcement notices are served, sometime LPS's will leave traveller pitches in peace for an extensive time, as new delivery of pitches by LPA's or the appellants / applicants is significantly hard to deliver.

2.10 Therefore, the recent arrest and magistrates date in February 2026 was a total shock for my client. It appears the LPA Legal team had sent warnings/actions to the known vacated premises of 50 Rhydfach, Pentrbach, Merthyr Tydfil. No paperwork was sent to the Caravan even though Council was being paid on it! Therefore, no reply or representation was able to be done by the applicants. Transparency and fairness of this prosecution clearly not done or provided. A new date of 11th March 2026 has been set at Methyr Tydfil Law Court.

2.11 This practice has extensive experience of traveller planning work, that includes flood zone areas. It is accepted siting caravans on flood zones is not ideal, however, this has to be balanced against a possible worst case scenarios of:-

- Disruption to family life
- Children missing out on critical education

- Business suffering (horse and scrap businesses)
- Caravans' relocation to another unauthorised site or being located on the roadside, which can be more dangerous, than in a floodzone.

2.12 Therefore, a new application has to be made to the LPA and tested at appeal with consideration (and weighting) of all the materials planning considerations, which importantly includes the family's and children's safety and needs. Temporary / transitional options need to be explored also this case has never been tested at appeal. Therefore, the LPA should not use Section 70A or 70C of the 1990 Planning Act to decline this application, as this is only the second application with new material considerations of essential need and safety.

3.0 THE APPLICANT'S DETAILS AND ETHNIC STATUS

3.1 A private and confidential report on the applicant's personal details and Gypsy status is contained in **Appendix A. Under the General Data Protection Act 2018 these details should not be available for publication or public scrutiny.**

3.2 In summary, the report confirms that Mr Ben Price and his wife are descendants of Romany Gypsy families that traditionally lead a nomadic lifestyle travelling in caravans throughout Wales and the Midlands.

3.3 The applicant is a Romany Gypsy who was brought up on both the Cardiff City Council Gypsy sites known as Rover Way and Shire Newton. He lived there with his family until 1981 when he left to carry out agricultural work in Pembrokeshire. He met his future wife, Catherine, who was also an ethnic Gypsy in 1982 and they married in 1986 and resided in a static caravan on the 'Under the Hills' LPA Gypsy site in Clay Lane, Haverfordwest. They both had relatives in the Merthyr area and decided to return to stay on an unauthorised site known locally as Mountain Air. The residents on this site were all moved to an authorised, Council run facility, Glynmill Caravan site in 1988. Due to many inter family feuds and fear of violence the appellant and his wife decided to move to the West Midlands and lived on various authorised and unauthorised sites where they were both employed as agricultural labourers. Mr Price also became a registered scrap man plying his trade around the West Midlands.

3.4. Prior to their first child being born in 2003 they decided to return to Merthyr Tydfil hoping to find an authorised pitch, unfortunately, no private or public pitches were available. As they were effectively homeless living on an unauthorised site, they approached the Council's Housing Department for assistance. They were offered a two-bedroom property in Pentrebach, Merthyr which they reluctantly accepted. The appellant's main priority was to have a permanent and safe address to enable his child, and future children, to receive a good education. They now have four children ranging in age from 13 to 22 all of which have or do attend local schools. The eldest daughter is now qualified in Equine Management and has established a riding school at the application site where she uses 7 horses and has good links with local school for the business. It is her intention to encourage disabled and autistic children to attend horse lessons. This rural enterprise continues to grow and the need to have a site for security and maintenance is essential and link into Romany ways & culture.

3.5 Over the last 14 years they have applied to the Council's Housing Department on many occasions to seek a larger property to accommodate the whole family as the existing property is overcrowded and far too small to accommodate a family of 6. On all occasions they were only offered an identical sized two-bedroom property which they could not accept for obvious reasons. As a consequence, they have been removed from the Council Housing waiting list on at least five occasions.

3.6 In view of the above attitude of the Housing Authority Mr Price has actively searched for a plot of land to create a pitch with additional land for his animals. No public or private sites were available, and the opportunity arose to purchase the application site and land surrounding with a colleague who is a none Gypsy in 2018. The land was subdivided into two with Mr Price owning the northern section. He resides with his wife and three children whilst the eldest daughter resides in the Council property with her boyfriend, however, has to spend more time at the application site for work and family reasons.

3.7 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 Show people Sites. 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.*

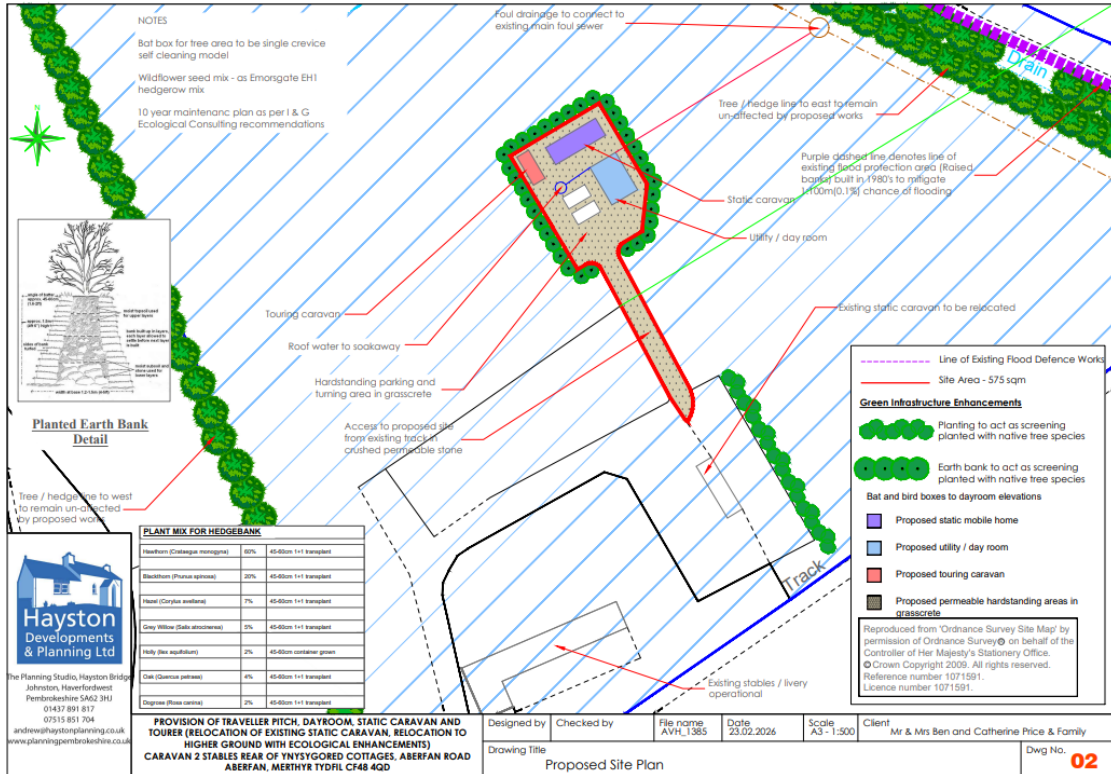
4.0 THE 2026 PROPOSAL

4.1 The application comprises of the following components:

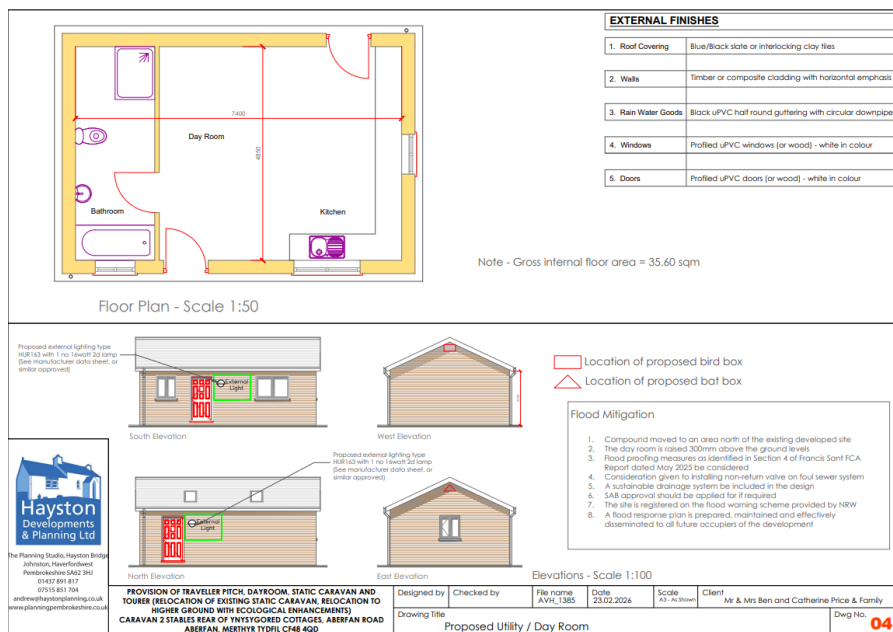
- a) To relocate (already done) the existing static caravan on to higher land 55m to the north of its current location to create one pitch for his family. This create a family pitch with a utility/day room, with space for a touring caravan and parking of vehicles (Drawing 02 refers). A new linked roadway from the south is shown, which is already done, and included and significant boundary / ecological enhancements have been provided (which are discussed later in the GIS)
- b) The single storey pitched utility/day room measure 7.4m x 5m by 2.3m to the eaves and 3.8m to the ridge built on a concrete base and will be constructed in blockwork with a timber or composite cladding with horizontal emphasis under a slate or tiled pitched roof. Any external lighting will be discreetly located on the outside of the day/utility room and will point downwards, and a bird box will be positioned close to the apex of the western side gable wall. (Drawing 04 refers).
- c) The caravan and day/utility room will be provided with soakaways for rainwater disposal and foul water will be disposed via an underground private treatment plant located within the plot. Details of which will be submitted for Building Regulation approval at a future date.

d) Access to the pitch will via an extension to the existing approved track leading to a surfaced hardstanding area creating the pitch and will be constructed of crushed permeable stone and this has been done.

e) Around the perimeter of the pitch it is proposed to construct an earth bank to act as screening and planted with native tree and shrubs. All existing trees along the north-eastern boundary will remain unaffected by the proposal.



Scan of Drawing 02 showing the proposed site plan and below Drawing 04 showing the dayroom details



5.0 NATIONAL PLANNING CONTEXT



Photo showing the current application site (February 2026)

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 whereby Gypsies and Travellers are defined as:

- 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.*

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 (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, a local authority **must exercise its powers** under the Mobile Homes (Wales) Act 2013 to provide those sites.

5.3 The statutory framework to promote the planning and development of sites for Gypsy, Roma and Traveller communities has been in place for almost a decade. However, The Welsh Government, in its August 2022 Publication (*Provision of Sites for Gypsy, Roma and*

Travellers) considers its effectiveness in ensuring sufficient culturally appropriate Gypsy and Traveller sites across Wales is unclear. In addition, the UK Government's Police, Crime, Sentencing and Courts Act received Royal Assent on 28 April 2022. It provides the police with powers to seize vehicles on unauthorised encampments.

5.4 Welsh Government and local authorities failing Traveller communities (Published 10/08/2022) AND UPDATED IN 2024/205

The Senedd's Local Government and Housing Committee is calling for immediate action after their new report illustrated wide-ranging failures by the Welsh Government and local authorities in providing adequate sites for Gypsy, Roma and Traveller communities.

Welsh Parliament
Local Government and Housing Committee

Provision of sites for Gypsy, Roma and Travellers

August 2022

The Committee's report found that many sites are situated in inappropriate areas, such as at the side of dangerous roads or far away from services and amenities, with no facilities for children or the elderly and despite previous commitments made by the Welsh Government to improve the situation, this has not translated into any meaningful changes for families.

Poor facilities

Many Traveller sites are over-subscribed and, according to **Gypsies and Travellers Wales**, there are individuals who have been on the waiting list for a local authority plot for over 20 years. In addition to this, many plots are poorly maintained, with problems reported to councils taking a long time to repair.

The Committee heard evidence of shared facilities which had not been refurbished in decades, a lack of facilities such as play areas for children, blocked drains, rat infestations and mouldy bathrooms.

More sites needed

Decisions to expand or create new traveller sites, as well as their general maintenance, are made by local authorities. But the Committee insist that the Welsh Government are also failing to hold local authorities to account and are content to place responsibility for the lack of progress solely on councils.

As well as ensuring that councils have the necessary resources, a key recommendation in the report calls for the Welsh Government to set out how and when it will use its powers to ensure that councils are delivering on their duties in finding appropriate sites for Travellers.

Racism

The Committee found that a lack of political will is a significant reason for the inadequate number of sites for Gypsy, Roma and Traveller communities in Wales, and that widespread racism and prejudice - including from councillors – was often a determining factor.

Academic, Martin Gallagher, giving evidence to the Committee, said: *“I’ve delivered training to different political parties that are on these planning boards, and they’ve flat out told me to my face directly that they couldn’t support Gypsy, Roma and Traveller people in any campaigns, because they would lose their voters.”*

This was supported by **Travelling Ahead**, a charity organisation supporting nomadic people, who told the Committee that *“some of the things that have gone on locally and regionally would not be acceptable if that was about any other group, or any other group of citizens or any other ethnic minority.”*



The Committee strongly recommends that awareness-raising and training is provided on Gypsy, Roma and Traveller culture to all local authority and community councillors in Wales and urges the Welsh Government to evaluate the programme to ensure its effectiveness in changing attitudes.

It also warns that this prejudice is widespread across Wales and that there is considerable work to be done in tackling discriminatory attitudes at all levels of society.

John Griffiths MS, Chair of the Local Government and Housing Committee, said; *“The situation facing Gypsy, Roma and Traveller communities in Wales is very concerning and the Committee is united on what the Welsh Government and local authorities need to do next. “Many sites are in completely inappropriate areas next to A-roads with uneven paths and blocked drains. Some people are stuck on multiple year waiting lists with no end in sight.” “The Welsh Government must make sure that local authorities have the resources to tackle these issues, but they must also hold them to account when things do not improve. It is clear that anti-Traveller prejudice on a local level, and throughout society, is still quite prevalent and that tackling this should be a priority.*

“The Committee is urging both the Welsh Government and local authorities to act on our recommendations with urgency or members of Gypsy, Roma and Traveller communities will continue to be treated like second class citizens in Wales.”

5.5 The above report is highly critical of both the National and Local Governments in Wales who are not doing enough to support the Gypsy, Roma and Traveller community in the provision of public sites or in supporting planning applications for appropriately located pitches where a need has been identified. Disturbingly, the report identified racism and prejudice against members of these communities is rife when planning applications are determined.

5.6 The Welsh Government published **Provision of sites for Gypsy, Roma and Travellers** in response to the Senedd’s Local Government and Housing Committee’s report referred to in 5.4 above. The document takes on board the criticisms and the failure of both the Welsh Government and Local Authorities in providing appropriate sites for the Gypsy community.

5.7 The statutory framework to promote the planning and development of sites for Gypsy, Roma and Traveller communities has been in place for almost a decade. However, the Welsh Government, in its August 2022 Publication (*Provision of Sites for Gypsy, Roma and*

Travellers) considers its effectiveness in ensuring sufficient culturally appropriate Gypsy and Traveller sites across Wales is unclear. In addition, the UK Government's Police, Crime, Sentencing and Courts Act received Royal Assent on 28 April 2022. It provides the police with powers to seize vehicles on unauthorised encampments. This could have a disproportionate impact on the Gypsy, Roma and Traveller communities given the lack of authorised sites in Wales.

5.8 The Senedd's report contains 21 recommendations to address and resolve the issues raised in the Senedd's Local Government and Housing Committee report. Many of the recommendations relate to a) improving the existing mechanisms and procedures used to fully assess the accommodation needs of the communities, b) addressing prevalent racism and prejudice against these communities including education programmes for decision makers, c) reviewing the location needs of the communities are better reflected and the current guidance relating to the provision of sites. Importantly, Recommendation 15 requires a review as to whether the current GTANA process is appropriate or effective in assessing the accommodation needs. Recommendation 19 indicates the Welsh Government will explore all possible options for funding Gypsy, Roma and Traveller accommodation, including whether the criteria for the Capital Grants should be broadened to allow local authorities to purchase land for the development of new sites and how funding could be used to support the development of private sites. Recommendation 21 raises issues regarding any anticipated changes for enforcing the Police, Crime, Sentencing and Courts Act 2022.

5.9 The existing method of assessing accommodation needs throughout Wales is neither effective nor truly reflective of the true accommodation needs. Many GTANA's prepared by local authorities are still awaiting approval by the Welsh Government and many will be out of date. There appears to be a need to reconsider the accommodation needs using different methodology and time frame for reassessment over a period less than at 5 yearly intervals. Further cooperation is needed with organisations which directly represents the Gypsy and Roma communities such as Travelling Ahead. Meanwhile, whilst awaiting changes to procedures, the Gypsy, Roma and Traveller communities will continue to generate a need for further sites throughout Wales. The criticisms raised by the Senedd on the lack of provision of appropriate Gypsy pitches across Wales was further raised by the Social Justice Minister, Jane Hutt, in an address to the Senedd on 9th March 2023.

5.10 Merthyr Tydfil County Borough Council initially carried out the first Gypsy and Traveller Accommodation and Needs Assessment (GTANA) in 2016 and was updated in June 2018. The report identified 24 pitches were located in the privately owned facility, leased by the council, at Glynmill and two private sites in Abercanaid and adjacent to the Industrial Estate off Brecon Road, Merthyr Tydfil. The report also identified 15 Traveller families living in bricks and mortar properties within the Borough.

5.11 No assessment appears to have been made of the future accommodation needs of these families or their offspring who are now young adults, who may wish to return to a traditional and cultural way of life living in static caravans rather than bricks and mortar properties. Consequently, the Assessment concluded there was no need for any additional pitches or

additional Gypsy sites within the Borough. The findings of the GTANA have influenced the Replacement LDP adopted in 2020 and, in particular, Policy SW8.

5.12 It is pointed out that the latest GTANA was prepared and adopted by the authority before the publication of Circular 005/2018, recent reports by the Senedd and the Police, Crime, Sentencing and Courts Act which received Royal Assent on 28 April 2022, Government advice to local authorities following the Covid Pandemic and the publication of PPW (Edition 12). For these reasons the findings of the GTANA should be afforded little weight.

PLANNING POLICY WALES (EDITION 12 FEBRUARY 2024)

5.13 Gypsies and Travellers 4.2.34 - 35

Local authorities are required to assess the accommodation needs of Gypsy and Traveller families and to allocate sites to meet the identified need.

4.2 34. Where a Gypsy and Traveller Accommodation Assessment (GTAA) 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. Planning authorities will need to demonstrate that sites are suitable for development and deliverable in the identified timescales.

4.2 35. In drawing up policies planning authorities should consult providers of social housing, representatives of Gypsies and Travellers communities and landowners in areas likely to be appropriate for site provision. The consultation should be undertaken in a manner that is consistent with the planning authority's Community Involvement Scheme.

In view of the two Welsh Government publications referred to above it is likely that a review of these policies will change and be more specific in enabling the provision of more sites in appropriate locations for the communities.

NATIONAL AND WELSH GOVERNMENT ADVICE ON COVID 19 (ISSUED ON 10TH JUNE 2020)

5.14 The global pandemic, COVID-19 has had an immediate (and will have a long-term impact) to how we live. Obviously, groups of people living together (i.e. residential homes and Gypsies and Traveller sites) are more vulnerable and have already been disproportionately affected. There is no doubt that the provision of future public sites and existing sites require considerable attention by authorities, especially as many existing sites are overcrowded. It therefore goes without saying that the need for lower density pitches (with adequate modern living accommodation and utilities) will be required more than ever.

5.15 Because of the above the Government has produced guidance on mitigating the impacts on gypsy /traveller communities. This is obviously being updated as needed and you will have the latest versions. The letter by Lord Greenhalgh, former Communities Minister, wrote to local authority chief executives to highlight this situation indicated "*Social-distancing or self-isolation may be particularly challenging for members of these communities due to often confined and communal households, and restricted living conditions on many sites. In addition, we know*

that some families lack basic amenities including running water, adequate sanitation, and refuse disposal facilities, all of which are essential to limit the spread of the virus and keeping people safe.....”

5.16 In respect to this particular small private site, where such sites are available (and do not cause any significant planning harm) it is considered they clearly need to be supported. This site provides a safe home for one family close to other relatives in the area and local schools together with adjoining land for the applicant's horses, to enable the applicant to continue a cultural way of living. The COVID pandemic has clearly changed the outlook in respect of what densities are acceptable in terms of social distancing measures and the need to avoid shared sanitary facilities. The application site will provide a safe and hygienic environment for the applicant.

6.0 REPLACEMENT LDP PLANNING POLICY IN THE COUNTY BOROUGH OF MERTHYR TYDFIL.

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 Merthyr Tydfil Replacement Local Development Plan 2020. The policies in this document regarding the Gypsy communities were formulated in 2018 and influenced by the GTANA conclusions with no reference to Circular 005/2018. As the applicant's lifestyle falls within the definition of Gypsies Welsh Assembly Government Circular 005/2018 'Planning for Gypsy, Traveller and Showpeople Sites'. The relevant LDP Policies are Policy SW8, SW4, SW11 and EnW4.

LDP Policy SW8. Gypsy, Traveller and Showpeople Accommodation.

The Glynmill site is shown on the proposals map as the preferred location for development for Gypsy, Traveller and Showpeople accommodation needs. Proposals for new Gypsy, Traveller and Showpeople accommodation will be permitted where:

- The design, size of the site and number of pitches are appropriate to its location and the accommodation needs of the applicant(s); and
- It has adequate access to services and facilities.

Policy SW4 – Settlement Boundaries.

This is a general policy which identifies settlement boundaries and their hierarchy. Outside of these settlements there will be strict control of new development will be unless it relates to certain exceptions which the authority consider are appropriate in the countryside.

Policy SW11 – Sustainable Design and Place Making.

This is an overarching Policy which promotes sustainability and high-quality design and seeks to ensure that development conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance and scale, height, massing, elevation treatment and detailing. Development should also not have a significant impact upon the

amenity of adjacent land uses and properties, be served by appropriate access provision and have regard to the safe and efficient use of the transport network. Proposals are also required to have regard to the generation, treatment and disposal of waste.

Policy EnW4 – Environment Protection.

Development proposals will be required to demonstrate they will not result in an unacceptable impact on people, residential amenity, property and/or the natural environment. For the purposes of this application any risk from potential flooding is addressed and mitigated in the updated FCA in **Appendix B** and any potential impact on the water environment is addressed and mitigated in paragraph 7.7. With regard to flood risk, new developments will be expected to avoid unnecessary flood risk and meet the requirements of the current TAN 15. No highly vulnerable development will be permitted within the old Development Advice Map (DAM) zone C2. Development will only be permitted in areas at risk of flooding where it can be demonstrated that the site can comply with the justification and assessment requirements set out in TAN 15 which was replaced in May / June 2025 and is discussed later.

7.0 ANALYSIS OF THE CURRENT LDP POLICY AND THE REPLACEMENT LDP 2 POLICY SW8, SW4, SW11 and EnW4

7.1 The statement contained in **Appendix A** identifies a local need for a safe and secure pitch within a reasonable distance to other members of the family and close to schools and other services and additional land around the proposed pitch which will accommodate the applicant's animals. Importantly, the applicant's old residential property in Pentrebach was far too small to accommodate a family of 6. The Housing Authority has not been in a position to offer any alternatives to overcome the current overcrowding. As there are no private or public sites available, and unlikely to be available in the near future, the applicant has put forward this site to cater for his families' long-term needs and those of his animals. The provision of private Gypsy sites is recognised in Circular 005/2018 in making a valuable contribution to the overall supply in any particular area. Furthermore, after the Covid Pandemic and recent Senedd Reports there is support for the provision of smaller private sites brought forward by the Gypsy community.

7.2 Policy SW8 clearly states the preferred location for the development of pitches is at the Glynmill site which would not meet the needs of the applicant as no pitches have land attached. However, proposals for new pitches will be permitted if the design, size and number of pitches are appropriate to its location, needs of the applicant and the site has adequate access to services and facilities.

7.3 The main thrust of existing LDP 2 Policy SW8, SW4 and SW11 is to establish a framework to assess applications across the county for new or extended sites based on the identified need of applicants. This need has been fully addressed and established in **Appendix A**. Considerable weight should be given to the fact the authority has failed in its duty to identify or deliver additional pitches to satisfy an urgent and unexpected need from members of the gypsy community, or anticipated need identified in both GTANA's and are unlikely to do so in the near

future. The Gypsy community plays a very important role in bringing forward private sites to accommodate an identified need for additional pitches within the county.

7.4 Criteria in Policy SW8 and SW11 requires the site to be accessible to existing community, social, educational and other services. The application site lies just to the north of Aberfan and within 4km of the county town of Merthyr Tydfil where there are retail, commercial and community facilities to cater for the everyday needs of the family. Both of these communities have excellent transport links from the application site.

7.5 Policy SW4 and SW11 are broad, overarching policies which promote sustainability and high-quality design and seek to ensure that development conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance and scale, height, massing, elevation treatment and detailing. Development should also not have a significant impact upon the amenity of adjacent land uses and properties, be served by appropriate access provision and have regard to the safe and efficient use of the transport network. Proposals are also required to have regard to the generation, treatment and disposal of waste. Policy SW8 conflicts with the principles of both Policy SW4 and SW11 as they ignore the exception status afforded by Circular 005/2018.

7.6 This appeal site is in a countryside location, outside the settlement boundary of Aberfan, consistent with national planning policy, the adopted LDP2 advocates strict control in such areas. Exceptions for Gypsy accommodation are consistent with the advice in section 39 of Circular 005/2018 which 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'*.

7.7 In terms of sustainability of the location it must be acknowledged that the site is typical of many similar rural Gypsy site locations in that its distance from local facilities, combined with the access along country lanes, means that occupiers are likely to rely on a car to access most day-to-day services. In this case the appeal site is located just to the north of Aberfan and within 4km of Merthyr Tydfil, where there are a range of community and retail services to cater for everyday needs. Significant weight should be given to advice in circular 005/2018, referred to above, which is more recent than adopted LDP policy and promotes a more pragmatic approach to car borne journeys in relation to Gypsy site uses.

It is considered that the site is reasonably sustainably located and complies with criterion of Policy SW8 and SW11 of the LDP2 which refers to accessibility to services.

7.8 Criterion (3) of Policy SW11 requires the proposal not to be detrimental to the amenity of nearby residents and adjoining land uses.

The immediate surroundings are characterised by gently sloping agricultural land, used for grazing horses, a range of agricultural type buildings and established residential properties set against a backdrop of mature trees and wooded elevated ground. The nearest properties are Ynysygorod Cottage located 140m to the southwest of the application site. The surrounding land is predominantly a mixture of woodland and agriculture in nature and the topographic features reduce the impact the development will have on residential amenity enjoyed by any residential properties in the vicinity, or the character and appearance of the immediate locality. It is considered the proposal complies with criterion (3) of Policy SW11 of LDP2 which refers to amenity.

7.9 Criterion in Policy SW8 and SW11 requires the site to be capable of being serviced by essential services such as water, electricity, and sewage. The site has the benefit of an existing electricity and water supply. The existing unauthorised residential caravan has a septic tank which will be replaced by an underground water treatment plant to service its relocation. With regards to the disposal of foul water the current Government Guidance of foul drainage in relation to new developments is set out on Circular 008/2018, This circular states that *'the first presumption must always be to provide a system of foul drainage discharging into a public sewer 'and where this is not possible to provide 'a package sewage treatment plant ... which should offer full treatment with the final effluent discharge ... meeting the standard set by National Resources Wales'*. As there is no connection to a public main sewer available within 33m of the site the best option (refer to Circular 008/2018 Planning requirement in respect of the use of private sewerage in new development, incorporating septic tanks and small sewage treatment plants) is to install a package treatment plant. Surface water will be disposed via soakaways subject to approval under the Building Regulations. Domestic waste will be collected by the Authority's waste collection service which will be left at the site entrance.

It is considered the proposal complies with the relevant criterion in Policy SW8 and SW11 which refers to services.

7.10 Criterion in Policy SW8 and criterion 1 and 3 of SW11 requires the development to be sited sensitively in the landscape. The current proposal details 1 static caravan, a touring caravan and an optional utility/day room being located in the centre to the site and surrounded by a proposed landscaped hedgebank. The structures are low level in nature and will be screened from view by the proposed planting. Considering the surrounding built structures and topographical features, the development will not be significantly visible in the landscape and will be well screened from distant views.

7.11 Circular 005/2018 recognises that gypsy caravan sites can be located in rural areas. Inevitably this means that there would be change to the character and appearance of such areas and some change, in the right circumstances, must be acceptable. It should be noted that none of the immediate surrounding area has not been afforded any special landscape designation. It is considered that the location of the low-level caravans, day/utility room and surrounded by established boundary trees and hedges will only have a moderate to low impact on the character and appearance of the surrounding landscape. Policy SW8 does not specifically exclude new sites in countryside locations.

For the above reasons it is considered the proposal complies with the relevant criterion of SW8 and SW11 which refers to the site's setting and impact on the surrounding landscape.

7.12 Circular 005/2018 advises that projected vehicle movements for Gypsy and Traveller sites should be assessed on an individual basis for each site. It further advises that proposals should not be rejected if they would give rise to only modest additional daily vehicle movements and/or the impact on minor roads would not be significant. This proposal is intended to serve one family person pitch only and requires the construction of an addition access track from the existing approved track. These tracks lead to the B4285 Aberfan Road to the west. The adjoining land has permission for stabling which is used by the applicant and daughter in connection with the riding school on an appointment basis. The site is situated to the rear of Ynysygored Cottages and is accessed through an existing entrance from the B4285 alongside the northern boundary of No 1 Ynysygored Cottages. The relocation of the pitch will not result in additional traffic generation to any significant degree.

The proposal complies with the requirements of LDP2 Policy SW8 and criteria (5) of SW11.

7.13 The application site is of an appropriate scale to accommodate the applicant's needs for one residential static caravan, a touring caravan, parking and touring area and an optional day/utility room facility without appearing cramped or being visually prominent. The applicant intends to accommodate his work van used in connection with his off-site scrap business together with one domestic vehicle. The proposed site layout has been influenced by guidance in the Welsh Government document 'Designing Gypsy and Traveller Sites' dated May 2015.

UPDATED FLOOD RISK ASSESSMENT

7.12 A Flood Consequences Assessment, prepared by Francis Sant Limited and dated May 2025 (Rev C) is attached in **Appendix B**. The site lies in a flood zone 3, as defined by the development advice maps (see Figure 1.1) referred to in Technical Advice Note 15 (Development and Flood Risk - TAN 15). This means that the development could be at risk of flooding during at least the 1 in 1000-year event but is afforded protection from significant and recognised existing flood defences constructed in the 1980's. The document summarises the work undertaken as part of the study. Section 2 of the report gives a description of the surrounding area while the risk of flooding from various sources is considered in Section 3. Possible flood proofing measures are discussed in Section 4 and the conclusions and recommendations of the study are provided in Section 5.

7.13 A detailed analysis of the topographical features of land in the applicant's ownership revealed the current application site is the least susceptible to potential flooding. The report



Designing Gypsy and Traveller Sites



Francis Sant

Static Caravan Pitch and Day Room, Near Ynysygored Cottages, Aberfan
Flood Consequence Assessment Report



May 2025
Final
Revision C

concludes the development is not considered to be at risk from tidal or surface water flooding while the risk of flooding from reservoir failure is considered to be low. There is a medium risk from ground water flooding. The site is also expected to remain **flood free during a fluvial Q100 event**, even when climate change is taken into consideration, although the access route may be affected. During the Q1000 event the flood depth is expected to be less than 100mm with a corresponding velocity of less than 0.15m/s. The flood risk can therefore be **considered to be manageable** in accordance with TAN 15. As the surrounding land lies in the ownership of the developer, and considering the shallow flood depth, any loss of flood storage capacity is unlikely to have an impact on third parties. A sustainable drainage system will be needed for the development, in accordance with the requirements of the Welsh Government Standards and the SUDS manual. As the development is greater than 100m², SAB approval is also likely to be required. To ensure that the residents remain safe during a flood event a Flood Response Plan should be prepared, disseminated and regularly maintained. An example is attached is in the FCA.

7.14 A critical change to the previous site of caravans was that it was 2 metres lower to the current site. This is shown in Figure 2.8 Topographical plans and clearly is a much safer site.

On the next page are the recommendations and conclusions from the Flood Consequence Report.

6 CONCLUSION AND RECOMMENDATIONS

It is proposed to develop a static caravan pitch and day room on. As the pitch lies in a C1 flood zone, in accordance with TAN 15, the client wishes to evaluate the risk of flooding.

Conclusions

The client wishes to develop a highly vulnerable residential compound, which will include a dayroom and static caravan, on an existing storage yard adjacent to stables near Ynysgored Cottages, north of Aberfan. As required by TAN 15 the redevelopment must be allowed to adapt, change, and regenerate in the knowledge of what the science is showing. As such it is proposed that the compound is moved slightly to the north to higher land to provide betterment and to reduce the risk of flooding. The site, however, lies in a Zone 3 flood area, as shown on the Flood Map For Planning, and is considered at risk of flooding during a 1 in 100 year event with climate change. Francis Sant were, therefore, asked to undertake a Flood Consequence Assessment to evaluate the risk.

The study found that the development is not considered to be at risk from tidal or surface water flooding while the risk of flooding from reservoir failure is considered to be low. There is a medium risk from ground water flooding.

The NRW TUFLOW model also showed that the site is expected to remain flood free during a fluvial Q100 event, even when climate change is taken into consideration, although the access route may be affected. During the Q1000 event the flood depth is expected to be less than 100mm with a corresponding velocity of less than 0.15m/s. The flood risk at the site can, therefore, be considered to be manageable in accordance with TAN 15. As the surrounding land lies in the ownership of the developer, and considering the shallow flood depth, any loss of flood storage capacity is unlikely to have an impact on third parties. Any loss would be further compensated by the removal of the existing storage yard.

The site is afforded a degree of protection from the river defences although even if the defences are removed the site would remain flood free during a Q100 event and the depth would be less than 200mm during a Q1000 event.

A Flood Response Plan should be prepared in case of an event to facilitate an evacuation if it is safe. If necessary, a flood free place of refuge is available in the day room or static caravan, even during a Q1000 event. If it is required to evacuate during a T1000 event (eg medical emergency) then an access route is available from the site to the highway and north to Troedyrhiw (see Flood Response Plan). Part of the route, however, will be subject to flooding.

A sustainable drainage solution, in accordance with the Welsh Government Standards and the SUDS Manual, should be incorporated into the design. SAB approval is also likely to 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.

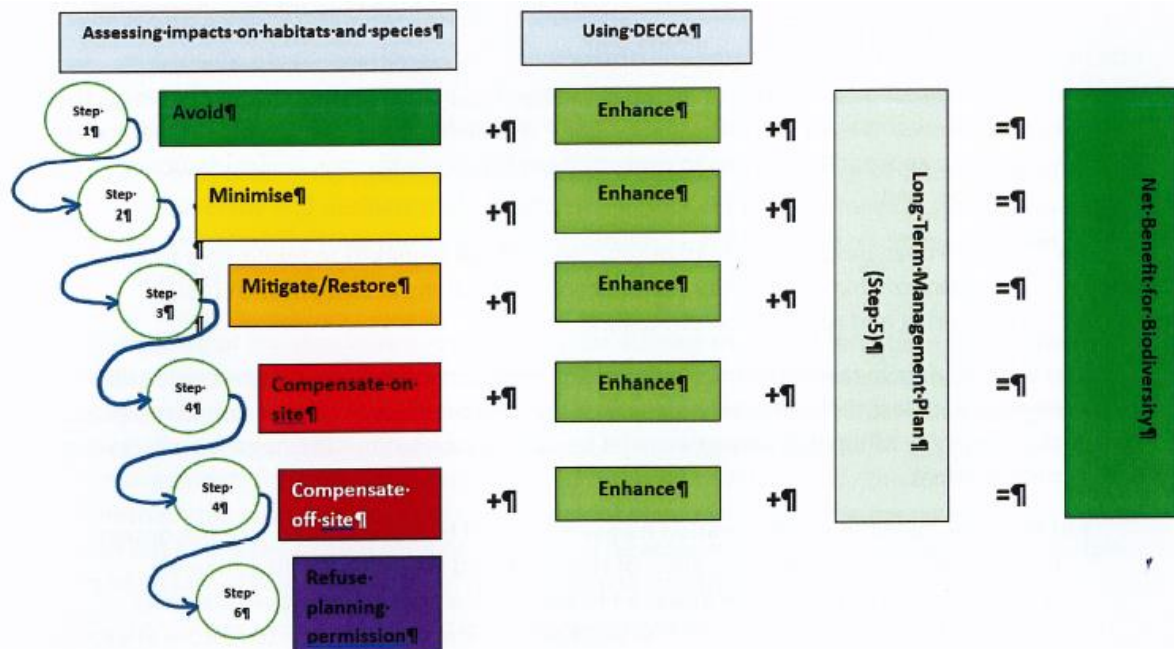
Table 6.1 – Compliance With Tan15		
Ref	Criteria	
	What Zone does the development lie in?	Zone 3
	Vulnerability of the development?	Highly vulnerable
	Is the development located on greenfield or developed land?	Developed Land (Brownfield) although it will be moved to higher greenfield land
	Is the development flood free during a 1 in 100 fluvial or 1 in 200 tidal events?	Yes
	Is the flood depth less than 600mm during a 1 in 1000 year event?	Yes
	Is the velocity expected to be less than 0.15 for a highly vulnerable development or less than 0.3 for a less vulnerable development during a 1 in 1000 year event?	Yes
	Is there a safe access route?	The velocity and depth along the access route exceeds the recommendations of TAN 15 in areas
	Is the development at risk from coastal erosion?	No
	Is the development in a defended zone?	No but is afforded a degree of protection from recognised defences.
	Is there a record of a previous flood event?	The site lies in an area that is recorded to flood even if the site itself remained flood free
	What is the flood hazard for the development?	Low
	Does the development have a detrimental impact on third parties' risk of flooding?	No

Recommendations

In developing the site, it is recommended that:

- the compound is moved to an area north of the existing developed site;
- the day room is raised 300mm above the ground levels ;
- flood proofing measures, as identified in Section 4, should be considered for inclusion in the scheme;
- consideration should be given for the inclusion of a non return valve on the foul sewer system;
- a sustainable drainage system should be included in the design;
- SAB approval should be applied for if required;
- the site is registered on the flood warning scheme provided by NRW,;
- a flood response plan is prepared, maintained and effectively disseminated to all future occupiers of the development.

GREEN INFRASTRUCTURE STATEMENT



The Step-Wise Approach

Note: A step-wise 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 particularly assessment off-site compensation measures were not considered to be needed and would, however, only be considered as a last resort.

7.15 The following documents supplement this statement and the detail within this should be referred to. All recommendations within these documents are included as part of this application proposal.

- **Appendix C** - Biodiversity Enhancement Scheme (14/09/23) Reptile Mitigation Method Statement (11/09/23) & Ecological Appraisal Report (23/08/23) by I & G Ecology Consulting

We note that there is a new requirement inserted into PPW that requires the submission of a 'green infrastructure statement' as part of most planning applications. This advice came into effect on 18 October 2023 and was incorporated into PPW 12 in the future.

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; the protection of SSSI; and promoting new planting as part of development based on 'securing the right tree in the right place.'

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

This Green Infrastructure Statement is supported by Appendix C documents and Drawings 02 and 04 (Site Plans) is considered appropriate and proportionate to the scale and type of development involved. This statement takes into account the further advice set out in the accompanying annexe (which is quite detailed), where considered relevant, which refers to the concept of the 'step-wise approach' to assessing impacts upon habitats and species (avoid – minimise – mitigate/restore – compensation – enhancement).

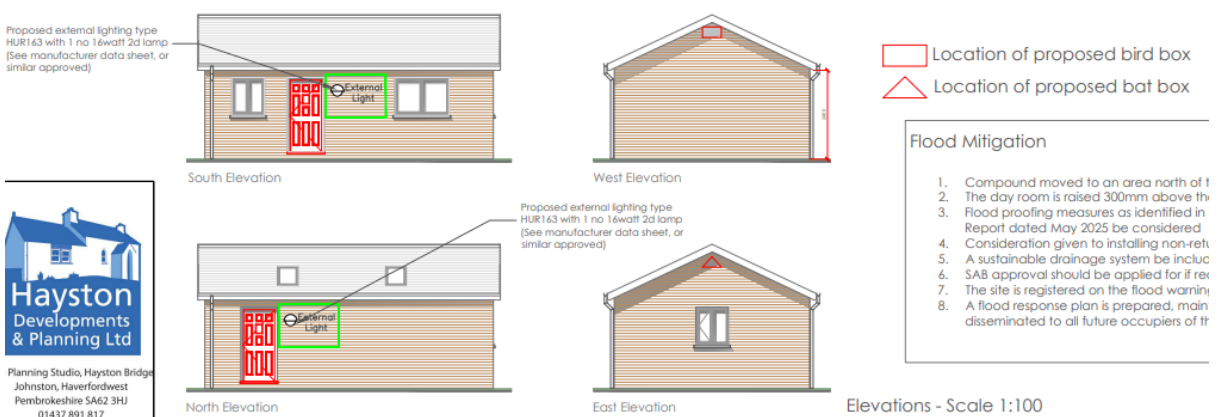
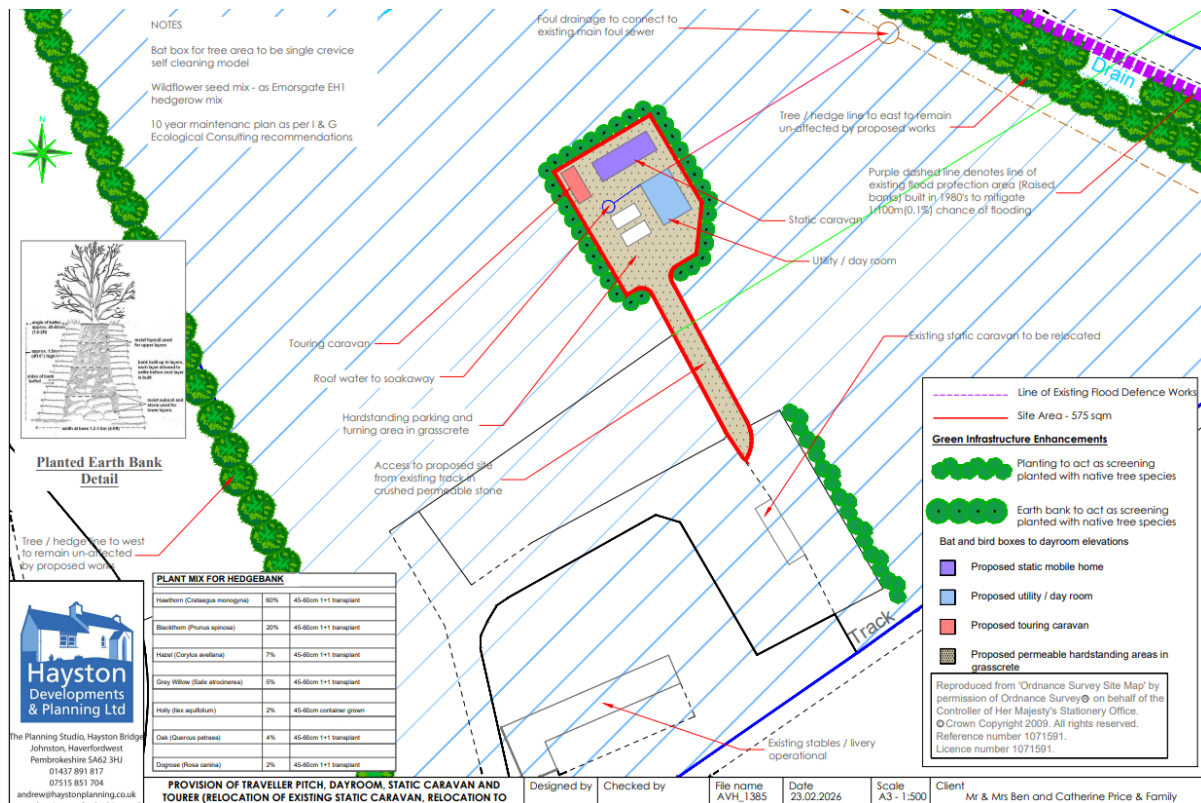
Biodiversity Net Gains

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 retain all existing peripheral tree/hedgerow provision which will not be affected by
- There will be no material impact upon the surrounding landscape
- The application site is a historic brownfield site.
- The proposal avoids any designated or protected sites, and therefore any damage to biodiversity or ecosystems.
- The proposal includes biodiversity enhancements as recommended in Appendix C specialist ecological reports and shown in Drawings 02 and 04 these include:
 - Bat Box – for tree area and on day room
 - Bird Box – on day room
 - Planting with native species
 - Earth bank planted with native species
 - Wildflower seed mix – as Emorsgate EH1 hedgerow
 - 10 Year maintenance plan as per I & G Ecology Consultancy recommendations
- These previous reports x 3 were accepted by LPA and all requirements can be conditioned.
- A sustainable drainage system forms an integral part of the development with foul water drainage to the main sewer and a sustainable urban drainage system to deal with surface water.

- A totally integrated approach has been taken to the proposed development and to ensure that it at least preserves the sensitive landscape setting of the site and wider location.

This Green Infrastructure Assessment aligns with the 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 form of development on the approved Gypsy Caravan site.



Scans of Drawings 02 and 04 showing the biodiversity net gains

8.0 PRECEDENT CASES IN FLOOD ZONES AT APPEAL FOR TRAVELLER SITES

8.1 This practice is aware of a number of appeal decisions in England for pitches to be allowed in marginal areas where there is some risk of potential flooding. These have been allowed on the basis that no other appropriate sites were available and, taking a sequential approach, these sites were readily available and could accommodate a pitch subject to following the recommendations of the Flood Consequences Assessments regarding safeguarding measures.

8.2 Attached in **Appendix D** are the appeal decisions. Whilst each case is based on its own merits with its own set of criteria, it shows that the need and welfare of travellers is so great that some reasonable flood mitigation can be accepted for the lifetime of the caravans.

8.3 Below is a very brief summary of these appeal cases

- **Appendix D1 APP/3196061 – Wisbech St Mary, Cambridgeshire (24th September 2019)**

At this juncture it is necessary to cite a recent appeal decision (August 2019) made by the Secretary of State (DCS Number 100-071-536, Appeal Ref **APP/D0515/C/18/3196061**) in respect of the unauthorised use of land for residential use of touring caravans, storage unit, hardstanding and fencing on a site in Cambridgeshire. A copy of the appeal is in **Appendix D (D1)**. In this particular case the Authority agreed that it could not identify any sites in Flood Zone 1 and 2 that would be currently available to the appellant, either with or without planning permission. Reference is made to the Governments Planning Practice Guidance (PPG) which refers to the 'Exception Test' as set out in the Framework which would need to be passed if the development were to be classed as 'more vulnerable'. The PPG explains that it is a method to demonstrate and help ensure that flood risk to people and property would be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available. However, caravans are classified as 'highly vulnerable' and advice is that such development should not be permitted. The Exception Test is not therefore normally relevant to proposals such as this.

Nevertheless, the appellant submitted an example of a case, determined by the S.o.S in 2009 (**Ref APP/Z2505/V/09/2119176**) where a similar conflict occurred but where it was consequently found that failure to meet policy on the location of development at risk of flooding was just one of a number of material considerations that needed to be weighed in the planning balance. In the case cited, the Exception Test was found to have been met as the benefits of the development were found to outweigh the presumption against it and that it would be safe for its lifetime, without increasing flood risk elsewhere. The Inspector considered that this finding consequently confirms that there can be circumstances where development in Flood Zone 3 can be permitted.

In granting planning permission, the Inspector concluded the benefits of the proposal in planning terms include the provision of a gypsy site in an area where there is an

established need for such development. The provision of even one site would be considerable benefit in an area where it has clearly proved difficult to find suitable alternative locations for traveller development. The appellant is a local resident and therefore wishes to stay in the area where other members of his family are also resident. Planning permission for the site would allow the children of the family to have a settled base close to a village. The Inspector concluded that, whilst there is a policy conflict with respect to location of the site in Flood Zone 3, the actual harm caused by this would be slight. The benefits of the proposal are material considerations sufficient to outweigh any conflict with local and national planning policy.

- **Appendix D2 –APP/3222285 – Cullompton, Devon (5th November 2019)**

In November 2019 an appeal was allowed in Cullompton, Devon (APP/Y1138/W/3222285 – see Appendix D2) despite the ‘high risk to life’ from flooding. The appellant’s team argued that the risk associated with the site could be properly mitigated by conditions as accepted by the 2014 Inspector in an earlier approval. Mitigation measures included a timber walkway, an emergency plan and EA alert / warning. The 2019 Inspector concluded “.....I find that the proposal conflicts with criterion (a) and part of (b) of the policy as the site is at risk of flooding with consequential risk to life and property. Neither, has it been demonstrated at this stage that there are no sequentially better sites available for this vulnerable use with less risk of flooding. Notwithstanding this principle against development, the actual risk could be managed by the requirements of conditions and I am satisfied that the proposal is unlikely to increase the risk of flooding elsewhere and meets criterion (c). Moreover, I will consider the balance with benefits as also set out in criterion (b) in the main planning balance.”

On weighing up the material planning considerations (i.e. Planning balance) extracts of the Inspectors overall conclusions are stated below:

- *“Site lies in Floodzone 3 and is at risk of flooding with a high risk to life and property.....Significant weight has to be given to this adverse effect.*
- *“It is unlikely that the Council can demonstrate an adequate supply of new sites for gypsies and travellers.....Neither can any party show that there is any alternative public or private site available for the appellant to turn to. To my mind it is significant that in the 2012 appeal decision the Inspector concluded that it was likely that alternative sites would come forward within the next five years in the urban extensions. However, I have set out in paragraph 18 above there is still considerable doubt over this delivery despite this current appeal being five years later. Accordingly, I find as the need cannot be met on another site with consent or is so allocated, the proposal accord with criterion (a) of Policy AL/DE/7”.*
- *“.....the actual risk can be managed to a large degree through steps and actions required by conditions. There is not clear evidence before me to show that the appellant and his parents would not be able to meet these requirements, including the evacuation of the site, now or in the medium term.”*
- *On balance, I find that the weight attached to the flood risk does not override the current unmet need and long standing lack of alternative sites for the appellant*

to relocate to. On this basis, although no alternative sites have been put forward that are sequentially better on flood risk, I find that the planning benefits of the proposal outweigh the risk of flooding as recognised in part (a) of Policy COR11.

- *I will therefore allow the appeal.....”*

- **Appendix D3 – APP/3196305 – Ramsey Heights (18th June 2019)**

A further appeal was allowed last year (just before the above appeal) in April 2019 (Ramsey Heights **APP/H0520/W/18/3196305 – see Appendix D3**) in Huntingdonshire District Council where the Inspector again took the same pragmatic approach assessing the whole proposal in regard to the key material planning considerations: flood risk / mitigation vs sequential testing vs personal need.

Below are relevant extracts from the Inspectors stated comments in regard to APP/H0520/W/18/3196305:

31. Taking all of the above into consideration, the development is highly vulnerable to flooding, to such a degree that it is contrary to LP Policy LP5 and LP27 as well as the PPTS, the PPG and the Framework. This carries substantial weight against the scheme. However, this harm is tempered by key site-specific circumstances in terms of the lack of alternatives, as well as the on site risk and its management which do weigh in favour of the scheme in terms of flood risk. In light of this, whether it would be reasonable or appropriate to grant planning permission, permanently or temporarily, will also depend on the overall balance of other considerations. I shall weigh these factors against
48. But the fact is that the 2016 GTAA is currently the best evidence available to me. While the Council can clearly demonstrate they have met the baseline need for 9 pitches, there is still unmet need in terms of the “unknowns” be it for the 19 pitches identified by the GTAA or a greater level than anticipated. Regardless of the Council’s position in terms of the 5-year supply being met, the matter of need therefore weighs in favour of the appeal proposals as a material consideration.
50. The Sequential Test is a specific assessment relating to flood risk, but it cannot be denied that there is a discrepancy in the Council’s opinion that the test is met, against claims that there are general alternative sites available to the appellant. The Council was however, unable to suggest an alternative site that the appellant’s might be able to relocate to in the longer term and while evidence presented was scant, I am persuaded that there are no other permanent pitches currently available to the appellant.
51. The appellant purchased the site at below market costs from a family member due to a lack of affordability and while financials and ownership of the site is not determinative in terms of locating here, the fact that the site is owned is clearly a realistic advantage in favour of the site as opposed to others.
52. It is therefore highly probable that should the appeal fail, the appellant would be obliged to occupy unsuitable and unlawful sites elsewhere, including roadside encampments. This therefore weighs in favour of the appeal proposals.

56. I am also mindful of the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Since the appeal is made for a gypsy site and the proposed occupiers are travellers, they are persons who share a protected characteristic for the purposes of the PSED. Although it does not automatically follow that the appeal should succeed, the need for sites and the lack of any identified sites in the development plan may indicate inequality of housing opportunity for gypsies and travellers. The equality implications add further weight in favour of the scheme.
61. At the Hearing, the appellant stated that they would be agreeable to a temporary permission being granted, and in light of my concerns regarding flood risk, this would further minimise risk to a finite and temporary period, until such a time as more suitable pitches become available to which the appellant could relocate.
62. In granting a time limited permission, this would interfere with the rights of the family under Articles 1 and 8 of the Human Rights Act 1998, but I am satisfied that suitable and reasonably local alternative sites would in all probability be available in 5 years time and it is unlikely that the family would be rendered homeless at that point. The granting of a temporary permission would therefore be proportionate in terms of the Act.
63. Overall, I conclude that these factors stack up in the appellants favour and are sufficient to outweigh concerns regarding flood risk as to justify a departure from LP Policies LP5 and LP27 as well as the PPTS and the Framework.
- **Appendix D4 – Development Control Service DCS Number 100-071-536 Cambridgeshire**
This appeal was reported by the DCS and again serves as example where a **gypsy site was allowed in a Flood Zone 3** and although it failed to meet the policy on the location of development at risk of flooding this was just one of a number of material considerations that needed to be weighed in the planning balance. In this case, the **Exception Test was found to have been met** as the benefits of the development were found to outweigh the presumption against it and that **it would be safe for its lifetime**, without increasing flood risk elsewhere. As such, **‘there can be circumstances where development in flood zone 3 can be permitted’**.
 - **Appendix D5 – APP/2186072 – Newark, Nottinghamshire (10th June 2014)**
This appeal allowed the change of use from agricultural land to an unauthorised residential caravan site where the majority of the site was within a Flood Zone 3(b) (the functional floodplain) and the remainder was in a Flood Zone 3(a), hence a high probability of flooding. Furthermore, parts of Tolnet lane itself, the only access to the site. Was within Flood Zone 3(a) and (b) and in fact, low points on that access road were liable to flood before the appeal site itself, such that the escape route from the site may be cut off, even if the site has not flooded.

The appeal development was clearly contrary to local and national policy concerning flood risk and there was a strong policy objection. The Inspector indicated that whether

the risk could be managed through conditions, on a permanent or temporary basis, would depend on the overall balance of other considerations. In the overall balance of considerations the Inspector determined the risk could be addressed by conditions and that the third and fourth main issues (i.e. *the provision of and need for gypsy and traveller sites* and *'personal circumstances and alternative accommodation'*) together weighed heavily in favour of the appeal.

- **Appendix D6 - Development Control Service DCS Number 200-007-802 Norfolk**

This appeal was reported by the DCS and again serves as example where a traveller site was allowed in a highly vulnerable flood risk area. This was allowed on the basis that the appellant was a gypsy and traveller and the site met a need for such accommodation in the area and no harm ensured from the use. Amongst the considerations again the Inspector highlighted the fact the Council did not have a five-year supply of sites, so the proposal would meet an identified need and the benefit of constituting a private site which the council aimed to promote. Although the site was in a highly vulnerable area with respect to flooding, the Inspector held it passed the sequential and exception tests because there were no other alternative suitable sites available for such a use, it could be made safe for its lifetime through anchoring and raised floor levels.

- **Appendix D7 – APP/3238594 – Wetheringsett cum Brackford, Suffolk (14th April 2022)**

Meadow View is one of several gypsy and traveller sites along this section of Brockford Road near the village of Mendlesham. The Council had served eight enforcement notices which resulted in numerous appeals concerning eight adjoining plots where occupants and owners were either related or well known to one another. With agreement of the parties, all the appeals were heard at the same time with generic issues being dealt with together.

Although there was some confusion on the location of the flood zones it was concluded that the majority was land was within a Flood Zone 3 and at odds with the Council's Policy CS4. It was also found that the development had resulted in unacceptable harm to the character and appearance of the countryside location, again at odds with policy. Both these aspects carried significant weight. Matters weighing in favour though included the need for the site both generally and personally (i.e lack of supply and uncertainty around the future supply of sites).

Given all the above the Inspector concluded the considerations in favour of the appeal were sufficient to outweigh the harm on a time-limited basis. Taking account of the site occupiers' personal need for a site, and the lack of any available alternative site, occupation was allowed of the site to continue for a sufficient time to allow alternative provision to be considered, through the Council's Joint Local Plan Consultation, The Neighbours Plan review and the potential for the County Council to review their sites.

- **Appendix D8 – APP/3153193 – Reading, Berkshire (02nd July 2018)**

This appeal was allowed for the material change of use of the land for the stationing of caravans. The appeal site was a former horse paddock with stables within the open countryside. The Council had granted temporary planning permissions, for a period of two years, for the change of use of the land to use as a residential caravan site for 4 gypsy families, including the stationing of 4 mobile homes, 4 touring caravans and the erection of 4 dayrooms, together with the laying of hardstanding. The time-limited permission was granted in the expectation that the occupiers would look for an alternative site. However, this permission was subject to a legal agreement which was never secured and hence the permission had never come into effect. Subsequently in February 2016 an application for change of use of the land to 10 gypsy pitches was refused and the enforcement notice, the subject of the appeal, was issued. At the time of appeal there was 11 pitches on site, set out on the original four family plots.

Some of the north-western part of the site were at risk from flooding, mapped as Flood Zones 2 and 3. Conflict was also found with development plan policies due to the location away from a settlement, adverse effects on the generally undeveloped character of the landscape and the tranquil rural character of the lane and the failure to demonstrate that there would be adequate protection from radiation. Further moderate weight was found against unauthorised nature of the development.

The Inspector indicated that at the onset of considering the issues in the planning balance the Public Sector Equality Duty and the best interest of the children were primary considerations. A number of factors weighed in favour of planning permission though and again these were cited as being personal need, the undersupply of traveller sites regionally and nationally and the needs of the occupants. There was considerable evidence of integration and positive community relations, and the site provided good access to education and health care and was a settled base for the children (hence in their best interests).

The Inspector concluded although material considerations in favour of the development did not outweigh conflict with the development plan to justify a permanent planning permission, temporary permission was allowed.

- **Appendix D9 – APP/3264071 & APP/3264072 – Appeal C Iron Acton (25th August 2022)**

This appeal was allowed for the creation of two traveller pitches and permission to relocate approved stable / tack room block, two utility / day rooms, parking for personal touring caravans and vehicle and access.

This site was within a green belt as well as a Flood Zone 3 (b) – functional floodplain. Again, other considerations in favour were the need for traveller sites, and the availability of alternative sites, and personal circumstances.

The Inspector considered the site could be made safe from flooding for its lifetime so long as it was satisfactorily remediated and the Flood Evacuation Plan was strictly

adhered to. The Inspector accepted that there would still be a residual element of risk that could be avoided altogether if the site was not located in the flood plan. However, this had to be viewed in the context of the current lack of alternatives and the poor outlook for the future provision for the occupants, and its likely very negative consequences. As such, the Inspector considered that the residual risk was acceptable. The Inspector stated the benefited aspects of the site for its occupants, particularly in regard to the interests of the children, would assist in terms of the duty to advance equality of opportunity for the occupants who, by virtue of their ethnicity, are at risk of discrimination, harassment and victimisation.

In allowing the appeal the Inspector restricted the occupancy of the site to those currently living three i.e. a personal permission. This was because of the weight the Inspector accorded to their personal circumstances and the reliance placed on their assurances of compliance with the requirements of the evacuation plan, without which the Inspector would have insufficient confidence in its efficacy.

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

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 & FAMILY / CHILDRENS WELFARE AND NEEDS

9.1 Human Rights Circular 05/18 stipulates that decision makers must have regard to the Human Rights Act 1998 (HRA) which incorporates the European Convention on Human Rights into domestic law and the Public Sector Equality Duty (PSED), established by Section 149 of the Equality Act (2010) when making decisions. The former requires that decisions take must respect private and family life and the home, and peaceful enjoyment of their possessions of both Gypsies and Travellers and local residents. In addition, the PSED is relevant given that Gypsies and Travellers is a protected characteristic as defined in the Equality Act. The PSED requires the Council to have due regard to various policy objectives set out in the statute when exercising its functions, in particular in this case, the need to advance equality of opportunity between people who share a protected characteristic and those who do not. In terms of advancing equality of opportunity, the elements of this which are most relevant to this planning application are: removing or minimising disadvantages suffered by people due to their protected characteristics; and taking steps to meet the needs of people from protected groups where these are different from the needs of other people. The definition of Gypsies and Travellers for planning purposes as set out is based on “habit of life” and not dependent on people identifying as members of any particular race. In this case the applicant’s family do share the protected characteristic of race which results in them qualifying for Gypsy and Traveller status. Planning policy set out above recognises that those who fall within the category of Gypsies and Travellers have particular needs related to their characteristics, and direct local planning authorities to consider applications for their residential needs according to tailored considerations. The protected characteristic of age is also engaged in respect of the children on the site.

9.2 Given the presence of children on the site who live with their parents, the Council must recognise that the best interests of the children are a primary consideration in the determination of this planning application. Such interests include the need for the children to remain with their parents, attending a school and obtaining a good education and generally having the same opportunities to all other children. It is evident that a refusal of planning permission would inevitably disrupt the family’s current living arrangements which they consider important, and which are related, wholly or in part, to their Gypsy and Traveller status. There are no private or public alternative pitches available within the County with land attached and the Council owned

property is far too small to accommodate the whole family. There would accordingly be interference with the family's Article 8 rights and impacts on the children which may affect their best interests.

9.3 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 (PSD) 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.

9.4 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

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 have significant weight to overcome the perceived harm the development would have in this rural location 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 The Housing (Wales) Act 2014 and the Welsh Assembly Government Circular 005/2018 'Planning for Gypsy, Traveller and Showpeople Sites. The applicant has local connections with regards to family members however, this is not a determining factor as section 6 of Annex B to Circular 055/2018 states *'Gypsies and Travellers are often nomadic and so will not always have local connections. Planning authorities have to determine applications for development from anyone who submits them'*.

10.2 The applicant and his family have, until 5 years ago, lived in a two bedroom rented Council property which was considered to be far too small and overcrowded for a family of 6. Despite several requests to the housing Authority over the years for a larger property none were forthcoming and, consequently, they have been removed from the waiting list.

10.3 The applicant purchased the appeal site and land surrounding in 2018 which had the benefit of planning permission for the keeping of horses, stables, barn, fencing and hardstandings. The applicant, his wife and three children have been living in a caravan on land to the south since 2020 and the children attend nearby schools. The eldest daughter resides in the rented Council house and runs a riding establishment on the adjoining land.

10.4 The application site lies just to the north of Aberfan and within 4km of the county town of Merthyr Tydfil where there is retail, commercial and community facilities to cater for the everyday needs of the family. Both of these communities have excellent transport links from the application site. The application site is therefore considered to be sustainably located in terms of proximity to services.

10.5 The small scale and low level nature of the development, together with additional planting minimises its impact on the surrounding landscape. Furthermore, the distance from nearby properties is sufficient to have minimal impact in terms of amenity.

10.6 The updated Flood Consequences Assessment (see **Appendix B**) has identified the application site to be the least susceptible to potential flooding subject to implementing all the recommendations put forward in the report and listed on Drawing 04.

10.7 The Authority admit there are currently no available sites allocated within the LDP2 to meet any anticipated need over the current plan period. Such a need can only be met through sites brought forward and managed by the Gypsy community and such proposals need to be assessed against the criteria in Policy SW8 together with advice in Circular 005/2018 in respect of the provision of private sites. This proposal satisfies all the criteria in this Policy and advice in the Circular.

10.8 The Senedd's Local Government and Housing Committee and the main Senedd is calling for immediate action after their new reports illustrated wide-ranging failures by the Welsh Government and local authorities in providing adequate sites for Gypsy, Roma and Traveller communities. The reports are highly critical of both the National and Local Governments in Wales who are not doing enough to support the Gypsy, Roma and Traveller community in the provision of public sites or in supporting planning applications for appropriately located pitches where a need has been identified. Disturbingly, the reports identified racism and prejudice against members of these communities is rife when planning applications are determined.

10.9 The main report published by the Senedd considers the existing method of assessing accommodation needs throughout Wales is neither effective nor reflective of the true accommodation needs. Many GTANA's prepared by local authorities are still awaiting approval by the Welsh Government and many will be out of date. There appears to be a need to reconsider the accommodation needs using different methodology and time frame for

reassessment over a period less than at 5 yearly intervals. Meanwhile, whilst awaiting changes to procedures, the Gypsy, Roma and Traveller communities will continue to generate a need for further sites throughout Wales.

10.10 The main thrust of existing LDP Policy SW8 is to establish a framework to assess applications for new sites based on the identified need of applicants. This need has been fully addressed and established in **Appendix A**. Considerable weight should be given to the fact the authority has failed to identify additional land other than the Glynmill site to accommodate unexpected demand for additional pitches brought forward by the Gypsy community. The Gypsy community currently plays an especially important role in bringing forward private sites to accommodate the identified need for additional pitches within the county. The most recent GTAA document, which influenced LDP 2 Policy SW8, appears to be outdated in that it precedes the Covid pandemic, Circular 005/2018 and advice in PPW Edition 11.

10.11 There is a duty to improve the economic, social, environmental and cultural well-being in accordance with the sustainable development principles under section 3 of the Well-Being of Future Generations (Wales) Act 2015. As the application complies with the relevant criteria in the policies of the LDP a decision to approve the proposal would be in accordance with the sustainable principle through its contribution towards one or more of the Welsh Ministers well-being objectives as required by section 8 of the WBFG Act.

10.12 The COVID 19 pandemic and advice and guidance issued to Local Authorities by both the National and Welsh Governments is a material consideration. Living on a large local authority site is no longer encouraged due to social distancing issues. Consequently, smaller, family orientated sites in appropriate locations can cater for future generations need to be encouraged.

10.13 The criteria in adopted LPA Policies 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.

10.14 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.

10.15 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.

10.16 Mr and Mrs Price have three children 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.

10.17 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.

10.18 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,

10.19 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.

10.20 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.

10.21 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, highway safety and even future flooding. Indeed it is clear that at most a temporary personal planning permission has to be considered as a road side existence significantly more dangerous and is not acceptable in modern times.

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

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Appendices
