

# Public Document Pack

## Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr

### Bridgend County Borough Council

Swyddfeydd Dinesig, Stryd yr Angel, Pen-y-bont, CF31 4WB / Civic Offices, Angel Street, Bridgend, CF31 4WB



*Rydym yn croesawu gohebiaeth yn Gymraeg. Rhwch wybod i ni os mai Cymraeg yw eich dewis iaith.*

*We welcome correspondence in Welsh. Please let us know if your language choice is Welsh.*



**Cyfarwyddiaeth y Prif Weithredwr / Chief Executive's Directorate**  
Deialu uniongyrchol / Direct line /: 01656 643148 / 643694 / 643513  
Gofynnwch am / Ask for: Democratic Services

Ein cyf / Our ref:  
Eich cyf / Your ref:

**Dyddiad/Date:** Friday, 4 July 2025

Dear Councillor,

#### **DEVELOPMENT CONTROL COMMITTEE**

A meeting of the Development Control Committee will be held Hybrid in the Council Chamber - Civic Offices, Angel Street, Bridgend, CF31 4WB / Remotely via Microsoft Teams on **Thursday, 10 July 2025 at 10:00.**

#### **AGENDA**

1 **Apologies for Absence**

To receive apologies for absence from Members.

2 **Declarations of Interest**

To receive declarations of personal and prejudicial interest (if any) from Members/Officers including those who are also Town and Community Councillors, in accordance with the provisions of the Members' Code of Conduct adopted by Council from 1 September 2008. Members having such dual roles should declare a personal interest in respect of their membership of such Town/Community Council and a prejudicial interest if they have taken part in the consideration of an item at that Town/Community Council contained in the Officer's Reports below.

3 **Site Visits**

To confirm a date of Wednesday 20/08/2025 for proposed site inspections arising at the meetings, or identified in advance of the next Committee meeting by the Chairperson.

**By receiving this Agenda Pack electronically you will save the Authority approx. £1.40 in printing costs**

- |    |  |         |
|----|--|---------|
| 4  | <u>Approval of Minutes</u>   | 5 - 10  |
|    | To receive for approval the minutes of the 29/05/2025  |         |
| 5  | <u>Public Speakers</u>   |         |
|    | To advise Members of the names of the public speakers listed to speak at today's meeting (if any).   |         |
| 6  | <u>Amendment Sheet</u>   |         |
|    | That the Chairperson accepts the Development Control Committee Amendment Sheet as an urgent item in accordance with Part 4 (paragraph 4) of the Council Procedure Rules, in order to allow for Committee to consider necessary modifications to the Committee Report, so as to take account of late representations and revisions that require to be accommodated. |         |
| 7  | <u>Development Control Committee Guidance</u>  | 11 - 14 |
| 8  | <u>P/23/652/FUL - Maple Meadows Wern Tarw Road (Church Street) Rhiwceiliog Pencoed</u>   | 15 - 50 |
| 9  | <u>Appeals</u>   | 51 - 56 |
| 10 | <u>Agree to hold a Special Development Control Committee on Thursday the 31st July 2025</u>  | 57 - 60 |
| 11 | <u>Planning &amp; Development Services – Workloads Projects &amp; Challenges 2025 - Member Briefing</u>  | 61 - 66 |
| 12 | <u>The Care Inspectorate Wales' (CIW) Response of 24 June 2025 to the Chair of the Council's Development Control Committee's Letter of 10 June 2025 Following a Request by Members at the DCC of 17 April 2025</u>   | 67 - 72 |
| 13 | <u>Training Log</u>  | 73 - 74 |
| 14 | <u>Urgent Items</u>  |         |
|    | To consider any other item(s) of business in respect of which notice has been given in accordance with Part 4 (paragraph 4) of the Council Procedure Rules and which the person presiding at the meeting is of the opinion should by reason of special circumstances be transacted at the meeting as a matter of urgency.  |         |

**Note: This will be a Hybrid meeting and Members and Officers will be attending in the Council Chamber, Civic Offices, Angel Street Bridgend / Remotely via Microsoft Teams. The meeting will be recorded for subsequent transmission via the Council's internet site which will be available as soon as practicable after the meeting. If you would like to view this meeting live, please contact [cabinet\\_committee@bridgend.gov.uk](mailto:cabinet_committee@bridgend.gov.uk) or tel. 01656 643148 / 643694 / 643513 / 643159.**

Yours faithfully

**K Watson**

Chief Officer, Legal and Regulatory Services, HR and Corporate Policy

Councillors:

A R Berrow

RJ Collins

C L C Davies

S Easterbrook

RM Granville

H Griffiths

S J Griffiths

GH Haines

D T Harrison

M L Hughes

D M Hughes

M R John

W J Kendall

J Llewellyn-Hopkins

J E Pratt

Vacancy

A Wathan

R Williams

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**DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 29 MAY 2025**

**MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD HYBRID IN THE COUNCIL CHAMBER - CIVIC OFFICES, ANGEL STREET, BRIDGEND, CF31 4WB ON THURSDAY, 29 MAY 2025 AT 10:00**

**Present**

Councillor RM Granville – Chairperson

S Easterbrook  
A Wathan

GH Haines

D T Harrison

M L Hughes

**Present Virtually**

RJ Collins  
D M Hughes  
J E Pratt

C L C Davies  
M R John  
R Williams

H Griffiths  
W J Kendall

S J Griffiths  
J Llewellyn-Hopkins

**Officers:**

Lee Evans  
Leigh Tuck  
Dion Douglas  
Robert Morgan  
Gillian Dawson  
Craig Flower  
Rhodri Davies  
Jonathan Parsons  
Rachel Keepins  
Oscar Roberts

Principal Planning Officer  
Principal Highways Officer  
Principal Planning Officer  
Senior Development Control Officer  
Lawyer - Planning  
Planning Support Team Leader  
Development and Building Control Manager  
Group Manager Development  
Democratic Services Manager  
Business Administrative Apprentice – Democratic Services

**117. Apologies for Absence**

Decision Made	Apologies for absence were received from Cllr A Berrow.
Date Decision Made	29 May 2025

**118. Declarations of Interest**

Decision Made	<p>The following declarations were made:</p> <p>Councillor A Wathan – Item 8 – Personal interest, as he is a member of Bridgend Town Council who takes no part in planning matters</p> <p>Councillor S Easterbrook – Item 8 – Personal interest, as he is a member of Bridgend Town Council who takes no part in planning matters</p>
Date Decision Made	29 May 2025

**119. Site Visits**

Decision Made	<u>RESOLVED:</u> That a date of 9 July 2025 be approved for any site inspections arising at the meeting, or identified in advance of the next Committee meeting by the Chairperson.
Date Decision Made	29 May 2025

**120. Approval of Minutes**

Decision Made	<p><u>RESOLVED:</u> That the minutes of meetings of the Development Control Committee dated 23 January and 20 February 2025, be approved as true and accurate records.</p> <p>The Committee posed a question on future opportunities to discuss matters arising from previous meetings reported back to the Committee. This question was answered by the Lawyer – Planning, with the</p>
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**DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 29 MAY 2025**

	clarification that a future meeting could include an update to previous discussion for example as an Urgent Item.
Date Decision Made	29 May 2025

**121. Public Speakers**

Decision Made	The following public speakers spoke on the undermentioned planning applications:-  P/24/80/FUL – Councillor David Unwin (Ward Member)Cerys Matthews (applicant's agent)
Date Decision Made	29 May 2025

**122. Amendment Sheet**

Decision Made	<u>RESOLVED:</u> That the Chairperson accepted the Development Control Committee Amendment Sheet as an urgent item in accordance with Part 4 (paragraph 4) of the Council Procedure Rules, in order to allow for Committee to consider necessary modifications to the Committee Report, so as to take account of late representations and revisions that require to be accommodated.
Date Decision Made	29 May 2025

**123. Development Control Committee Guidance**

Decision Made	<u>RESOLVED:</u> That the report of the Corporate Director – Communities outlining guidance for Members on Development Control and Planning issues, be noted
Date Decision Made	29 May 2025

**124. P/25/8/FUL - 1 Grove Gardens, Bridgend CF31 3EG**

Decision Made	<u>RESOLVED:</u> That the above application be granted, subject to the Conditions contained in the report of the
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**DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 29 MAY 2025**

	Corporate Director – Communities:-  PROPOSAL: Change of use to 6 bedroom House in Multiple Occupation (HMO)
Date Decision Made	29 May 2025

**125. P/24/80/FUL - Land Adjacent To Old Stormy Down Quarry, Heol-y-splot, Stormy Down CF33 4RS**

Decision Made	<u>RESOLVED:</u> That the above application be granted, subject to the Conditions contained in the report of the Corporate Director – Communities:-  PROPOSAL: Engineering works to construct processing areas, storage areas, acoustic bunds and visual screening bunds, erection of aggregates recycling plant and acoustic barriers, construction of a weighbridge office, ancillary works and landscaping (part-retrospective)
Date Decision Made	29 May 2025

**126. Appeals**

Decision Made	<p>(1) That the appeals received since the last meeting of the Committee as shown in the report of the Corporate Director – Communities, be noted.</p> <p>Appeal No. – 2025 Subject of Appeal – Adding a new detached garage and converting the existing internal garage to a living space: 3 Brook Vale</p> <p>(2) That the Inspector appointed by the Welsh Ministers to determine the following appeals has directed that they be PART ALLOWED/PART DISMISSED:-</p> <p>Appeal No. – 2015 Subject of Appeal – Replace boundary wall with one of increased height; retention of wooden playroom: 5 Belmont Close Maesteg</p> <p>(3) That the Inspector appointed by the Welsh Ministers to determine the following appeal has directed that</p>
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**DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 29 MAY 2025**

	<p>it be DISMISSED, subject to conditions:-</p> <p>Appeal No. – 2019  Subject of Appeal – Partial demolition of garage and construction of two storey rear extension to provide a family room and utility to the ground floor and 2no. Bedrooms to the first floor, create 1no. Additional parking space to front and extend dropped kerb: 98 Yr Ysfa Maesteg</p>
Date Decision Made	29 May 2025

**127. Affordable Housing Supplementary Planning Guidance**

Decision Made	<p>The purpose of this report, submitted by the Corporate Director – Communities, was to inform Development Control Committee of the outcome of the public consultation exercise on the draft Affordable Housing Supplementary Planning Guidance (SPG) document.</p> <p>The report also informed the Development Control Committee of the intention to present the Affordable Housing SPG (Appendix 1) to Council to seek its adoption in order to support the Affordable Housing Policies within the adopted Replacement Local Development Plan (RLDP, March 2024).</p> <p><u>RESOLVED:</u> That the Committee noted the contents of the report, the final draft replacement Affordable Housing SPG (Appendix 1) and the summary of consultation responses received on the draft Affordable Housing SPG, together with resultant amendments attached as Appendix 2.</p>
Date Decision Made	29 May 2025

**128. Training Log**

Decision Made	<u>RESOLVED:</u> That the report of the Corporate Director – Communities outlining up and coming topics for Member training be noted.
Date Decision Made	29 May 2025

**129. Urgent Items**

Decision Made	None.
Date Decision Made	29 May 2025

To observe further debate that took place on the above items, please click this [link](#).

The meeting closed at 11:21.

I submit for your consideration the following report on Planning Applications and other Development Control matters based upon the information presently submitted to the Department. Should any additional information be submitted between the date of this report and 4.00pm on the day prior to the date of the meeting, relevant to the consideration of an item on the report, that additional information will be made available at the meeting.

For Members' assistance I have provided details on standard conditions on time limits, standard notes (attached to all consents for planning permission) and the reasons to justify site inspections.

### **STANDARD CONDITIONS**

On some applications for planning permission reference is made in the recommendation to the permission granted being subject to standard conditions. These standard conditions set time limits in which the proposed development should be commenced, and are imposed by the Planning Act 1990. Members may find the following explanation helpful:-

#### **Time-limits on full permission**

Grants of planning permission (apart from outline permissions) must, under section 91 of the Act, be made subject to a condition imposing a time-limit within which the development authorised must be started. The section specifies a period of five years from the date of the permission. Where planning permission is granted without a condition limiting the duration of the planning permission, it is deemed to be granted subject to the condition that the development to which it relates must be begun not later than the expiration of 5 years beginning with the grant of permission.

#### **Time-limits on outline permissions**

Grants of outline planning permission must, under section 92 of the Act, be made subject to conditions imposing two types time-limit, one within which applications must be made for the approval of reserved matters and a second within which the development itself must be started. The periods specified in the section are three years from the grant of outline permission for the submission of applications for approval of reserved matters, and either five years from the grant of permission, or two years from the final approval of the last of the reserved matters, whichever is the longer, for starting the development.

#### **Variation from standard time-limits**

If the authority consider it appropriate on planning grounds they may use longer or shorter periods than those specified in the Act, but must give their reasons for so doing.

### **STANDARD NOTES**

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

In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developer's) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to enforcement action.

Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

- b. The enclosed notes which set out the rights of applicants who are aggrieved by the Council's decision.
- c. This planning permission does not convey any approval or consent required by Building Regulations or any other legislation or covenant nor permits you to build on, over or under your neighbour's land (trespass is a civil matter).

To determine whether your building work requires Building Regulation approval, or for other services

provided by the Council's Building Control Section, you should contact that Section on 01656 643408 or at:- <http://www.bridgend.gov.uk/buildingcontrol>

- d. Developers are advised to contact the statutory undertakers as to whether any of their apparatus would be affected by the development
- e. Attention is drawn to the provisions of the party wall etc. act 1996
- f. Attention is drawn to the provisions of the Wildlife and Countryside Act 1981 and in particular to the need to not disturb nesting bird and protected species and their habitats.
- g. If your proposal relates to residential development requiring street naming you need to contact 01656 643136
- h. If you are participating in the DIY House Builders and Converters scheme the resultant VAT reclaim will be dealt with at the Chester VAT office (tel: 01244 684221)
- i. Developers are advised to contact the Environment and Energy helpline (tel: 0800 585794) and/or the energy efficiency advice centre (tel: 0800 512012) for advice on the efficient use of resources. Developers are also referred to Welsh Government Practice Guidance: Renewable and Low Carbon Energy in Buildings (July 2012):-  
<http://wales.gov.uk/topics/planning/policy/guidanceandleaflets/energyinbuildings/?lang=en>
- j. Where appropriate, in order to make the development accessible for all those who might use the facility, the scheme must conform to the provisions of the Disability Discrimination Act 1995 as amended by the Disability Discrimination Act 2005. Your attention is also drawn to the Code of Practice relating to the Disability Discrimination Act 1995 Part iii (Rights of Access to Goods, Facilities and Services)
- k. If your development lies within a coal mining area, you should take account of any coal mining related hazards to stability in your proposals. Developers must also seek permission from the Coal Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 7626848 or [www.coal.gov.uk](http://www.coal.gov.uk)
- l. If your development lies within a limestone area you should take account of any limestone hazards to stability in your proposals. You are advised to engage a Consultant Engineer prior to commencing development in order to certify that proper site investigations have been carried out at the site sufficient to establish the ground precautions in relation to the proposed development and what precautions should be adopted in the design and construction of the proposed building(s) in order to minimise any damage which might arise as a result of the ground conditions.
- m. The Local Planning Authority will only consider minor amendments to approved development by the submission of an application under section 96A of the Town and Country Planning Act 1990. The following amendments will require a fresh application:-
  - re-siting of building(s) nearer any existing building or more than 250mm in any other direction;
  - increase in the volume of a building;
  - increase in the height of a building;
  - changes to the site area;
  - changes which conflict with a condition;
  - additional or repositioned windows / doors / openings within 21m of an existing building;
  - changes which alter the nature or description of the development;
  - new works or elements not part of the original scheme;
  - new works or elements not considered by an environmental statement submitted with the application.
- n. The developer shall notify the Planning Department on 01656 643155 / 643157 of the date of commencement of development or complete and return the Commencement Card (enclosed with this Notice).

- o. The presence of any significant unsuspected contamination, which becomes evident during the development of the site, should be brought to the attention of the Public Protection section of the Legal and Regulatory Services directorate. Developers may wish to refer to 'Land Contamination: A Guide for Developers' on the Public Protection Web Page.
- p. Any builder's debris/rubble must be disposed of in an authorised manner in accordance with the Duty of Care under the Waste Regulations.

## **THE SITE INSPECTION PROTOCOL**

The Site Inspection Protocol is as follows:-

### **Purpose**

#### **Fact Finding**

Development Control Committee site visits are not meetings where decisions are made and neither are they public meetings. They are essentially fact finding exercises, held for the benefit of Members, where a proposed development may be difficult to visualise from the plans and supporting material. They may be necessary for careful consideration of relationships to adjoining property or the general vicinity of the proposal due to its scale or effect on a listed building or conservation area.

### **Request for a Site Visit**

#### **Ward Member request for Site Visit**

Site visits can be costly and cause delays so it is important that they are only held where necessary normally on the day prior to Committee and where there is a material planning objection.

Site visits, whether Site Panel or Committee, are held pursuant to:-

1. a decision of the Chair of the Development Control Committee (or in his/her absence the Vice Chair) or
2. a request received within the prescribed consultation period from a local Ward Member or another Member consulted because the application significantly affects the other ward, and where a material planning objection has been received by the Development Department from a statutory consultee or local resident.

A request for a site visit made by the local Ward Member, or another Member in response to being consulted on the proposed development, must be submitted in writing, or electronically, within 21 days of the date they were notified of the application and shall clearly indicate the planning reasons for the visit.

Site visits cannot be undertaken for inappropriate reasons (see below).

The Development Control Committee can also decide to convene a Site Panel or Committee Site Visit.

### **Inappropriate Site Visit**

Examples where a site visit would not normally be appropriate include where:-

- purely policy matters or issues of principle are an issue
- to consider boundary or neighbour disputes
- issues of competition
- loss of property values
- any other issues which are not material planning considerations
- where Councillors have already visited the site within the last 12 months, except in exceptional circumstances

### **Format and Conduct at the Site Visit**

#### **Attendance**

Members of the Development Control Committee, the local Ward Member and the relevant Town or Community Council will be notified in advance of any visit. The applicant and/or the applicant's agent will also be informed as will the first person registering an intent to speak at Committee but it will be made clear that representations cannot be made during the course of the visit.

### **Officer Advice**

The Chair will invite the Planning Officer to briefly outline the proposals and point out the key issues raised by the application and of any vantage points from which the site should be viewed. Members may ask questions and seek clarification and Officers will respond. The applicant or agent will be invited by the Chairman to clarify aspects of the development.

The local Ward Member(s), one objector who has registered a request to speak at Committee (whether a local resident or Town/Community Council representative) and a Town/Community Council representative will be allowed to clarify any points of objection, both only in respect of any features of the site, or its locality, which are relevant to the determination of the planning application.

Any statement or discussion concerning the principles and policies applicable to the development or to the merits of the proposal will not be allowed.

### **Code of Conduct**

Although site visits are not part of the formal Committee consideration of the application, the Code of Conduct still applies to site visits and Councillors should have regard to the guidance on declarations of personal interests.

### **Record Keeping**

A file record will be kept of those attending the site visit.

### **Site Visit Summary**

In summary site visits are: -

- a fact finding exercise.
- not part of the formal Committee meeting and therefore public rights of attendance do not apply.
- to enable Officers to point out relevant features.
- to enable questions to be asked on site for clarification. However, discussions on the application will only take place at the subsequent Committee.

### **Frequently Used Planning Acronyms**

AONB	Area Of Outstanding Natural Beauty	PEDW	Planning & Environment Decisions Wales
APN	Agricultural Prior Notification	PPW	Planning Policy Wales
BREEAM	Building Research Establishment Environmental Assessment Method	S.106	Section 106 Agreement
CA	Conservation Area	SA	Sustainability Appraisal
CAC	Conservation Area Consent	SAC	Special Area of Conservation
CIL	Community Infrastructure Levy	SEA	Strategic Environmental Assessment
DAS	Design and Access Statement	SINC	Sites of Importance for Nature Conservation
DPN	Demolition Prior Notification	SPG	Supplementary Planning Guidance
EIA	Environmental Impact Assessment	SSSI	Site of Special Scientific Interest
ES	Environmental Statement	SUDS	Sustainable Drainage Systems
FCA	Flood Consequences Assessment	TAN	Technical Advice Note
GPDO	General Permitted Development Order	TIA	Transport Impact Assessment
LB	Listed Building	TPN	Telecommunications Prior Notification
LBC	Listed Building Consent	TPO	Tree Preservation Order
LDP	Local Development Plan	UCO	Use Classes Order
LPA	Local Planning Authority	UDP	Unitary Development Plan
PINS	Planning Inspectorate		

**REFERENCE:** P/23/652/FUL

**APPLICANT:** Mr & Mrs Evans, Evans & Preece c/o Hayston Developments & Planning Ltd, The Planning Studio, Hayston Bridge, Johnston, Haverfordwest, SA62 3HJ

**LOCATION:** **Maple Meadows Wern Tarw Road (Church Street) Rhiwceiliog Pencoed**

**PROPOSAL:** Three residential traveller pitches with day/utility room, static caravan and tourer with ecological restoration scheme and ecological mitigation, improved access, internal driveway, parking areas, boundary fencing and installation of private treatment plant

**RECEIVED:** 19 October 2023

## **BACKGROUND**

At the meeting of the Development Control Committee on 17 April 2025, Members deferred a decision on this Application, to request the submission of a detailed implementation and maintenance scheme (including a timetable and costings estimate) for the Ecological Restoration Works prior to determination of the Application, and to investigate the requirement for securing a financial contribution by the Applicants towards the implementation of and monitoring compliance with the Ecological Restoration Works scheme.

In response, the Applicant's agent has provided a Timetable of Enhancement Works which is based on the restoration plan submitted with the Application. It details a 10-year plan for implementation with a further 5 years of monitoring to follow.

Regarding the cost of the restoration/enhancement works, the agent has suggested that development costs are not always a material planning consideration, as markets dictate costs. The agent states...*"as the appellants and many family members are involved in landscaping and tree services, they would undertake a lot of work themselves. Having said that, some of the proposed planting / enhancements needs to be done by specialists or their guidance to ensure the 'SINC' is enhanced."*

A quote from Elite Ecology has been provided, which includes Elite's opinion and guide/quote for their costs for both a 10-year planting and ecology enhancement scheme and for its yearly basic monitoring. This is detailed in **APPENDIX A** to this report. The agent indicates that levels of monitoring and the use of an ecological 'Clerk of Works,' and their costs, can vary depending on level of input required. The cost of the plants and other ecological measures (bat and bird boxes etc), as calculated by Elite totals £467,174.

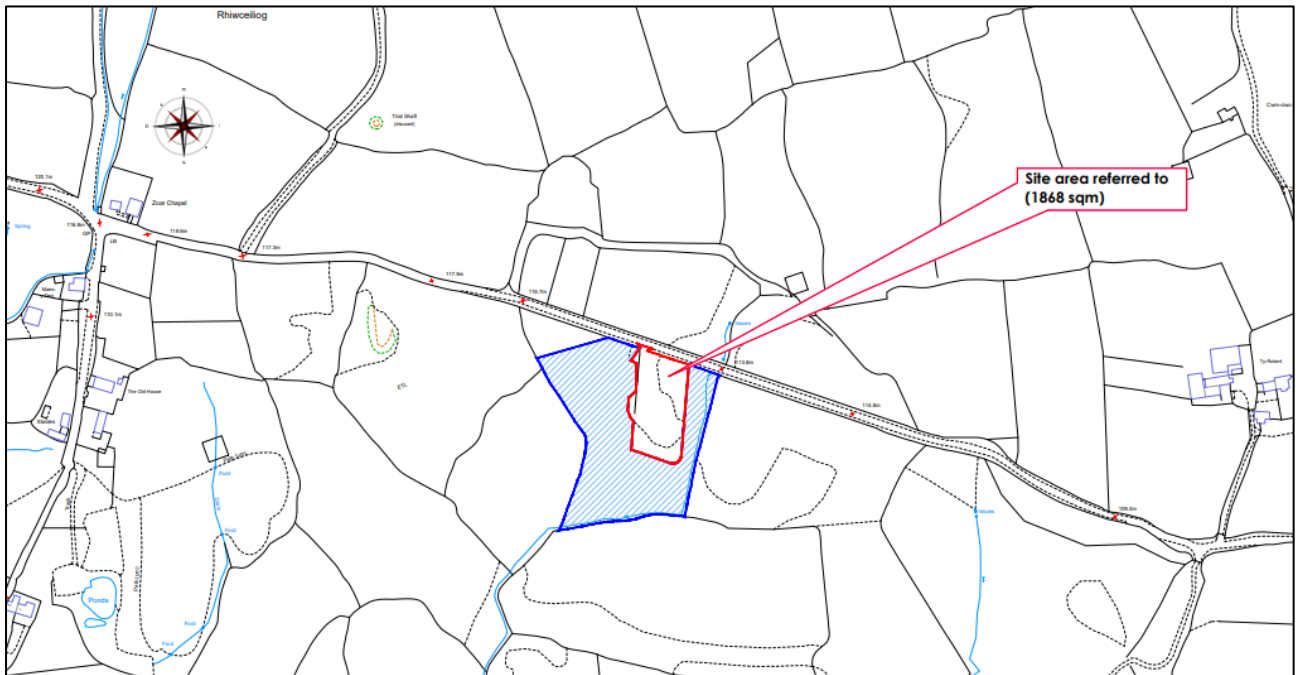
Rather than make a financial contribution towards monitoring compliance with the Ecological Restoration Works scheme, the Applicant's agent is recommending that a consultant ecologist would take on the role of an ecological 'Clerk of Works', to monitor the implementation and management of the Works and submit a report to the Council on an annual basis on the Clerk's findings. This could be done over the 10-year period that will cover the full Ecological Restoration required. The agent has appended a note to the proposed site layout plan but this could be a matter covered by a planning conditions, (see conditions 7-9).

A copy of the original report presented to Members incorporating amendments (references to additional letters from objectors and a brief commentary on the agent's submission above) is reproduced below:

## **APPLICATION/SITE DESCRIPTION**

Hayston Developments and Planning Limited have submitted this Application on behalf of Mr Jamie and Mrs Jordan Evans, Mr Nathan and Mrs Ellie Evans, Mr Danny and Mrs Amy Preece.

The Application proposes to create three gypsy pitches on land in the open countryside to the north of Pencoed.



**Figure 1 Site Location Plan**

The roughly rectangular site measures approximately 0.26 hectares and is situated on the southern side of Wern Tarw Road, Rhiwceiliog approximately 350m to the east of Zoar Chapel and 1.5km northwest of Brynnau, Rhondda Cynon Taff (**RCT**). The surrounding area edged in blue (in the Applicant's control), extends to a further 0.84 hectares. The site slopes gently in a southerly direction and is covered in hardcore and occupied by a series of caravans and other buildings and structures. There is an existing access onto Wern Tarw Road at the northerly boundary of the site. Trees and shrubs are located along the three other boundaries.

The Application proposes the following works:

- The creation of three Gypsy pitches.
- Each pitch will have a free-standing utility/day room measuring 7m x 4.4m x 2.5m high to the eaves and 3.7m to the ridge, on a concrete base, and will be constructed in blockwork with a timber or composite cladding finish under a slate tiled pitched roof.
- The provision of one touring caravan and two parking spaces per pitch.
- The caravans and day/utility rooms will be provided with soakaways for rainwater and foul water will be disposed via a Klargestor (or similar) private treatment plant package with an associated drainage field on land within the Applicant's ownership.
- The retention of the improved access, surfaced in tarmac or concrete for the first 5m, with an internal surfaced driveway leading to parking and turning areas for each plot.

The retention and extension of the perimeter timber fencing, existing laid hardcore, except areas designated for Ecological Restoration and enhancements detailed in the Ecology Reports that have accompanied the Application. Additional planting and biodiversity enhancements detailed in the reports will be implemented as part of the development.



Reproduced below is the Overall Site Plan which shows the layout of the pitches with the position of the static mobile homes, utility/day rooms, touring caravans, access roads and hardstanding areas and grassed amenity areas identified.

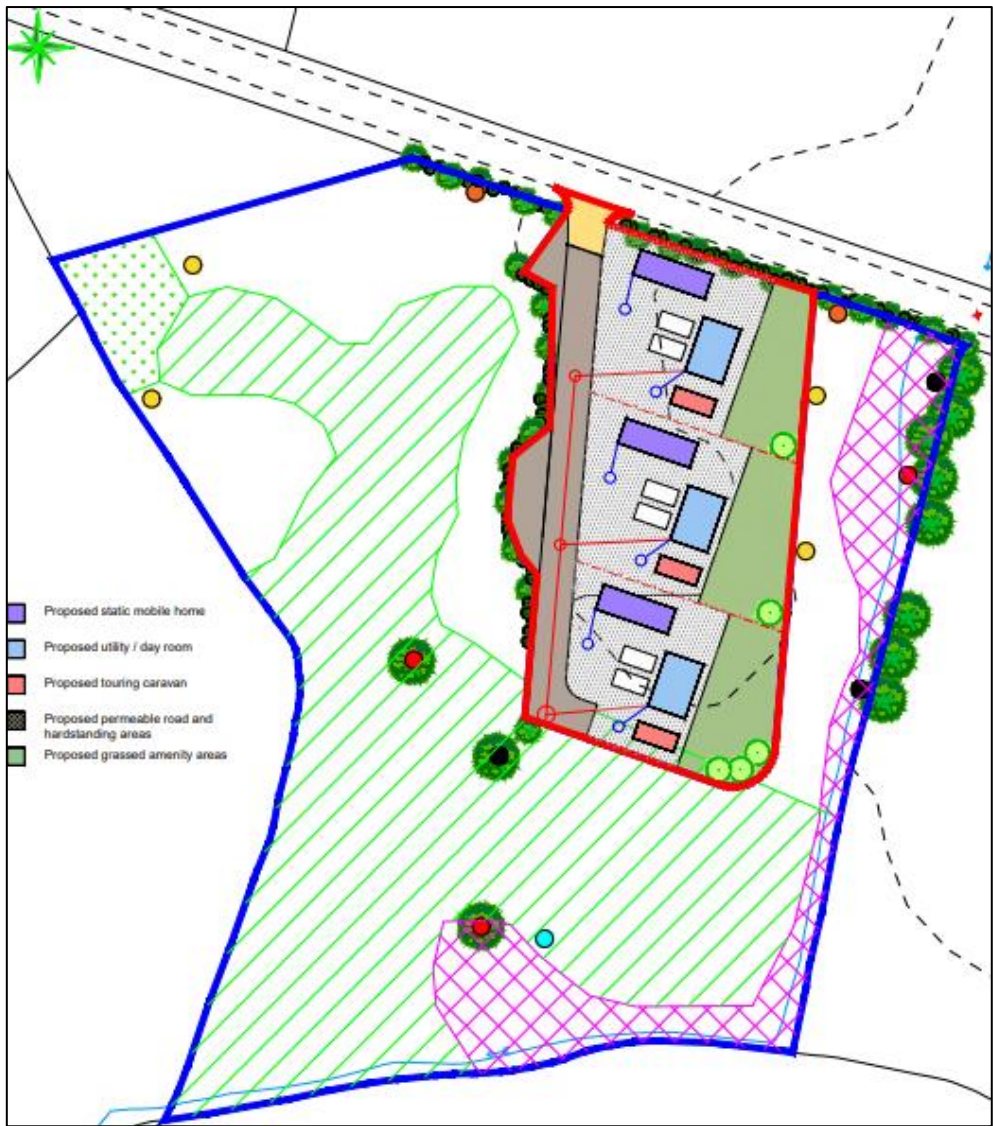
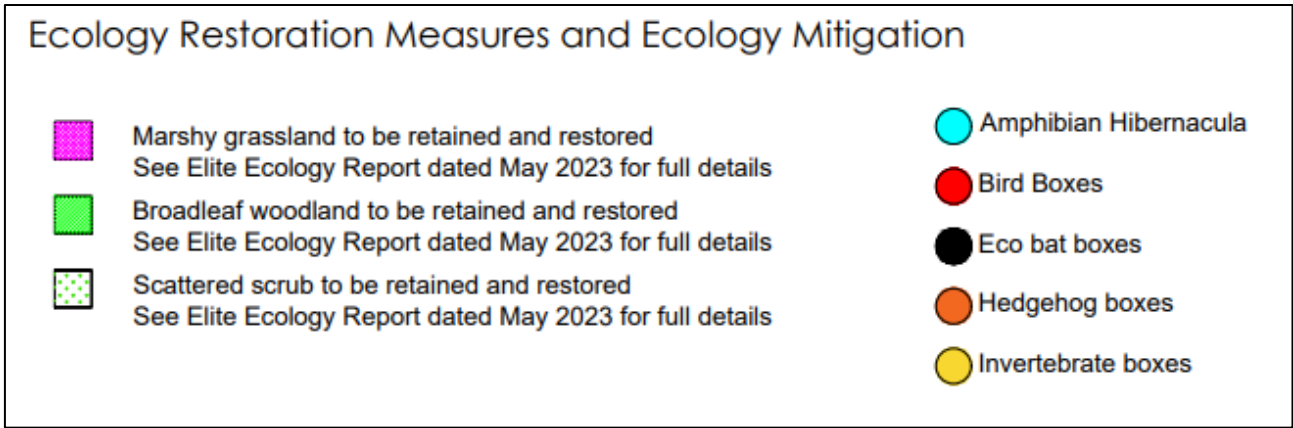


Figure 2 - Overall Site Plan

The proposed ecological restoration and mitigation measures are also detailed and will comprise the following:



The Ecological Impact Assessment (**EIA**) that accompanied the Application has been produced due to the concerns raised within the appeal decision (March 2023), related to the impact of the proposed development on the Hendre-Uchaf Site of Importance for Nature Conservation (**SINC**).

The EIA report describes the baseline conditions, and the potential effect of the proposed development on ecology. Desktop and field surveys, including a Preliminary Ecological Appraisal, Bat Survey and Great Crested Newt Habitat Suitability Index have been carried out. The results have informed the Ecological Impact Assessment having regard to the Chartered Institute of Ecology and Environmental Management's (**CIEEM**) Guidelines for Ecological Impact Assessment (2016). The Guidelines require an assessment of likely significant effects on important ecological features, and as such, does not require consideration of effects on every species or habitat that may be present within the project site. To determine whether there are likely to be significant effects, it is first necessary to identify whether an ecological feature is '*important*,' and therefore whether an effect upon it could be significant, and thus, material in decision making.

The submitted Ecological Impact Assessment examines effects on important ecological features with reference to the extent, magnitude, duration, timing, frequency, and reversibility of the impacts. For each ecological feature within the relevant study area, the baseline is identified and evaluated. For each important ecological feature, relevant impacts are characterised; effects defined and their significance assessed; mitigation identified and residual impacts reported.

The field survey work recognises that the Application site has undergone significant development works in 2019/2020, including the importation of significant amounts of hardcore. To assess the impacts of the works, the submitted report identifies habitats that were on site prior to the development and deduced using a combination of satellite imagery, the Bridgend County Borough Council (**BCBC**) SINC Review 2011 (specifically a review of the SINC of Hendir-Uchaf), and the Preliminary Ecological Appraisal completed by Elite Ecology in July 2019. In addition, an assessment of the habitats on site currently has been carried out for comparative purposes and to assess the extent of the environmental impacts of the development. The following habitats were noted:

- Scattered Shrub
- Broad-Leaved Scattered Trees
- Semi-Improved Grassland
- Marshy Grassland
- Native Species Rich Hedgerows with Trees

Each of these habitats were deemed to have been of high protected species potential.

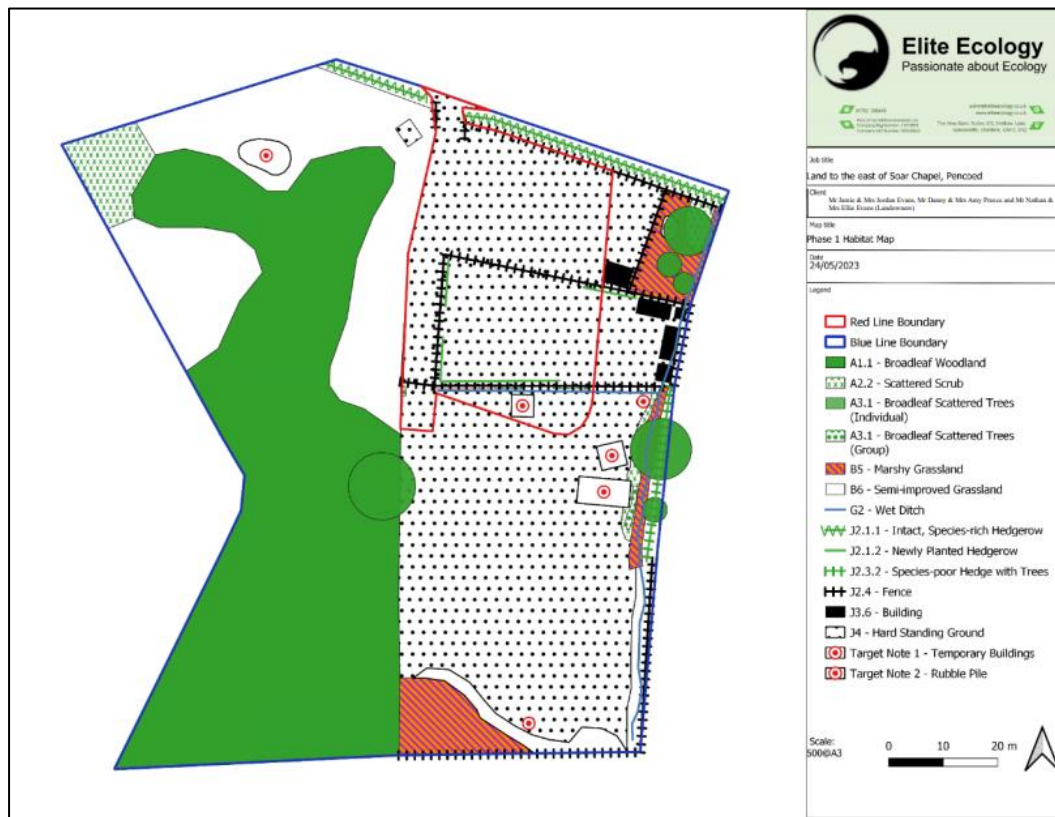
The EIA has also attempted to identify the site's 'potential' (before development commenced), to support protected species and listed the following:

- Amphibians
- Badgers
- Bats
- Birds
- Flora
- Hazel Dormice
- Hedgehogs
- Invertebrates
- Reptiles
- Water Vole

Overall, the Ecological Impact Assessment states that the unauthorised works had a high impact

on the habitats located on and immediately off- site due to the loss of significant amounts of ecologically valuable habitat caused by the felling of trees and scrub, and the importation of significant amounts of hardcore and rubble.

An Ecological Restoration Plan is proposed as part of this development and states that the site must be restored to its previous state circa 2018 (pre-development of the site), and a new habitat will be provided in accordance with the plan below:



**Figure 3 – Baseline Habitat – Existing Site Conditions (Red Outline – Proposed Development site)**



**Figure 4 – Proposed Habitat – Ecological Restoration Plan**

The following habitats works are proposed as part of the Ecological Restoration Plan:

**Existing Hard Standing Ground Removal:** a large area of hard standing ground has been created to the south of the site, created by the dumping of rubble, road shavings, materials from buildings (artificial slates), and concrete railway sleepers. These hardcore materials will be removed from the site and disposed of responsibly. After the hardcore has been cleared, the soils should be excavated at a depth of 0.5m to ensure roots of Invasive Non-Native Species (INNS) have been extracted and contaminated soil is removed.

- **Marshy Grassland:** the marshy grassland found to the south and north-east of the site is to be restored and reinstated.
- **Broadleaf Woodland Creation:** new broadleaf woodland will need to be created in order to restore the site to its previous state. Native Welsh broadleaf tree species must be included within the new woodland mix, as well as elm (*Ulmus procera*), goat willow (*Salix caprea*), and grey willow (*Salix cinerea*) to expand on the existing woodland species onsite.
- **Retained Hedgerows:** All retained hedgerows are to be enhanced by infilling and removing 10m of hedge every 30m, but no more than one third of the hedge is to be removed.
- **Retained Ditches:** All retained ditches are to be reprofiled to a gentle slope with a max depth of 1m over a width of 3m to maximise the structural variation, as well as avoiding any health and safety implications. Water tolerant grass and flower species are to be planted within the ditches.
- **Semi-improved Grassland Creation:** Due to the topsoil onsite having to be removed in accordance with the '*Himalayan balsam removal protocol*,' new topsoil will need to be brought to the site before the semi-improved grassland can be reinstated.
- **Control of Aggressive Weeds:** any weeds which grow on site and are thought to be aggressive and pose a threat to the success of the planted trees should be eradicated as soon as possible. These will be identified within a plant identification survey undertaken twice yearly, once in March and once in July. It will be necessary to remove all weeds found on site by hand during the first three years of the project, until the new trees are mature enough to survive.
- **Invasive Species Eradication:** compulsory measures are required to remove Himalayan balsam from the site to prevent the further growth and spread of invasive species.

The following species-specific measures are proposed as part of the Ecological Restoration Plan:

- **Amphibians:** the Restoration Works are to incorporate at least one hibernaculum into the design scheme. They are usually comprised of rubble, rock, log piles, and earth banks.
- **Bats:** three Eco Bat Boxes or similar will be provided as part of the Restoration (Plan/Scheme).
- **Birds:** a minimum of four bird boxes should be installed onsite. These should be of the following: (i) Three Small Bird Nest Boxes and (ii) One Apex Bird Box
- **Hedgehogs:** two Eco Hedgehog Nest Boxes will create more opportunities for hedgehogs
- within the local landscape.

**Invertebrates:** At present, the site is not considered to be of any importance to local invertebrate populations. The proposed development is to incorporate two Bumblebee Boxes are incorporated into the scheme, along with two Bug Hotels. This will enhance the site for

the local invertebrate populations, which will thus attract species further up in the trophic level.

Key to the success of the Restoration Plan will be an agreed programme that controls the implementation (timing and phasing of works) and the short-, medium- and long-term management of the newly restored/created habitats. It is estimated that for some habitats, it may be 10 years before it can be assessed whether the habitat has met the target condition required.

In the summary section of the Ecological Impact Assessment, it is concluded that if the measures outlined in the Ecological Restoration Plan are implemented in full, the development works of the three gypsy pitches as proposed will be deemed to have had a negligible impact on the site in the long-term.

However, it is recognised that the unauthorised works have caused a high impact on the SINC of Hendir Uchaf but it is deemed that they have had a negligible impact on other designated statutory sites in the area.

The Application is supported by the following plans and documents: Planning Statement and Justification Report

Appendix A (i)	Private & Confidential Report on the Applicant's personal details and gypsy status (under the Data Protection Act 2018).
Appendix A (ii)	Supportive Letter from TGP Cymru Travelling Ahead: Gypsy, Roma and Travelling Advice and Advocacy Service (Dated 19/10/23)
Appendix B	Summary of the Ecology Reports / Mitigation
Appendix C	Ecological Impact Assessment (Elite Ecology) August 2023
Appendix D	Phase 1 Geo-Environmental Report (Dice Environmental) June 2023
Appendix E	Biodiversity Impact Assessment Report & The Biodiversity Metric 4.0 Calculation Tool (Elite Ecology) June 2023
Appendix F	Ecological Restoration Plan (Elite Ecology) August 2023
Drawing 01c	Expanded Location Plan at Scale A3 @ 1:2500
Drawing 02d	Location and Block Plan at Scale A3 @ 1:2500 and 1: 500 respectively
Drawing 03d	Site Plan at Scale A3 @ 1:500
Drawing 04e	Overall Site Plan at Scale 1:250
Drawing 05a	Floor Plan and Elevations of Proposed Utility / Day Room at Scale A3 @ 1:50 and 1:100 respectively
Drawing 06b	Sectional Elevation showing existing in context at Scale A3 @ 1:200
Drawing 07b	Klargester Treatment Plant Details
Drawing 08c	Aerial Photograph Showing Land Subject to Restoration Project
Drawing 09	Boundary fence panels @ scale A3 1;20

## RELEVANT HISTORY

<b>P/19/580/FUL</b>	Two static residential gypsy caravans, two day / utility rooms, two touring caravans, improved access, internal driveway and parking area, fencing, retention of hardcore area and installation of a septic tank – Land east of Zoar Chapel, Wern Tarw Road, Rhiwceiliog.	Refused	9 April 2020.
<b>A/20/3254083</b>	Appeal against the refusal of	Dismissed.	24 March 2023

	planning permission for the siting of two static caravans – P/19/580/FUL		
<b>C/21/3269231</b>	Appeal under section 174 of the Town and Country Planning Act 1990 as amended against an enforcement notice issued by Bridgend County Borough Council	Allowed and the enforcement notice varied to extend the time period for compliance from 3 months to 18 months.	24 March 2023

## **PUBLICITY**

The Application has been advertised on site.

Neighbours have been notified of the receipt of the Application.

The period allowed for response to consultations/publicity has expired.

## **CONSULTATION RESPONSES**

### **CONSULTEE**

**Coychurch Higher  
Community Council**

### **COMMENTS**

Following meetings with local members of the public, Members are concerned as to how residents will be directly affected by the proposed planning Application, not least due to the proposed considerable increase in the size.

This Application refers to a parcel of land south of Church Street, that is currently governed by a PEDW appeal decision. This decision directs the owners to clear all unauthorised tipping and construction and return the ecology of the site to its original state by September 2024. It is noted BCBC are to ensure the recovery work is carried out by licenced waste carriers and in accordance with the published ecology recovery plan.

Following the PEDW appeal it was established that the Inspector's decision was final and that neither party present at the appeal would be at liberty to revisit the issue. As far as Members are of the understanding that PEDW decisions can only be overruled by the High Court and as such, applying for a new planning Application on the current site is therefore, questionable under the regulations.

The Ecological Impact Assessment specifically details evidence of non-native plants and debris that could contain asbestos. Continued construction on this site could cause further contamination to ground, waterways, and natural habitats. This would exacerbate the damage inflicted on an already compromised Site of Importance for Nature Conservation (SINC).

Additionally, access to the proposed site from any direction is via a single-track lane of deteriorating condition, and the increase in large heavy vehicles will almost certainly cause further damage.

Based on the results of a Gypsy and Traveller Accommodation Assessment (GTAA), BCBC has noted that the needs identified in the GTAA and provided for by Policy SP7 of the RLDP have largely been met. This currently negates the need for any additional traveller pitches.



In conclusion, we question the proposed planning Application, which is considerably larger than the original and is under PEDW /BCBC governance and a stop order. This, as well as continued damage to an area which is protected by its SINC status, gives Members serious cause for concern.

Members respectfully request that clarification of the PEDW appeal decision be revisited and feel strongly that the PEDW appeal decision should remain as it is and consider any changes to this decision should be made by High Court action, as defined in the regulations.

**Councillor A Williams.**

I would be grateful if this Application could be referred to the Bridgend County Borough Council Development Control Committee for consideration and that I am allocated my allotted time to advocate my constituents' concerns on the material planning considerations relating to this Application.

You will recall that P/19/580/FUL was refused by notice dated 6 April 2020, an Appeal Hearing was held on 14th March 2023 followed by a site visit and the Appeal Decision was published on 24th March 2023.

In the Appeal Decision, Mr Thickett (PEDW Inspector) noted that the main issues included:

- whether the proposal conflicts with national and local policies designed to protect the countryside and promote sustainable development.
- the effect of the proposal on the Hendre Uchaf Site of Importance for Nature Conservation (SINC).
  - the impact of the proposed development on the character and appearance of the area.

While I understand that this Application must be considered on its own merits, I maintain that these material planning considerations remain relevant to this Application and therefore, it should be refused on the following grounds. I will rehearse some of the Inspector's comments here for Members of the Development Control Committee to consider:-

Countryside & Sustainable Development

The site is in the open countryside to the north of Pencoed. Policy COM6(3) of the RLDP relates to gypsy and traveller sites and, amongst other things, requires sites to be well related to community services and facilities. It is the view of residents that the site's location does not meet this requirement. In the Appeal Decision, the Inspector noted that national planning policy and guidance emphasises the importance of minimising the need to travel, ensuring places are accessible by active travel modes and not dependent on the car. He went on to note that the site cannot be said to be in a sustainable location and well related to community services and facilities and the proposal, therefore, conflicts with Policy COM6(3) and national policy as set out in Future Wales and PPW. This new Application does not resolve the concerns highlighted by the Inspector and is inconsistent with both local and national policies.

Furthermore, based on the results of a Gypsy and Traveller Accommodation Assessment (GTAA), the local authority has noted that the needs identified in the GTAA and provided for by Policy SP7 have largely been met. To my knowledge, this has not changed and therefore there is no requirement for an additional site for Gypsy and Traveller Accommodation.

#### The Hendre Uchaf Site of Importance for Nature Conservation (SINC)

The site is located within the SINC which is characterised by marshy grassland and broad-leaved semi-natural woodland. In his decision notice, the Inspector noted that works carried out by the Applicants has resulted in the loss of around 1,300m<sup>2</sup> of habitat. Policy ENV4 of the RLDP states that developments within a SINC should be compatible with the nature conservation interest of the area. The policy resists development which would have an adverse impact on a SINC unless the benefits associated with the development outweigh any harm or harm can be mitigated or compensated.

Policy 9 of Future Wales seeks to safeguard the resilience of eco systems and requires all new development to secure the maintenance and enhancement of biodiversity.

The Applicants had previously commissioned a Biodiversity Impact Assessment and Enhancement Strategy. However, subsequent to this strategy being commissioned, a significant amount of material was deposited on the land to the south of the site, including the area proposed to become the wildlife corridor. It has been almost wholly covered by hardstanding created through dumping rubble, road shavings, materials from buildings (artificial slates) and concrete railway sleepers.



The damage done to the SINC, not only by covering such a large area but with materials that may well be contaminated is likely to be significant. Indeed, the Inspector noted that it is not possible to determine whether the measures set out in the Biodiversity Impact Assessment and Enhancement Strategy are now achievable, never mind likely to be successful and he went on to say that he cannot be satisfied that the harm caused can be rectified by the imposition of a condition. He concluded that the proposed development would have an adverse impact on the SINC and conflicts with RLDP Policies SP2(10) and ENV4 and Policy 9 of Future Wales.

Safeguarding, maintaining and enhancing our natural environment and biodiversity is one of the Welsh Government's well-being objectives and sustainable development principles under the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015.

Therefore, I am not convinced that the measures contained within the Ecological Restoration Plan in this new Application sufficiently address the Inspector's previous concerns; I am sceptical that they are achievable in practice; and I am not convinced that they are a genuine attempt to reverse the damage which has already been inflicted on this SINC and mitigate any further ecological damage. Furthermore, the proposed development is contrary to the Welsh Government's Wellbeing Objectives and sustainable development principles as outlined in national legislation.

#### Character and Appearance

The Inspector noted that the presence of the proposed caravans, buildings and domestic paraphernalia would inevitably have an adverse impact on the rural character and appearance of the area. He concluded that the proposal conflicts with RLDP Policy SP2(2 & 3) and Policy ENV1 insofar as it requires development to be of an appropriate scale, form and detail. The original Application was for two static residential gypsy caravans and two touring caravans.

P/23/652/FUL is for three residential traveller pitches, each with one touring caravan and a static caravan. In recent months since the appeal hearing, activity at the site has intensified significantly with circa 10 caravans, static buildings and multiple vehicles on site, as evidenced by the Council, which shows a flagrant disregard for the Inspector's decision.

I am therefore not convinced that the Applicant will abide by the proposals contained within the Application to limit the site to one static caravan and three touring caravans as this has not been demonstrated to date. The only conclusion that one can draw is that the approval of this Application will have a further adverse impact on the rural character and appearance of the area and that the development will not be of an appropriate scale.

**Rhondda Cynon Taff  
Council**

I note that the location of the site is approximately 1.4km from the centre of Brynna and 0.8km from the RCT/Bridgend boundary at its closest point.

Given the small scale and location of the development it is unlikely that there would be any material planning impact to the administrative area of this Authority and therefore I have no objection or further observations to make.

**Transportation Officer  
(Highways)**

This site was subject of a previous planning Application ref P/19/580/FUL in which there were Highway observations of objection raised in respect of the sustainability of the site and a highway safety reason in respect of pedestrians being generated in the lanes leading to the site. That Application was refused and was the subject of an Appeal ref APP/F6915/A/20/3254083. In the decision notice the Inspector did agree with the highway stance on the first matter and indicated the site was not considered to be in sustainable location. However, this reason was set aside given the status of the Applicant and nature of the Application as a gypsy pitch together with a proven need for such. On the basis of the site not being sustainable it was also therefore concluded by the Inspector that the site "...would be heavily if not solely reliant on the car for trips to the shops, schools etc it is unlikely the proposed development would generate many pedestrian movements." Notwithstanding the above the appeal was dismissed on other grounds related to a SINC.

In addition, the Highway Authority are mindful of a very similar Application (Ref P/20/433/FUL) and subsequent appeal (Ref APP/F6915/A/20/3265375) on a site only 100m West of this current Application. In that case the Inspector similarly dismissed the Highway reasons for objection and ultimately allowed the appeal (with conditions).

Given this recent previous history, an understanding that the same need for accommodation exists and confirmation that the new Applicant also has gypsy status then the Highway Authority would consider it unreasonable to repeat its earlier observations. Accordingly, observations of no objection are offered subject to the imposition of conditions.

**Land Drainage**

No objection subject to conditions.

**Biodiversity Policy  
Manager (BCBC)**

No objection subject to conditions.

**Natural Resources  
Wales**

No objection subject to conditions.

**Dwr Cymru Welsh Water**

No objection.

**Shared Regulatory  
Services – Environment  
Team – Land Quality**

No objection subject to conditions.

**Shared Regulatory  
Services –  
Neighbourhood Services**

No objection subject to conditions.

## **The Coal Authority**

The Application site falls within the Coal Authority's defined Development High Risk Area. Therefore, within the Application site and surrounding area there are recorded coal mining features present at surface or shallow depths. The risk these features may pose should be considered as part of the planning process.

The Coal Authority records indicate that the Application site is likely to have been subject to historic unrecorded coal mine workings at shallow depth associated with a thick coal outcrop. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases. The site also lies within a Surface Coal Resource Zone.

As you will be aware, the Coal Authority's general approach in cases where development is proposed within the Development High Risk Area is to recommend that the Applicant obtains coal mining information for the Application site and submits a Coal Mining Risk Assessment to support the planning Application.

However, when considering the nature of this particular development proposal, it does not appear that the structures will require substantial foundations or earthworks. On this basis we do not consider that requiring a Coal Mining Risk Assessment would be proportionate to the scale and nature of the development proposed in this particular case and do not object to this planning Application.

Notwithstanding the above, the Coal Authority does recommend that, should planning permission be granted for this proposal Informative Notes should be included on any consent granted.

## **National Grid**

National Grid Electricity Transmission have no objection provided the statutory safe clearances from our overhead lines are maintained at all times and our guidance information is adhered to.

## **REPRESENTATIONS RECEIVED**

The Department received individual letters of objection from four neighbouring properties and a joint letter of objection from twelve neighbouring properties.

A summary of the individual representations received is as follows:

- Site is in the open countryside – it does not meet the requirement of Policy COM6(3)
- National policy emphasises the importance of minimising the need to travel – the site is not in a sustainable location. This new Application does not resolve these concerns
- Local authority has met the needs identified in the GTAA - this has not changed and therefore there is no requirement for an additional site for Gypsy and Traveller Accommodation.
- National and Local Policy resist development which would have an adverse impact on a SINC – damage has been done to the SINC - not possible to determine whether the measures set out in the Biodiversity Impact Assessment and Enhancement Strategy are now achievable.
- The Ecological Restoration Plan in this new Application does not address the Inspector's previous concerns - sceptical that they are achievable in practice; and not convinced that they are a genuine attempt to reverse the damage which has already been inflicted on this SINC
- The Inspector concluded that the presence of the proposed caravans, buildings and

domestic paraphernalia would have an adverse impact on the rural character and appearance of the area and would conflict with Policy. In recent months since the appeal hearing, activity at the site has intensified significantly with circa 10 caravans, static buildings and multiple vehicles on site, as evidenced by the Council, which shows a flagrant disregard for the Inspector's decision. Not convinced that the Applicant will abide by the proposals contained within the application.

- This new application does not resolve the concerns and is inconsistent with both local and national policies.
- Dogs from the sites have injured livestock on neighbouring farms
- Development has resulted in an increase in traffic movements on the lanes serving the site
- Concerned that commercial waste is burned on site
- Land should be restored to agricultural use

The joint letter of objection is re-produced in full below:

*'Our objections remain the same as the original Application P/19/580/FUL that was refused by notice dated 6 April 2020, following the Appeal Hearing held on 14th March 2023 and published on 24th March 2023.*

*This Application for three residential Traveller pitches with day/utility room, static caravan, tourer, improved access, internal driveway, parking areas, boundary fencing is essentially the same Application with the exception of an increase of three of everything replacing two of everything and the Septic Tank being replaced by installation of private treatment plant.*

*The Applicants have made no effort to comply with the planning refusal conditions which stay with the land not the owners (despite the change of ownership). They show a blatant disrespect for the Inspector's decision. Development continues with material, deliveries and diggers on site as previously notified. The number of touring and static caravans has increased in excess of 10 at times, along with multiple vehicles which continue to have an impact on residents and pedestrian use of the single-track lane access. The site continues to burn commercial waste daily with an unknown impact on residents' health.*

*In the Appeal Decision, Mr Thickett (PEDW Inspector) noted that the main issues included:*

- *Whether the proposal conflicts with national and local policies designed to protect the countryside and promote sustainable development.*
- *The effect of the proposal on the Hendre Uchaf Site of Importance for Nature Conservation (SINC).*
- *The impact of the proposed development on the character and appearance of the area.*

*This new Application P/23/652/FUL – does not resolve the concerns highlighted by the Inspector and is inconsistent with both local and national policies.*

*The area already has four approved Traveller sites within a 1.5-mile radius with multiple pitches. The area is already at risk of being consumed and residents outnumbered by Travellers.*

*We understand that based on the results of a Gypsy and Traveller Accommodation Assessment (GTAA), the local authority has noted that the needs identified in the GTAA and provided for by Policy SP7 have largely been met. Therefore, there is no requirement for an additional site for Gypsy and Traveller Accommodation.*

*Approval of a site located in a SINC area will set a precedent in the area. It will open the floodgates to siting of illegal dwellings or retrospective planning submissions within the protected countryside. The presence of the proposed caravans, buildings and domestic paraphernalia would inevitably have an adverse impact on the rural character and appearance of the areas,*

*needless to say the environmental impact on the natural environment.*

*One of the Welsh Government well-being objectives is about Safeguarding, maintaining and enhancing our natural environment. The continued efforts to develop in this area is not in line with this objective.*

*As stated by the Inspector the site cannot be said to be in a sustainable location and well related to community services and facilities and the proposal, therefore, conflicts with Policy COM6(3) and national policy as set out in Future Wales and PPW. The national planning policy and guidance emphasises the importance of minimising the need to travel, ensuring places are accessible by active travel modes and not dependent on the car.*

*Approval of this Application will have a further adverse impact on the conservation, rural character and appearance of the area. Along with the wellbeing and safety of the area. As already experienced, the Applicants fail to comply with authorities and will have a further detrimental effect on our personal wellbeing and safety in the area, due to increased safety concerns.*

*The already significant increase of speeding domestic and commercial vehicles coming and going from the site has a huge impact on our safety in the narrow lanes that runs directly outside our properties, onwards to the Applicant's site.*

*If this Application on a Special Landscape Area continues to have planning approval it will set a precedent and not be long before the area is consumed, and large additional amounts of protected countryside are lost. It will open the floodgates to siting of illegal dwellings or retrospective planning submissions.*

*Please consider the wellbeing of us as residents in a rural community. We are very anxious about these ongoing developments that are affecting our mental health, safety, and local ecology in a rural community within an identified Special Landscape Area. ‘*

Following the publication of the report for this Application to the April 2025 meeting of the Development Control Committee, further representations were received in the form of a joint letter submitted on behalf of twelve local residents stating as follows:

*“As you can imagine it is more than frustrating that this is even being considered by BCBC.*

*From legal advice, and the statement during the Appeal from Mr Thickett (PEDW Inspector) once his decision was made, it was final and could not be overridden.*

*Legal advice states:*

*Appeals and Decision-Making: When a planning application is refused. Appeals state that an appeal decision is binding on the local planning authority.*

*Inspector's Role: An independent planning inspector will review the case, taking into account the reasons for refusal, the Applicant's arguments, and any relevant planning policies.*

*Final Decision: Once the inspector makes a decision, it is the final decision on the appeal, and the local planning authority is required to act accordingly. This has not been carried out.*

*No Override: The local authority cannot simply ignore the inspector's decision or refuse to implement it. So why is the above being considered?*

*BCBC have failed to manage both sites following the appeal decisions and have let the occupants do whatever they please. As you have experienced firsthand, they have no intention of following the law and residents are suffering the consequences.’*

## COMMENTS ON REPRESENTATIONS RECEIVED

The issues raised align with the main planning considerations and will be discussed further in the appraisal section of the report.

The Community Council and residents have queried the validity of the Application and whether indeed a new Application can be considered following the Inspector's decision to dismiss the appeal.

As this Application is materially different to the previous submission and made correctly, the Council is duty bound to make a decision. Weight will however be afforded to the Inspector's decision although the Community Council and residents should be mindful that, in balancing all the relevant planning considerations, the appeal was only dismissed based on the impact of the works on the SINC.

Concerns raised by residents regarding the burning of materials on site should be referred to colleagues in SRS. Dogs worrying livestock is a matter for the Police.

## RELEVANT POLICIES

### Local Policies

The Development Plan for the area comprises the Bridgend Local Development Plan 2018-2033 (Local Development Plan) (**RLDP**) which was formally adopted by the Council on 13 March 2024 and within which the following policies are of relevance:

Policy SF1	Settlement Hierarchy and Urban Management
Policy SP3	Good Design and Sustainable Placemaking
Policy SP4	Mitigating the Impact of Climate Change
Policy SP5	Sustainable Transport and Accessibility
Policy PLA11	Parking Standards
Policy PLA12	Active Travel
Policy SP7	Gypsy, Traveller and Show peoples Sites
Policy SP8	Gypsy, Traveller and Show peoples Accommodation
Policy SP8	Health and Well-Being
Policy SP10	Infrastructure
Policy SP17	Conservation and Enhancement of the Natural Environment
Policy DNP1	Development in the Countryside
Policy DNP5	Local and Regional Nature Conservation Sites
Policy DNP6	Biodiversity, Ecological Networks, Habitats and Species
Policy DNP7	Trees, Hedgerows and Development
Policy DNP8	Green Infrastructure
Policy DNP9	Natural Resource Protection and Public Health

The Council has also produced the following Supplementary Planning Guidance (**SPG**) which is relevant to this proposal: -

SPG17: Parking Standards

SPG19: Biodiversity and Development

### National Policies

In the determination of a planning Application regard should also be given to the requirements of National Planning Policy which are not duplicated in the Local Development Plan.

The following Welsh Government Planning Policy is relevant to the determination of this Planning Application:

Future Wales – the National Plan 2040

Planning Policy Wales Edition 12  
Planning Policy Wales TAN 5 Nature Conservation and Planning  
Planning Policy Wales TAN 12 Design  
Planning Policy Wales TAN 18 Transport

Planning for Gypsy, Traveller and showpeople sites (WGC 005/2018)  
Managing Gypsy and Traveller Sites in Wales – WG Guidance (May 2015)  
Designing Gypsy and Traveller Sites – WG Guidance (May 2015)

### **WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015**

The Well-being of Future Generations (Wales) Act 2015 (**Act**) imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5).

The well-being goals identified in the Act are:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

The duty has been considered in the assessment of this Application.

### **THE SOCIO-ECONOMIC DUTY**

The Socio-Economic Duty (under Part 1, Section 1 of the Equality Act 2010), which came into force on 31 March 2021, has the overall aim of delivering better outcomes for those who experience socio-economic disadvantage and whilst this is not a strategic decision, the duty has been considered in the assessment of this Application.

### **APPRAISAL**

The main issues as set out by the Inspector in the previous appeal decision on this site are again relevant to the determination of this Application. Since that decision was issued on 24 March 2023, Welsh Government has published the latest version of Planning Policy Wales – Version 12, and this Council has adopted the Replacement Bridgend Local Development Plan – March 2024. The main issues are:

- whether the proposal conflicts with National and local policies designed to protect the countryside and promote sustainable development.
- the impact of the proposed development on the character and appearance of the area;
- the effect of the proposal including the ecological restoration works on the Hendre Uchaf Site of Importance for Nature Conservation (SINC) and whether the concept of net benefit for biodiversity – i.e. that development should leave biodiversity and the resilience of ecosystems in a significantly better state than before can be achieved on this site.
- the impact of the proposed development on highway safety;
- whether sustainable drainage systems can be incorporated into development to enable the management of surface water and whether ground conditions and site contamination can be controlled through the planning process; and,
- the planning balance.

## **Whether the proposal conflicts with National and local policies designed to protect the countryside and promote sustainable development**

As noted by the Inspector, this Application site lies in the open countryside to the north of the settlement of Pencoed. Policy DNP1 of the Local Development Plan confirms that all development outside defined settlement must ensure that the integrity of the countryside is conserved and enhanced. There is a presumption against development in the countryside except where it is for...the provision of Gypsy, Traveller and Showperson sites in accordance with COM8.

Policy COM8 states: *Proposals for new Gypsy, Traveller and Showpeople sites, and extensions to existing authorised sites, will be permitted within or adjacent to settlement boundaries where:*

- 1) Necessary physical, transport and social infrastructure is accessible or will be readily provided.*
- 2) The site is designed in accordance with appropriate Welsh Government Guidance and Circulars if proposed by a public body.*
- 3) The scale of the proposal is appropriate with regard to the site's surroundings and setting, ensuring it is in proportion to local settled communities.*
- 4) The development will have no significant adverse impacts on people's amenity; and*
- 5) In the case of a transit or touring site, it has good access to the primary highway network.*

*Proposals for Gypsy, Traveller and Showpeople sites in the countryside, away from existing settlements, will be permitted where:*

- a) There are a lack of suitable sustainable locations for sites within or adjacent to existing settlement boundaries.*
- b) Necessary physical, transport and social infrastructure is accessible or will be readily provided.*
- c) The scale of the proposal is appropriate with regard to the site's surroundings and setting, ensuring it is in proportion to local settled communities; and*
- d) There would be no loss of important recreational, amenity or natural heritage value.*

The Council's Gypsy and Traveller Accommodation Assessment (**GTAA**) in 2020, which was completed in 2021, covers the period 2018-2033 and identifies the additional pitch provision needed for Gypsies, Travellers and Showpeople in the County Borough. For the first five years of the GTAA period, a need for five additional pitches was identified, and for the remainder of the GTAA plan period, a need for two additional pitches was identified. This equates to a total need of seven additional pitches over the entirety of the RLDP period.

All identified need referred to permanent pitches and there was no specific need identified for local transit site provision. Table 9 in the adopted RLDP which is reproduced below sets out the different categories of need over the RLDP period whilst clarifying how the situation has changed since the GTAA was published:



**Table 9: Gypsy and Traveller Need over the Plan Period**

Type / Location of Need	2020-2025	2025 – 2033	Total Need LDP Plan Period	Allocation Required in LDP?
Residential (Pencoed)	0 pitches	1 pitch	1 pitch	No – relocated to an existing authorised private site and no longer requires assistance.
Residential (Pen-Y-Fai)	3 pitches	0 pitches	3 pitches	Yes - Land is allocated via SP7(1) for 3 pitches
Residential (Coytrahen)	2 pitches	1 pitch	3 pitches	No – consent has been granted to intensify an existing authorised private site and accommodate the 3 pitches.
<b>Total Pitches LDP Plan Period</b>	<b>5 pitches immediate need</b>	<b>2 pitches (2025-2033)</b>		<b>7 pitches</b>

One household has permanently relocated onto an existing authorised site in the County Borough and no longer requires assistance from the Council. Another household has received planning consent to re-configure an existing authorised site to accommodate three further pitches. The remaining three pitch need arises from one family, most appropriately met through provision of one private three pitch site.

Based on this evidence of need, the Council has made site specific provision for one permanent three pitch site under **Policy (SP7)**, which is intended for private development. The identified site has been selected based on the guidance contained in Circular 005/2018, as detailed within the Gypsy and Traveller Site Options Background Paper. The site allocation has also been informed by and been subject to close consultation with the respective members of the Gypsy, Traveller and Showpeople community. Since adoption of the RLDP, planning consent has been granted on that site (application P/22/484/FUL refers), to meet the accommodation needs of the respective family. As such, the need identified from the GTAA has been met in full in planning terms. However, the GTAA only identified the needs of families who took part in the process when the RLDP was being prepared and does not account for any newly arising need that may come forward during the remainder of the RLDP period.

In addition to the permanent site identified by **Policy SP7**, it is therefore equally important for the RLDP to incorporate a detailed criteria-based policy to meet any future or unexpected need. Hence, COM8 outlines criteria to assess any Gypsy, Traveller or Showperson site proposals that may arise over RLDP Plan period, providing a fair, reasonable, realistic and effective means of determining planning applications to enable delivery of appropriate sites. **COM8** will be applicable to proposals submitted to meet the need identified in the GTAA (2020), plus any additional need that may arise throughout the RLDP Plan period. Site proposals must be in accordance with advice in Welsh Government Circular 005/2018: Planning for Gypsy, Traveller and Showpeople Sites, which will be a material consideration as appropriate in the determination of any planning applications.

As with the previous appeal, the appellants, albeit different families disputed the findings of the GTAA and, therefore, the level of provision in the adopted RLDP. In determining the previous appeal on this site, the Inspector agreed that the appellants' personal circumstances were such that their need for accommodation was genuine. Having examined the statements submitted with this Application, it would be difficult to suggest that the need is not genuine again.

The Council also acknowledge that it has no sites in addition to the one identified under **Policy**

**SP7**, (which was a private site, allocated to meet the accommodation needs of a particular family who took part in the GTAA process rather than any wider need that may arise over the RLDP period). Furthermore, it is also well established that it is not necessary for the Applicants to demonstrate that there are no sites available within settlements or within the curtilage of existing development in the countryside.

**Policy COM8** indicates that new gypsy and traveller sites will be permitted within or adjacent to settlement boundaries where... *“Necessary physical, transport and social infrastructure is accessible or will be readily provided. In the countryside, away from existing settlements, sites will be permitted where... a) There are a lack of suitable sustainable locations for sites within or adjacent to existing settlement boundaries; b) Necessary physical, transport and social infrastructure is accessible or will be readily provided.”*

The site is about two miles from Pencoed and one mile from Brynna. Brynna boasts a primary school, local shop with a post office, take away and a bus stop. The nearest GP surgery is about 2.5 miles away in Llanharan and the closest comprehensive school is about 3 miles away in Pencoed.

Circular 005/2018, ‘*Planning for Gypsy, Traveller and Showpeople Sites*’ states that sites in the countryside can be considered if there is a lack of suitable locations within or adjacent to settlements. The Circular goes on to say that decision makers should be realistic about the availability of transport modes other than the car and avoid an over rigid application of National and local policy which seeks to reduce car borne travel. The Circular was published some years before the most recently adopted plan and the Inspector in his decision letter suggested that it could be argued that it, *“leans towards a generous interpretation of ‘well related’.”*

The Council recognises the advice in the Circular and is mindful of appeal decisions where Inspectors have applied policy in this regard very flexibly. In refusing the previous Application, the Council challenged the Inspector as to at what point is a site too far away from a settlement to be considered acceptable? The Circular was published and the appeal decisions made prior to the publication of Future Wales and the latest iteration of Planning Policy Wales (**PPW**). National Planning Policy and guidance emphasise the importance of minimising the need to travel, ensuring places are accessible by active travel modes and not dependent on the car. In the Inspector and the Council’s view, this later National and local policy weighs against the advice in the Circular.

The lanes to Brynna and Pencoed are narrow, winding and unlit and it is likely that the families on site will be reliant on the private car to get to shops, schools and other facilities. Whilst some trips may be shared and a settled base would reduce journeys between sites currently used by family members, the site simply cannot be said to be in a sustainable location which benefits from good physical, transport and social infrastructure, (Policy COM8 (1) refers).

In summary, the proposal complies with RLDP **Policy DNP1(13)** in that gypsy and traveller accommodation may be permitted in the countryside but not **Policy COM8** which directs proposals for new sites to within or adjacent to settlement boundaries where necessary physical, transport and social infrastructure is accessible or will be readily provided. This is not the case, and therefore the proposal conflicts with Policy COM8 (1) and National policy as set out in Future Wales and PPW.

#### **The impact of the proposed development on the character and appearance of the area**

Planning Policy Wales confirms that all development in the countryside must be strictly controlled and be of a scale and design that respect the character of the surrounding area, (Paragraph 3.60 paraphrased).

**Policy SP3** of the Replacement LDP sets a higher test in that all development must contribute to creating high quality, attractive, sustainable places that support active and healthy lives and enhance the community in which they are located, whilst having full regard to the natural, historic

and built environment, by:

- 1) Demonstrating alignment with the principles of Good Design; and
- 2) Demonstrating a Sustainable Placemaking approach to their siting, design, construction and operation.

Residents in their objections have suggested that the granting of consent for this development will have a further adverse impact on the conservation, rural character and appearance of the area.

The Inspector described the wider landscape as a series of irregular shaped fields, loosely dotted by houses and farm buildings. The row of large electricity pylons to the north of the site are imposing features but do not detract from the special characteristics of the landscape to the north of the site. To the west is another gypsy site subject which has been the subject of applications, appeals and enforcement action.

As illustrated on the plans above and described by the Inspector, the Application site is roughly rectangular in shape and slopes gently away southwards from Wern Tarw Road. Three pitches are proposed, as opposed to the two on the refused scheme, each with a static caravan, day/utility room and space to park two vehicles and a touring caravan. In the Council's assessment on the previous Application, it was accepted that the site is not visible or prominent in medium to long term views and it was agreed by the Inspector that the visual impact of the proposed development would be localised. Nonetheless, the presence of the proposed caravans, buildings and domestic paraphernalia would in the view of the Inspector, *"inevitably have an adverse impact on the rural character and appearance of the area."* For an increased number of pitches with the associated caravans etc, it is reasonable to conclude that the development conflicts with RLDP **Policy SP3** (a & b) and **Policy DNP1**, insofar as it requires development to conserve and enhance the countryside. That said, there is an acceptance in **Policy DNP1** and the Circular, that gypsy and traveller accommodation is acceptable in the countryside should a need be demonstrated, which cannot be met elsewhere. It must follow, therefore, that an element of landscape change is also accepted. Looking southwards from the hillside above the appeal site, the site is largely hidden by the intervening trees and hedgerows and views influenced by the pylons, the large Rockwool factory and long-distance views of Pencoed. The existing hedgerows and proposed landscaping would further help mitigate the effect of the proposed development.

**The effect of the proposal including the Ecological Restoration Works on the Hendre Uchaf Site of Importance for Nature Conservation (SINC) and whether the concept of net benefit for biodiversity – i.e. that development should leave biodiversity and the resilience of ecosystems in a significantly better state than before can be achieved on this site.**

In assessing a planning application, the Local Planning Authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions, under the Environment (Wales) Act 2016.

Planning Policy Wales 12 (PPW12) states in Paragraph 6.4.4: *"It is important that biodiversity and resilience considerations are taken into account at an early stage in both development plan preparation and when proposing or considering development proposals."* PPW12 further states that: *"All reasonable steps must be taken to maintain and enhance biodiversity and promote the resilience of ecosystems and these should be balanced with the wider economic and social needs of business and local communities. Where adverse effects on the environment cannot be avoided or mitigated, it will be necessary to refuse planning permission."*

Technical Advice Note 5: Nature Conservation and Planning states that: *"Biodiversity, conservation and enhancement is an integral part of planning for sustainable development. The planning system has an important part to play in nature conservation. The use and development*

*of land can pose threats to the conservation of natural features and wildlife.”*

Policy SP3 of the adopted Revised Local Development Plan (2024), requires development to Safeguard and enhance biodiversity and integrated multi-functional green infrastructure networks.

As the Application site is located within the Hendir Uchaf Site of Importance for the Nature Conservation (**SINC**), any development which would have an adverse impact will not be permitted unless the benefits associated with the development can be demonstrated to outweigh the harm and/or the harm can be reduced or removed by appropriate mitigation and/or compensation measures must be compatible with the nature conservation or scientific interest of the area, (Policy DNP5 (2) refers).

Policy DNP6 of the RLDP states: *“All development proposals must provide a net benefit for biodiversity and improved ecosystem resilience, as demonstrated through planning Application submissions. Features and elements of biodiversity or green infrastructure value should be retained on site, and enhanced or created wherever possible, by adopting best practice site design and green infrastructure principles. Development proposals must maintain, protect and enhance biodiversity and ecological networks / services. Particular importance must be given to maintaining and enhancing the connectivity of ecological networks which enable the dispersal and functioning of protected and priority species”*

Policy DNP7 of the RLDP states: *“development that would adversely affect trees woodlands and hedgerows of public amenity or natural/cultural heritage value or provide important ecosystem will not be permitted”*. Policy DNP8 of the RLDP requires new development proposals to integrate, protect and maintain existing green infrastructure assets and to enhance the extent, quality, connectivity and multi- functionality of the green infrastructure network.

Residents have suggested that to approve this development in a SINC will set a precedent for similar developments and is against the Welsh Government’s objective of safeguarding, maintaining and enhancing our natural environment.

As referred to above, the site is located within the SINC which, in this area, is characterised by marshy grassland and broad-leaved semi-natural woodland. Historically, the works carried out by the previous Applicants resulted in the loss of around 1,300m<sup>2</sup> of habitat. The Inspector in his decision letter noted that a significant amount of material comprising rubble, road shavings, materials from buildings and concrete railway sleepers had been deposited on the land to the south of the Application site and concluded that it had an adverse impact on the SINC which was contrary to both National and local planning policy.

The Ecological Impact Assessment that has accompanied the Application has been produced by the Applicant’s consultant ecologist due to the concerns raised within the appeal decision (March 2023), related to the impact of the proposed development on the Hendre-Uchaf Site of Importance for Nature Conservation (**SINC**).

The report describes the existing conditions, and the potential effect of the proposed development on ecology. Desktop and field surveys, including a Preliminary Ecological Appraisal, Bat Survey and Great Crested Newt Habitat Suitability Index have been carried out.

Overall, the Ecological Impact Assessment states that the unauthorised works had a high impact on the habitats located on and immediately off site due to the loss of significant amounts of ecologically valuable habitat, caused by the felling of trees and scrub, and the importation of significant amounts of hardcore and rubble.

An Ecological Restoration Plan forms part of this development and proposes that the site will and must be restored to its previous state circa 2018 (pre-development of the site), and that a new habitat is to be provided in accordance with the plan in Figures 3 & 4 of this report. As

detailed earlier in the report, the following habitats works are proposed as part of the Ecological Restoration Plan:

- Existing Hard Standing Ground Removal
- Restoration of Marshy Grassland
- New Broadleaf Woodland Creation
- Retained Hedgerows Improved
- All Retained Ditches Restored
- Creation of Semi-improved Grassland Creation
- Control of Aggressive Weeds
- Invasive Species Eradication

Species-specific measures are also proposed as part of the Ecological Restoration Plan and include the following:

- One hibernaculum for amphibians
- Three Eco Bat Boxes or similar will be provided as part of the restoration
- A minimum of four bird boxes should be installed onsite
- Two Eco Hedgehog Nest Boxes will be created
- Incorporate two Bumblebee Boxes along with two Bug Hotels

The Applicant's consultant ecologist confirms that key to the success of the Ecological Restoration Plan will be an agreed programme that controls the implementation (timing and phasing of works), and the short, medium and long-term management of the newly restored/created habitats. It is estimated that for some habitats, it may be 10 years before it can be assessed whether the habitat has met the target condition.

In the summary, the Ecological Impact Assessment concludes that if the measures outlined in the Ecological Restoration Plan are implemented in full, the development works of the three gypsy pitches as proposed will be deemed to have had a negligible impact on the site in the long-term.

The Council's Biodiversity Policy Manager recognises that this is a challenging Application as it is hard to know if the restoration being proposed will indeed restore the land back to how it was before the hardstanding and materials were dumped there, partly as there was no detailed vegetation survey prior to this, apart from the SINC assessment from 2011.

The development which has already taken place is likely to have had an adverse impact on these habitats, and it is clear from the Ecological Restoration Plan (Elite Ecology, August 2023), that there are invasive non-native species present across the site. The Council's Biodiversity Policy Manager states:

*'The Ecological Restoration Plan which looks to restore some of the previously affected areas of the SINC does look promising but due to the past damage of the site, how successful the restoration will be over the long term is difficult to say. The future monitoring and maintenance proposed within this Plan will be very important here. If Consent is granted, the Ecological Restoration Plan and the Appendix B Summary of Ecological Reports should be included in the conditions of approval. I also request, and this should also be included in the conditions of approval, that a suitably qualified ecologist is present and on site for the duration of the works, to ensure the restoration plan is implemented as proposed and that there is no further harm to the SINC during the works. Although the restoration plan includes some invasive non-native species recommendations, an invasive species management plan should be submitted to the local planning authority, which includes details of control, treatment, monitoring and biosecurity methods to ensure they do not spread around or off site.'*

Natural Resources Wales (**NRW**) note that the site is within 500m of Brynna a Wern Tarw Site of Special Scientific Interest (**SSSI**). NRW have reviewed the submitted *'Ecological Restoration*

*Plan*' by Elite Ecology and do not consider that it will have a negative impact on the nearby SSSI. NRW note the site's local designation as a SINC and that previous works have already taken place at the site, which means a detailed vegetation survey is not possible. It is therefore difficult to determine what impacts these works would have had on features of the nearby SSSI (e.g. Marsh Fritillary Butterfly). Nevertheless, NRW support the restoration of the site but are unable to determine how effective the restoration would be at this stage.

A key consideration of current National and local policy is whether the proposed development, (pitches and restoration works), would leave the biodiversity and the resilience of the ecosystems on site in a better state than before any development took place. In the Council's view, the baseline position is before any development took place, as all works including the area of the existing pitches are unauthorised.

The Applicant's consultant ecologist has indicated that the Ecological Restoration Plan is as close as 'like-for-like' habitats and species to what was there in the baseline, based on aerial imagery and an examination of the adjoining habitats. This approach is accepted by the Council. The Applicant's ecologist has suggested that demonstrating that biodiversity is in a better condition will only be noticed via monitoring over the years. Implementing the measures in the Ecological Restoration Plan can be secured through this consent but the works represent a significant financial commitment on the part of the landowner to implement and maintain the Restoration Works and a responsibility on the Council to monitor the situation. Seeking a financial contribution in the form of a bond to cover the costs of the restoration works has been considered and discussed with the Applicant's agent. It has been argued that the cost of the development, which in this case would include the Restoration Works, is not a material planning consideration and for the scale of works proposed, a bond would be disproportionate. Securing funds to cover the Council's cost of monitoring the Ecological Restoration Works have also been resisted by the Applicant's agent but it has been agreed that an Ecological '*Clerk of Works*' will be appointed to manage the restoration of the site in accordance with a program to be agreed. This Plan will also require the submission of monitoring reports following the various stages of its implementation and a requirement to notify the LPA directly should the developers depart from the schedule of Ecological Restoration Works and ongoing future management.

In this case, the grant of planning permission provides the only means of securing the restoration of the SINC through specified works, a program of implementation, monitoring and management. The extant enforcement notice will secure the removal of the dumped material but only the re-grading and re-seeding of the land. It will not secure the restoration listed in the preceding paragraphs of this report. Planning conditions are there to enable development proposals to proceed where it would otherwise be necessary to refuse planning permission. Previous planning breaches are not reasons for not imposing conditions and granting consent. Inspectors maintain that if the requirements of the conditions are not met, enforcement powers are available to secure compliance.

On the advice of the consultees, it is considered that the implementation and management of the proposed Ecological Restoration Works will just meet the tests of local and National policy.

### **The impact of the proposed development on highway safety**

Policies SP3 and SP5 of the Bridgend County Borough Local Development Plan require development to be located and designed in a way that minimises the need to travel, reduces dependency on the private car and enables sustainable access to services and community facilities. Development will also need to be designed to provide safe and efficient access to the transport network, which includes the active travel, public transport and street networks. Measures to mitigate the impact of development on the road network should also be considered.

Residents have highlighted the increase in "*speeding domestic and commercial vehicles coming and going from the site*" and the impact on the users of the narrow lanes that serve the site and other properties.

The Inspector, in his consideration of highway safety, accepted that the occupiers of the proposed development would be heavily if not solely reliant on car for trips to the shops, schools etc. Accordingly, the development was unlikely to generate many pedestrian movements. The refused proposal and the current scheme would however lead to additional car journeys which could impact on the safety of pedestrians using the narrow lanes in the area.

The Inspector, who visited the Application site on a number of occasions in connection with the appeal, encountered walkers on the highways but was of the view that with care and consideration their movements should not be affected by any additional traffic. There was no evidence offered by the Council or indeed residents to suggest that the proposed development would have an adverse impact on highway safety. As local and National policy accepts the principle of gypsy and traveller accommodation in the countryside, it must follow that some sites will be accessed by narrow country lanes. The Inspector concluded that the proposal did not conflict with Council Policy. Although an additional pitch and associated caravans are proposed by this development, the additional movements will not be so significant as to arrive at a different conclusion to the Inspector.

**Whether sustainable drainage systems can be incorporated into development to enable the management of surface water and whether ground conditions and site contamination can be controlled through the planning process**

The Application form states that the proposed development is not located within a flood risk zone, is not located within 20m of a watercourse and does not propose to increase flood risk elsewhere. A review of the OS database notes the development is not located within 20m of a watercourse and not within a flood zone. Nonetheless, advice at paragraph 8.2 in TAN 15 states that “Built development ... tends to increase the surface area of impermeable ground, thus reducing percolation and increasing rapid surface run-off.” ... *“SuDs can perform an important role in managing run-off from a site and should be implemented, wherever they will be effective, in all new development proposals, irrespective of the zone in which they are located.”*

Criteria g), l) and m) of Policy SP3 of the RLDP require that development must avoid or minimise soil and water pollution, incorporate appropriate arrangements for the disposal of foul sewage, waste and water, and respond to the climate emergency by protecting and increasing the resilience of both ecosystems and communities to address the inevitable effects of climate change.

Policy SP4 of the RLDP (point 7) requires development proposals to address the causes and effects of climate change through [among other means] *“...avoiding development that increases the risk of flood, including through the deployment of sustainable urban drainage systems where relevant.”*

The Council’s Land Drainage Engineer notes that foul water will be disposed via a package treatment plant and this has been indicated on the foul drainage layout that has accompanied the Application. Details of the proposed package treatment plant will be required and the Applicant will need to liaise with NRW to obtain a registration document for the package treatment plant. NRW have no objection to the proposed foul drainage system but have asked that the advisory notes regarding permits and exemptions for foul private systems be included on any consent notice.

Surface water will be disposed of to a soakaway although no details have been provided to date. Given the development is more than 100 m<sup>2</sup>, a SAB Application will be required. Subject to conditions and notes, the Council’s Land Drainage Team have no objection to the proposal.

Natural Resources Wales note that the site is within 8m of a minor watercourse and reference in the Ecological Impact Assessment (dated 2023), to the ditch being negatively affected by dust pollution during previous development works. There is potential that the watercourse could be affected by any further works including the creation of concrete bases for the utility/day rooms, concrete/tarmac for the driveways and parking areas, as well as construction of the day rooms

themselves. Run-off from any dust/hardcore is also a potential contamination source. Therefore, due to the close proximity of the watercourse and potential pollution risk, NRW have requested the imposition of a condition requiring the submission and agreement of a Construction Environment Management Plan (**CEMP**) before any further works are carried out on site.

It is considered that the proposed development would not conflict with RLDP Policies SP3 and SP4 and National guidance set out in PPW12 and TAN15.

The planning system should guide development to reduce the risk from natural or human-made hazards affecting the land surface or sub-surface. The aim however is not to prevent the development of such land. Key is understanding the risks associated with the previous land use. Responsibility for determining the extent and effects of surface and subsurface hazards remains with the developer. It is for the developer to ensure that the land is suitable for the development proposed. Colleagues in SRS have examined the Phase 1 Geo-Environmental Report that accompanied the Application and note that it identifies potential contamination, previously unrecorded, including asbestos that may give rise to potential risks to human health for the proposed end use. In addition, it identifies the potential for mining legacy issues, including mine gas. Before any further works can be carried out a contamination and mine gas assessment will be required and the report will need to identify and necessary remediation and a programme for implementation.

In view of the colleagues in SRS, the conditions and informative statement should ensure that the works proceed in accordance with Chartered Institute of Environmental Health (**CIEH**), best practice and compliance with local and National policies.

### **Planning Balance and Conclusion**

Development Management is the positive and proactive approach to shaping, considering, determining and delivering development proposals through the process of deciding planning applications. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the Development Plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise. Factors to be considered in making planning decisions (material considerations), must be planning matters, that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability.

National and Local policies are designed to protect the countryside and promote sustainable development. Whilst gypsy and traveller accommodation may be permitted in the countryside (RLDP Policy DNP1(13) refers), they should be directed to sites within or adjacent to settlement boundaries where necessary physical, transport and social infrastructure is accessible or will be readily provided, (Policy COM8 refers). Given the location, it is considered that this proposal does not comply with this Policy.

The development impact on the character and appearance of the area is localised with the site not being visible or prominent in medium to long terms views. Nonetheless, the presence of the proposed caravans, buildings and domestic paraphernalia would have an adverse impact on the rural character and appearance of the area in conflict with the objectives of RLDP Policy SP3 (a & b) and Policy DNP1, insofar as it requires development to conserve and enhance the countryside.

The Inspector, in reaching his decision on the previous appeal, was of the view that the site was not in a sustainable location and would have a detrimental impact on the character and appearance of the area. However, as no other sites within or closer to a settlement had been identified that could meet the accepted need, subject to certain criteria, a countryside location may be acceptable. Furthermore, it was implicit in National and local policy that if need cannot be met elsewhere, an element of landscape change in the countryside was also acceptable. In the case of the previous Application, the impact on the landscape would be mitigated by the existing trees and hedges and the proposed landscaping and that remains the case for the



current scheme. Given the position taken by the Inspector and the weight that must be afforded to the previous decision, it is considered that the demonstrated need and circumstances of the Applicants outweigh concerns regarding sustainability and the impact of the proposed development on the character and appearance of the area.

Based on the previous appeal decision, the key issue is the effect of the proposal including the Ecological Restoration Works on the Hendre Uchaf Site of Importance for Nature Conservation (SINC), and whether the concept of net benefit for biodiversity can be achieved. Based on the submitted Ecological Restoration Works that can be secured through this consent, and the advice of specialist consultees, it is considered that the tests of National and local policy can be met. Furthermore, the grant of planning permission provides the only means of securing the restoration of the SINC through specified works, a program of implementation, monitoring and management.

For the reasons given above and having regard to all matters raised including the objections lodged by the Community Council and local residents, it is considered that, on balance and subject to conditions, the development proposal is acceptable.

## RECOMMENDATION

(R02) That permission be **GRANTED** subject to the following conditions:-

1.	<p>The development shall be carried out in accordance with the following plans and documents:</p> <ul style="list-style-type: none"> <li>• Drawing 01c Expanded Location Plan,</li> <li>• Drawing 02d Location and Block Plan,</li> <li>• Drawing 03d Overall Site Plan Showing Restoration and Ecological Mitigation</li> <li>• Drawing 04e Overall Site Plan Showing Restoration and Ecological Mitigation</li> <li>• Drawing 05a Floor Plan and Elevations of Proposed Utility/Day room</li> <li>• Drawing 06b Sectional Elevation Showing Existing in Context</li> <li>• Drawing 09 Supplementary Detail Sheet – Boundary Fence</li> <li>• Chapter 7 of the Ecological Impact Assessment by Elite Ecology (August 2023)</li> <li>• Chapter 7 (Conclusions and Recommendations) of Phase 1 Geo-Environmental Report by Dice Environmental 2023</li> <li>• Chapters 2 &amp; 3 of the Ecological Restoration Plan including Appendix C Ecological Restoration Map by Elite Ecology (August 2023).</li> </ul> <p>Reason: To ensure the development is carried out in accordance with the approved plans.</p>
2.	<p>No further development shall be undertaken on site until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person * in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site. The report of the findings shall include:</p> <ul style="list-style-type: none"> <li>(i) an intrusive investigation to assess the extent, scale and nature of contamination which may be present</li> <li>(ii) an assessment of the potential risks to: <ul style="list-style-type: none"> <li>• human health,</li> <li>• groundwaters and surface waters</li> <li>• adjoining land,</li> <li>• property (existing or proposed) including buildings, crops, livestock,</li> </ul> </li> </ul>

	<p>pets, woodland and service lines and pipes,</p> <ul style="list-style-type: none"> <li>• ecological systems,</li> <li>• archaeological sites and ancient monuments; and any other receptors identified.</li> </ul> <p>(iii) an appraisal of remedial options, and justification for the preferred remedial option(s).</p> <p>All work and submissions carried out for the purposes of this condition must be conducted in accordance with the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) and the WLGA / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2023) unless the Local Planning Authority agrees to any variation.</p> <p><i>* A 'suitably qualified competent person' would normally be expected to be a chartered member of an appropriate professional body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites.</i></p> <p>Reason: To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment.</p>
3.	<p>No further development shall be undertaken on site until an assessment of the risk from mine gas* has been submitted to the Local Planning Authority for its approval. This assessment must be carried out by or under the direction of a suitably qualified competent person**. The report of the findings shall include:</p> <p>(i) a desk-based review of all available coal mining and geological information relevant to the Application site and the proposed development; a preliminary assessment of the risks to the proposed development from mine gas; a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages.</p> <p>(ii) an intrusive investigation and monitoring programme*** to assess the site for the presence of gases which may be present, if identified as required by the desk-based review.</p> <p>(iii) an assessment of the potential risks from mine gas to human health and property.</p> <p>(iv) an appraisal of gas protection options and justification for the preferred option(s).</p> <p>All work and submissions carried out for the purposes of this condition must be conducted in accordance with the CL:AIRE, 2021. Good practice for risk assessment for coal mine gas emissions CL:AIRE, Buckinghamshire. ISBN 978-1-905046-39-3 unless the Local Planning Authority agrees to any variation.</p> <p><i>* 'The term 'mine gas' refers to gas with the principal components being methane, carbon dioxide, carbon monoxide, hydrogen sulphide and deoxygenated air.</i></p> <p><i>** A 'suitably qualified competent person' would be expected to have a recognised relevant qualification, sufficient experience in dealing with mining legacy related issues and membership of a relevant professional organisation.</i></p> <p><i>***Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries require a Coal Authority Permit.</i></p>

	Reason: To ensure that the safety of future occupiers is not prejudiced.
4.	<p>No further development shall be undertaken on site until a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.</p> <p>All work and submissions carried out for the purposes of this condition must be conducted in accordance with the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) and the WLGA / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2023) unless the Local Planning Authority agrees to any variation.</p> <p>Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy ENV7 of the Bridgend County Borough Council Replacement Local Development Plan.</p>
5.	<p>The remediation scheme approved by condition 4 above must be fully undertaken in accordance with its terms. The Local Planning Authority must be given two weeks in advance written notification of commencement of the remediation scheme works.</p> <p>On the completion of the measures identified in the approved remediation scheme and prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.</p> <p>All work and submissions carried out for the purposes of this condition must be conducted in accordance with the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) and the WLGA / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2023) unless the Local Planning Authority agrees to any variation.</p> <p>Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy ENV7 of the Bridgend County Borough Council Replacement Local Development Plan.</p>
6.	<p>No further development shall be undertaken until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:</p> <ul style="list-style-type: none"> <li>• Construction methods: details of materials, how waste generated will be managed</li> <li>• General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments</li> </ul>

	<p>areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.</p> <ul style="list-style-type: none"> <li>• Soil Management: details of topsoil strip, storage and amelioration for re-use.</li> <li>• Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use</li> <li>• Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.</li> <li>• Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details</li> </ul> <p>The CEMP shall be implemented as approved during the site preparation and construction phases of the development.</p> <p>Reason: A CEMP should be submitted to ensure necessary management measures are agreed prior to commencement of development and implemented for the protection of the environment during construction.</p>
7.	<p>Before any further works are undertaken on site and within 1 month of the date of this permission, an independent Ecological Clerk of Works (ECoW) or On-site Ecologist shall be appointed to be agreed in writing by the Local Planning Authority. The Ecological Clerk of Works (ECoW) shall be accredited by the Chartered Institute of Ecology and Environmental Management (CIEEM) and shall monitor the implementation of the Ecological Restoration Plan.</p> <p>Reason: To ensure that all works are carried out in accordance with the agreed Ecological Restoration Plan in the interests of biodiversity.</p>
8.	<p>Before any further works are undertaken on this development a landscaping scheme including details of trees and hedgerows to be retained and their protection through the course of the development, shall be submitted to and approved in writing by the local planning authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the development hereby permitted and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.</p> <p>Reason: To safeguard the character and appearance of the area and ecology.</p>
9.	<p>Before any further works are undertaken on site and within 3 months of the date of this permission a detailed implementation programme for the agreed Ecological Restoration Works shall be submitted to and agreed in writing by the Local Planning Authority. The Ecological Restoration Works Implementation Programme shall include the following works and the triggers/date for completion:</p> <ul style="list-style-type: none"> <li>(i) Existing Hard Standing Ground Removal</li> <li>(ii) Restoration of Marshy Grassland</li> <li>(iii) Creation of New Broadleaf Woodland and Supplementary Understorey Planting</li> <li>(iv) Retention and Restoration of Hedgerows</li> <li>(v) Reprofilling of Retained Ditches with new planting</li> <li>(vi) Restoration/Creation of Grassland including the importation of new topsoil</li> </ul>

	<p>(vii) Creation of Hibernaculum and installation of Bumblebee Boxes, Eco Hedgehog Nest Boxes, Bat and Bird Boxes</p> <p>AND details of the proposed monitoring and future management arrangements to include frequency and reporting to the LPA</p> <p>The Ecological Clerk of Works (ECoW) or On-site Ecologist shall monitor the restoration of the site on the basis approved by the LPA and ensure that the agreed Ecological Restoration Works ((i) to (vii) are undertaken and submit a report to the Local Planning Authority within one month of the stages of restoration being completed. If the Ecological Clerk of Works (ECoW) or On-site Ecologist observes, monitors or otherwise identifies that the Ecological Restoration Works and management are not being carried out in accordance with the agreed plans, they shall notify the Local Planning Authority.</p> <p>Reason: To ensure that all works are carried out in accordance with the agreed Ecological Restoration Plan in the interests of biodiversity.</p>
10.	<p>No further development shall be undertaken on site until a scheme for the comprehensive and integrated drainage of the site, showing how foul, roof and hardstanding surface water will be dealt with, including future maintenance requirements, has been submitted to and approved in writing by the Local Planning Authority; the approved scheme must be implemented prior to occupation.</p> <p>Reason: To ensure that effective drainage facilities are provided for the proposed development and that flood risk is not increased.</p>
11.	<p>No further development shall be undertaken on site until a suitable infiltration test, sufficient to support the design parameters and suitability of any proposed infiltration system, has been submitted to and approved in writing by the Local Planning Authority; the approved scheme must be implemented prior to occupation.</p> <p>Reason: To ensure that effective drainage facilities are provided for the proposed development and that flood risk is not increased.</p>
12.	<p>The occupation of the site shall only be by Gypsies and Travellers as defined by Welsh Government Circular 0005/2018.</p> <p>Reason: The residential use of the site in this rural location would not be permitted unless occupied by a Gypsy or Traveller, in accordance with RLDP Policy ENV1.</p>
13.	<p>No more than six vehicles shall be kept on the land at any one time for use by the occupiers of the caravans hereby permitted and none of those vehicles should exceed 3.5 tonnes in weight.</p> <p>Reason: To safeguard the character and appearance of the area and living conditions of nearby residents in accordance with RLDP Policy SP2.</p>
14.	<p>No commercial activities shall take place on the land including the storage of commercial plant, machinery, or vehicles, nor burning of commercial waste.</p> <p>Reason: To safeguard the character and appearance of the area and living conditions of nearby residents in accordance with RLDP Policy SP2.</p>
15.	<p>No more than six caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the caravans Sites Act 1968, comprising three static caravans and three touring caravans shall be stationed on the site at any time.</p>

	Reason: To safeguard the character and appearance of the area in accordance with RLDP Policy SP2.
16.	<p>The development hereby permitted shall not be occupied until details of external lighting have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.</p> <p>Reason: To safeguard the character and appearance of the area and ecology.</p>
17.	<p>Notwithstanding the submitted plans, no static caravans shall be sited and/or day rooms occupied until details of the external surfaces of the static caravans and day/utility rooms has been submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.</p> <p>Reason: To safeguard the character and appearance of the area and ecology in accordance with RLDP Policy SP3.</p>
18.	<p>The development hereby permitted shall not be occupied until visibility splays of 2.4 by 25m have been provided to the east and west of the access to Wern Tarw Road. No structure over 0.9m shall be placed within the visibility splays nor shall any planting be allowed to grow above 0.9m within the visibility splays.</p> <p>Reason: In the interests of highway safety in accordance with RLDP Policy SP2.</p>
19.	<p>The development hereby permitted shall not be occupied until a water supply of a suitable volume and quality to serve the development hereby permitted has been provided in accordance with details to be submitted to and agreed in writing by the local planning authority.</p> <p>Reason: In the interests of public health and in order to ensure that an adequate private water supply is provided in accordance with RLDP Policy COM6.</p>
20.	<p>Notwithstanding the submitted plans the existing means of access shall be laid out with vision splays of 2.4m x 25m to the East and to the West before the development is brought into beneficial use and retained as such thereafter.</p> <p>Reason: In the interests of highway safety.</p>
21.	<p>No structure, erection or planting exceeding 0.9 metres in height above adjacent carriageway level shall be placed within the required vision splay areas at any time.</p> <p>Reason: In the interests of highway safety.</p>
22.	<p>The access shall be completed in permanent materials for a minimum of 5m from the edge of carriageway prior to the development being brought into beneficial use.</p> <p>Reason: In the interests of highway safety.</p>
23.	<p>The entrance/gates shall be set back not less than 7.0 metres from the nearside edge of carriageway.</p> <p>Reason: In the interests of highway safety.</p>
24.	<p>The development hereby permitted shall not be occupied until a scheme for the provision of traffic signs warning of the presence of pedestrians along Wern Tarw Road / Church Street has been submitted to and agreed in writing by the local planning</p>

	<p>authority.</p> <p>Reason: In the interests of highway safety.</p>
25.	<p>In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.</p> <p>Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy ENV7 of the Bridgend County Borough Council Replacement Local Development Plan.</p>
26.	<p><b>NOTES:</b></p> <p><b>A)</b> The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for:</p> <ul style="list-style-type: none"> <li>(i) determining the extent and effects of such constraints.</li> <li>(ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site: <ul style="list-style-type: none"> <li>- Unprocessed / unsorted demolition wastes.</li> <li>- Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.</li> <li>- Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and</li> </ul> </li> <li>(iii) the safe development and secure occupancy of the site rests with the developer.</li> </ul> <p>Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land.</p> <p>The Local Planning Authority has determined the Application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.</p> <p><b>B) Drainage Advisory Notes:</b></p> <p>No surface water is allowed to discharge to the public highway.</p> <p>No land drainage runoff will be permitted to discharge (either directly or indirectly) into</p>

the public sewerage system.

To satisfy condition 10, the Applicant must:

- Provide both foul and surface water drainage layouts
- Provide details of the proposed package treatment plant
- Provide an agreement in principle from NRW for registration document of package treatment plant, if required
- Provide hydraulic calculations to confirm the site does not flood during a 1 in 100 year + 30% CC event
- Submit a sustainable drainage Application form to the BCBC SAB (SAB@bridgend.gov.uk).

To satisfy condition 11, the following supplementary information is required:

- Provide surface water drainage layout (including location of proposed soakaway, if required)
- Provide infiltration tests to confirm acceptability of any proposed infiltration system in accordance with BRE-digest 365
- Provide a plan showing locations of trial holes and at least 3 separate tests at each trial hole location
- Provide information about the design calculations, storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent the pollution of the receiving groundwater and/or surface water system
- Provide a timetable for its implementation; and
- Provide a management and maintenance plan, for the lifetime of the development and any other arrangements to secure the operation of the scheme throughout its lifetime.

**C) Natural Resources Wales Advisory Notes:**

The Applicant should be aware that to operate a private sewerage system, they will need to apply for an environmental permit or register an exemption with us. Septic tanks and small sewage treatment works may be registered as exempt from the requirement to obtain an environmental permit if certain criteria are met.

Please note, should a permit be required, further information may be required as part of that Application and the Applicant is therefore advised to hold pre-Application discussions with our Permitting Team on 0300 065 3000, at the earliest opportunity, to try to ensure that there is no conflict between any planning permission granted and the permit requirements. It is important to note that a grant of planning permission does not guarantee that a permit will be granted, should a proposal be deemed to be unacceptable (either because of environmental risk or because upon further investigation, a connection to mains sewer was feasible).

The Applicant should ensure that they have all the required permissions, consents, permits and any other approvals in place prior to commencement of works on site. More information, including a step-by-step guide to registering and the relevant Application forms are available on our website. Where private sewage treatment/disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations. We also refer the Applicant to Guidance for Pollution Prevention 4 on the NetRegs website, which provides further information.

**D) The Coal Authority Advisory Notes:**

The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These



	<p>features may include mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.</p> <p>Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain permission to enter or disturb our property will result in the potential for court action.</p> <p>Shallow coal seams: In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities. To check your site for coal mining features on or near to the surface the Coal Authority interactive map viewer allows you to view selected coal mining information in your browser graphically. To check a particular location either enter a post code or use your mouse to zoom in to view the surrounding area.</p> <p>If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: <a href="http://www.gov.uk/government/organisations/the-coal-authority">www.gov.uk/government/organisations/the-coal-authority</a></p>
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**JANINE NIGHTINGALE**  
**CORPORATE DIRECTOR COMMUNITIES**

**Background Papers**  
None

## APPENDIX A

PLANTS	NUMBER OF INDIVIDUALS OR SQM OF COVERAGE	COVERAGE SOW RATE (4G/MSQ)	COST PER 100G OR INDIVIDUAL	NEEDED	TOTAL
Marsh Grass Mix	1200	4800	£20	48	£960
Semi-Improved Grassland Creation	5000	20000	£20	200	£4,000
Woodland Flower Plants	6800	27200	£20	200	£5,440
Broadleaf Woodland Plants	3100	3100	£100	3100	£310,000
Hedgerow Infilling Plants	5 Plants per metre (100m)	100m	£20	500	£10,000
Scrub and Ditch Plants	6800		£20	6800	£136,000
Amphibian Hibernacula		1 Hibernacula	£125	1	£125
Eco Bat Box		3 Eco Bat Boxes	£52	3	£156
Small Bird Nest Box		3 Small Bird Boxes	£36.40	3	£109
Apex Bird Box		1 Apex Bird Box	£36.40	1	£36
Eco Hedgehog Box		2 Eco Hedgehog Boxes	£88	2	£176
Bug Hotel		2 Bug hotels	£50.80	2	£102
Bumble Bee Box		2 Bumble Bee Boxes	£35	2	£70
<b>TOTAL</b>					<b>£467.174</b>

## Appeals

**The following appeals have been received since my last report to Committee:**

<b>APPEAL NO.</b>	2022
<b>APPLICATION NO</b>	P/24/323/FUL
<b>APPELLANT</b>	WALTERS ENVIRONMENTAL LIMITED
<b>SUBJECT OF APPEAL</b>	REDEVELOPMENT OF THE SITE COMPRISING 1 RETAIL UNIT AND 1 BEDROOM FLAT ON THE GROUND FLOOR AND 2 FLATS ABOVE: 145 COMMERCIAL ST, MAESTEG
<b>PROCEDURE</b>	WRITTEN REPRESENTATIONS
<b>DECISION LEVEL</b>	DELEGATED OFFICER

**The application was refused for the following reasons:**

1. The development proposal, by reason of its type and siting, seeks to provide residential ground floor space within the commercial centre of Maesteg (primary shopping frontage) and would likely dilute the continuity of the primary shopping frontage, fail to stimulate passing trade and would adversely affect the vitality, viability and character of Maesteg Town Centre, contrary to Policies ENT7 and SP12 of the Bridgend Local Development Plan, 2024.
2. The proposed demolition of 145 Commercial Street, Maesteg as an existing historic building that makes a positive contribution to the Maesteg Town Conservation Area forming a distinctive part of a townscape group, and the subsequent redevelopment of the site, would not protect, conserve, promote nor enhance this historic environment and would adversely impact the character and appearance of the area and the adjoining listed building contrary to Policies SP3 and SP18 of the Bridgend Local Development Plan 2024, the placemaking principles of Planning Policy Wales, Edition 12, 2024, and guidance contained within Technical Advice Note 24 - The Historic Environment, May 2017.

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<b>APPEAL NO.</b>	2023
<b>APPLICATION NO</b>	P/24/285/CAC
<b>APPELLANT</b>	WALTERS ENVIRONMENTAL LIMITED
<b>SUBJECT OF APPEAL</b>	CONSERVATION AREA CONSENT TO DEMOLISH A VACANT BUILDING IN MAESTEG CONSERVATION AREA: 145 COMMERCIAL ST, MAESTEG
<b>PROCEDURE</b>	WRITTEN REPRESENTATIONS
<b>DECISION LEVEL</b>	DELEGATED OFFICER

**The application was refused for the following reason:**

1. The demolition of 145 Commercial Street, Maesteg which makes a positive contribution to the Maesteg Town Conservation Area and forms a distinctive part of a townscape group, does not protect, conserve, promote nor enhance this historic environment and is therefore contrary to Policy SP18 of the Bridgend Local Development Plan 2024, the placemaking outcomes of Planning Policy Wales, Edition 12, 2024, and the guidance within Technical Advice Note 24 - The Historic Environment, May 2017.

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<b>APPEAL NO.</b>	2026
<b>APPLICATION NO</b>	P/24/536/FUL
<b>APPELLANT</b>	MRS H LEWIS
<b>SUBJECT OF APPEAL</b>	19 CLOS Y GOG BROADLANDS BRIDGEND
<b>PROCEDURE</b>	HOUSEHOLDER
<b>DECISION LEVEL</b>	DELEGATED OFFICER

**The application was refused for the following reason:**

1. The development, by reason of its siting, form and design, constitutes an alien, incongruous and overly prominent feature that has an unacceptable detrimental impact on the established character and appearance of the host property and the open plan nature of the wider street scene, as well as the general character of the residential area, contrary to Policy SP3 of the Bridgend Local Development Plan (2024), Supplementary Planning Guidance Note 02: Householder Development (2008) and advice contained within Planning Policy Wales (Edition 12, February 2024). And Technical Advice Note 12 (Design).

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<b>APPEAL NO.</b>	2030
<b>APPLICATION NO</b>	P/25/78/FUL
<b>APPELLANT</b>	MR A MORGAN
<b>SUBJECT OF APPEAL</b>	FIRST FLOOR SIDE EXTENSION AND PORCH EXTENSION TO FRONT ELEVATION: 86 TREMAINS COURT BRIDGEND
<b>PROCEDURE</b>	HOUSEHOLDER
<b>DECISION LEVEL</b>	DELEGATED OFFICER

**The application was refused for the following reason:**

1. The proposed development, by reason of its size, scale and design, represents an excessive and overly prominent form of development that fails to respect the character and proportion of the host dwelling and adjoining dwellings, resulting in a significant detrimental impact on the character and appearance of the street scene, contrary to Policy SP3 of the Replacement Local Development Plan (2024), Supplementary Planning Guidance 02 Householder Development (2008), and advice contained within Planning Policy Wales 12 (Feb. 2024) and Technical Advice Note 12: Design (2016).

<b>APPEAL NO.</b>	2031
<b>APPLICATION NO</b>	P/25/106/FUL
<b>APPELLANT</b>	MRS L OWEN
<b>SUBJECT OF APPEAL</b>	TIMBER FRAMED SUMMER HOUSE/GARDEN ROOM TO FRONT GARDEN AREA: 25 YSBRYD Y COED PENYFAI
<b>PROCEDURE</b>	HOUSEHOLDER
<b>DECISION LEVEL</b>	DELEGATED OFFICER

**The application was refused for the following reason:**

1. The proposed development, by reason of its siting and scale, represents an unsympathetic and overly prominent addition to the host property that is out of keeping with the wider street scene to the detriment of local visual amenities, contrary to Policy SP3 of the Bridgend Replacement Local Development Plan (2024) and advice contained within Supplementary Planning Guidance Note 2 – Householder Development and Planning Policy Wales 12 (Feb. 2024).

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**The following appeal has been decided since my last report to Committee:**

<b>APPEAL NO.</b>	2025
<b>APPLICATION NO</b>	P/24/312/FUL
<b>APPELLANT</b>	MRS L CARTWRIGHT
<b>SUBJECT OF APPEAL</b>	ADDING A NEW DETACHED GARAGE AND CONVERTING THE EXISTING INTERNAL GARAGE TO A LIVING SPACE: 3 BROOK VALE, PENCOED
<b>PROCEDURE</b>	HOUSEHOLDER
<b>DECISION LEVEL</b>	DELEGATED OFFICER
<b>DECISION</b>	THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE DISMISSED.

The Appeal decision is attached as **APPENDIX A**.

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**RECOMMENDATION**

That the report of the Corporate Director Communities be noted.

**JANINE NIGHTINGALE**  
**CORPORATE DIRECTOR COMMUNITIES**

**Background Papers** (see application reference number)



## Appeal Decision

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by G Hall BSc (Hons) DipTP MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 01/07/2025

Appeal reference: CAS-04126-C6M1T8

Site address: 3 Brook Vale, Pencoed, Bridgend CF35 6LS

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- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs Lisa Cartwright against the decision of Bridgend County Borough Council.
  - The application Ref P/24/312/FUL, dated 29 May 2024, was refused by notice dated 28 November 2024.
  - The development proposed is Adding a new detached garage and converting the existing internal garage to a living space.
  - A site visit was made on 5 June 2025.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. In the interests of accuracy, I have taken the description of development from the Council's decision notice.

### Main Issues

3. These are the effect of the proposed development on the character and appearance of the area, and on highway safety.

### Reasons

#### *Character and appearance*

4. The appeal property is a two-storey detached dwelling with an integral garage, situated within a modern residential estate characterised by similarly designed properties. Dwellings along Brook Vale are set back from the highway behind front gardens and driveways, creating a consistent building line and contributing to a spacious, open character.
5. The proposal seeks to construct a garage positioned forward of the main dwelling on a landscaped area that currently includes trees and soft landscaping. Located on a prominent bend in the road, the proposed garage would be clearly visible within the streetscene.

6. The existing planting along Brook Vale plays a key role in softening the built form and enhancing the visual quality of the area. The landscaped area where the garage is proposed makes a valuable contribution to the street's character. Its loss, and replacement with a substantial built structure, would cause clear visual harm by diminishing the verdant setting and undermining the estate's planned openness. I attach particular weight to the loss of trees. Although the Green Infrastructure Statement outlines some mitigation measures, these are limited in detail, and based on the evidence before me, I cannot conclude that they would adequately offset the harm caused by the proposal.
7. In addition, the proposed siting of the garage forward of the main dwelling would introduce a prominent and incongruous feature that would disrupt the established building line. This would harm the area's character by undermining the regular layout and relationship between buildings and the highway as it would appear intrusive in the streetscene. It would also erode the prevailing openness of front gardens in this part of Brook Vale.
8. Although there is an existing garage adjacent to the appeal site serving No. 2 Brook Vale, it is set within the general building line of adjoining properties and is not unduly prominent. Other garages observed nearby appear to have been integrated into the estate's original layout and are generally well-related to their plots. The area is not characterised by buildings positioned forward of dwellings or the established building line.
9. I therefore conclude that the proposal would cause unacceptable harm to the character and appearance of the area. It would conflict with the design and sustainable placemaking objectives of Policy SP3 1), 2), a), and b) of the Bridgend Local Development Plan (LDP), the guidance set out in the Householder Development Supplementary Planning Guidance (SPG), and Section 3 of Planning Policy Wales.

#### *Highway safety*

10. I visited the appeal site mid-morning and observed Brook Vale to be a quiet residential street with little traffic and few pedestrians. Vehicles were moving slowly, visibility was good, and most cars were parked on private driveways, with limited on-street parking.
11. The Council raises concerns that the garage's siting would require vehicles to manoeuvre across the footway at an oblique angle. However, given the low traffic volumes, slow vehicle speeds, and limited on-street parking, I am not persuaded that this would pose an unacceptable risk to highway or pedestrian safety. Such manoeuvres would occur infrequently and at low speeds, with adequate visibility available for drivers and other road users.
12. I therefore conclude that the proposal would not result in unacceptable harm to highway safety. It would accord with the sustainable placemaking objectives of LDP Policy SP3 2), and the Parking Standards SPG.

#### **Other Matters and Conclusion**

13. I have considered the potential benefits of the scheme, including the provision of off-road parking to reduce congestion and improve highway safety, and the provision of additional storage space for the appeal property. However, these benefits would not outweigh the significant harm the development would cause to the character and appearance of the area.
14. I have noted the appellant's offer to discuss potential amendments to the appeal scheme. However, the appeal process cannot be used to evolve a scheme, and an appeal must always be made in respect of the proposal and plans considered by the Council. Only in

limited circumstances, which do not apply in this case, may an amendment be accepted. I have also had regard to the appellant's concerns about delays in the Council's handling of the application, but this is not a matter that affects the planning merits of the case.

15. Whilst I have found the proposal to be acceptable in terms of its effects on highway safety, this is a neutral factor which would not outweigh the identified harm. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

16. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives.

*G Hall*

INSPECTOR



<b>Meeting of:</b>	<b>DEVELOPMENT CONTROL COMMITTEE</b>
<b>Date of Meeting:</b>	<b>10 JULY 2025</b>
<b>Report Title:</b>	<b>AGREE TO HOLD A SPECIAL DEVELOPMENT CONTROL COMMITTEE ON THURSDAY THE 31ST JULY 2025</b>
<b>Report Owner / Corporate Director:</b>	<b>JANINE NIGHTINGALE CORPORATE DIRECTOR - COMMUNITIES</b>
<b>Responsible Officer:</b>	<b>JONATHAN PARSONS GROUP MANAGER PLANNING &amp; DEVELOPMENT SERVICES</b>
<b>Policy Framework and Procedure Rules:</b>	<b>There is no impact on the policy framework or procedure rules.</b>
<b>Executive Summary:</b>	<b>The Local Planning Authority is currently considering 3No applications in respect of the new school developments P/25/96/BCB, P/25/98/BCB &amp; P/24/719/BCB. There are outstanding matters on each scheme which has precluded them from being reported to the July 10th 2025 committee meeting and a Special meeting of the Development Control Committee is required.</b>

## 1. Purpose of Report

- 1.1 The purpose of the report is to seek Committee's authorisation to hold a special Development Control Committee meeting on Thursday, 31<sup>st</sup> July 2025 at 10.00 to determine the following planning applications.
- 1.2 **P/25/96/BCB**, Land East of Heol-Y-Parc, North Cornelly; Minor Demolition of External Features and Construction of a New English Medium School Building, Associated External Facilities and Amended Accesses
- 1.3 **P/25/98/BCB**, Corneli Primary School, Greenfield Terrace, North Cornelly and c) Mynydd Cynffig Junior School, Pwllgath Street, Kenfig Hill; Demolition of the Two Existing Primary Schools, Construct a New Welsh Medium Primary School Building with Associated Infrastructure and Landscape Works.
- 1.4 **P/24/719/BCB**, Proposed Demolition of Mynydd Cynffig Junior School, Air Training Corp Facility, Play Area and Loss of Allotment Gardens; Construction of a New Primary School, 2no. All Weather Sports Pitches, Floodlighting, Solar Panels,

Replacement Allotment Provision, Play Areas, Open Space, Access & Highways Arrangements, Parking, Landscaping, Drainage and All Other Associated Works

## **2. Background**

- 2.1 The Local Planning Authority is currently processing the three (x3) above applications; there are outstanding matters on each scheme which has precluded them from being reported to the July 10th 2025 committee meeting.
- 2.2 The timescales to secure funding from the Welsh Government are challenging and to ensure that these projects go ahead as planned, a Council decision on at least two of the three applications is required before the end of July 2025 in order to allow work to commence on site during the funding window.

## **3. Current situation/ proposal**

- 3.1 The Council Chamber has been provisionally booked for 10am on Thursday 31 July 2025 to allow for a Special Development Control Committee Meeting to be held to consider the schemes for the proposed school development projects in North Cornelly and Kenfig Hill.
- 3.2 Under the provisions of the adopted Code of Practice, Members must agree to the Special Committee Meeting in advance.
- 3.3 If Members are agreeable to the request and are minded to also visit the sites, full Committee site visits to each of the three locations may be undertaken on the morning of Wednesday 30th July 2025.

## **4. Equality implications (including Socio-economic Duty and Welsh Language)**

- 4.1 An initial Equality Impact Assessment (EIA) screening has identified that there would be no negative impact on those with one or more of the protected characteristics, on socio-economic disadvantage or the use of the Welsh Language. It is therefore not necessary to carry out a full EIA on this policy or proposal.

## **5. Well-being of Future Generations (Wales) Act 2015 - implications and connection to Corporate Well-being Objectives**

- 5.1 This report refers to the implementation of the statutory Town and Country Planning system, which assists in the achievement of the following corporate well-being objectives under the Well-being of Future Generations (Wales) Act 2015:
  - 1. Supporting a successful sustainable economy – taking steps to make the County Borough a great place to do business, for people to live, work, study and visit, and to ensure that our schools are focused on raising the skills, qualifications and ambitions for all people in the County Borough.
  - 2. Helping people and communities to be more healthy and resilient - taking steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services. Supporting individuals and communities to build resilience, and enable them to develop solutions to have active, healthy and

independent lives. The Retail and Commercial Development SPG will provide additional guidance and material weight to support adopted RLDP Policies and seeks to provide clarity in respect of their future interpretation and application, setting out what the Council expects from applicants in respect of satisfying those policies' detailed criteria. This is a key contributory factor to delivering Local Wellbeing Objective one 'A prosperous place with thriving communities.

**6. Climate Change and Nature Implications**

6.1 There are no direct climate change and nature implications from this report.

**7. Safeguarding and Corporate Parent Implications**

7.1 There are no safeguarding and corporate parent implications arising from this report.

**8. Financial Implications**

8.1 None

**9. Recommendation(s)**

9.1 Recommendation(s):

- (1) That a Special Meeting of the Development Control Committee should be held to consider the following Applications: P/25/96/BCB, P/25/98/BCB & P/24/719/BCB at 10am on Thursday 31 July 2025.
- (2) That Full Committee site visits if required shall be undertaken to each of the three locations on the morning of Wednesday 30<sup>th</sup> July 2025.

**Background Papers**

None

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<b>Meeting of:</b>	<b>DEVELOPMENT CONTROL COMMITTEE</b>
<b>Date of Meeting:</b>	<b>10 JULY 2025</b>
<b>Report Title:</b>	<b>PLANNING &amp; DEVELOPMENT SERVICES – WORKLOADS PROJECTS &amp; CHALLENGES 2025 - MEMBER BRIEFING</b>
<b>Report Owner / Corporate Director:</b>	<b>JANINE NIGHTINGALE CORPORATE DIRECTOR - COMMUNITIES</b>
<b>Responsible Officer:</b>	<b>JONATHAN PARSONS GROUP MANAGER PLANNING &amp; DEVELOPMENT SERVICES</b>
<b>Policy Framework and Procedure Rules:</b>	<b>There is no impact on the policy framework or procedure rules.</b>
<b>Executive Summary:</b>	<b>Details of the workloads and projects that the Planning &amp; Development Services teams have and are currently undertaking in 2025. The report will also touch on some of the issues and challenges faced by the Services teams and, where applicable, how officers intend to address them.</b>

## 1. Purpose of Report

- 1.1 The purpose of this report is to advise Members of the workloads and projects that the Planning & Development Services teams have and are currently undertaking in 2025.
- 1.2 The report will also touch on some of the issues and challenges faced by the Services teams and, where applicable, how officers intend to address them.

## 2. Background

- 2.1 The Planning & Development Services Group (PDS Group) comprises the following statutory functions:
  - Town & Country Planning - development management/control, planning enforcement, strategic planning, Local Development Plans (LDP), Supplementary Planning Guidance (SPG), regional planning initiatives including the Strategic Development Plan (SDP). The Services teams are assisted by a back office team who provide essential technical and administrative support.
  - Building Control – compliance with the Building Regulations, dangerous structures and safety at sports grounds.

- Strategic Transport – active travel, transport projects, regional transport projects and contribution to the Regional Transport Plan (RTP)
- Highways Development Control – highway assessment of planning applications and expert highway comments on development proposals.
- Estate Development & Highway Registrar – Highway agreements, road adoptions, stopping up orders and highway searches.

### **3. Current situation/ proposal**

- 3.1 There are 53 posts on the PDS Group's structure, 17 of which are currently vacant. The PDS Service also relies on external consultants and agency staff to deliver its functions.
- 3.2 The current officer workload in terms of Development Management (DM) includes the consideration and determination of large- scale housing and commercial planning applications; these include the Strategic sites approved under the Replacement LDP and a large data centre proposal. There are also a large number of smaller proposals and householder development. Officer caseloads are high; up to 70 live cases for each Officer.
- 3.3 The Strategic Planning Team (SP Team) delivered the Replacement LDP, which was adopted in 2024. The SP Team is now working on the associated suite of updated Supplementary Planning Guidance (SPG), with the first new generation SPG (Affordable Housing) recently approved by Council. Other SPGs are currently out to consultation or in preparation. Bridgend's Strategic Planning and Transportation Manager was also instrumental in the preparation of the SDP Delivery Agreement (DA) which was approved by the Regional Corporate Joint Committee (CJC), earlier this year.
- 3.4 A dedicated S106 Officer has recently been appointed and will eventually oversee the S106 compliance process including the monitoring of large financial contributions, as well as leading a proposed Infrastructure Management Board (IMB), which will prepare a delivery plan and ensure that any s106 contributions are paid and spent on time so that vital infrastructure is delivered. The IMB will also look at cross- matching other funding streams to ensure maximum value. This is a considerable undertaking and will require support from a number of other teams and sections. The exact details and heads of terms for the IMB will need to be agreed and approved by Cabinet in due course.
- 3.5 The Building Safety Act 2022 (2022 Act), presents a significant change to the way the safety of buildings is administered And has an impact on the Building Control Team (BCT Team). It was introduced in the wake of safety concerns for occupants of high-rise buildings after the 2017 Grenfell Tower tragedy and is intended to improve the design, construction and management of higher-risk buildings. It amends the Building Act 1984, to create powers to prescribe requirements on those who procure, design, plan, manage and undertake building work; it also introduces new enforcement powers for building control authorities. The 2022 Act also includes provision for the registration of building inspectors. Building Control Officers now need to gain "Registered Building Inspector" (RBI) status through competency tests and now need to be registered and accredited with the Building Safety Regulator in order to continue their role with regular re-certification.

- 3.6 Currently, within the BCT Team there are three Class 2 inspectors and one Class 1 inspector. Class 2 inspectors are required to supervise Class 1 on any non-domestic and larger domestic projects. This allows for Class 1 inspectors to gain the competencies and experiences to sit and progress through the Class 2 competency exam. Class 2 inspectors now have a greater level of responsibility and risk within their projects. In Wales, there are only around 60 Registered Building Inspectors (RBIs), and only a handful at the higher Class 3 or above. Whilst the fundamentals of the role have not changed between the old 'building inspector' and new 'Registered Building Inspector' roles, Officers will now be categorised based on demonstrable and assessable competence for certain tasks.
- 3.7 Further to this, local authority building control operates within a competitive sector and Bridgend's BCT service faces market competition from private sector Approved Inspectors (AIs), who may be able to undercut fees whilst not being obliged to provide a range of statutory services. The market share is regularly monitored and fees set to allow Bridgend's service to remain competitive whilst also covering costs. Nevertheless, this remains an ongoing issue.
- 3.8 The Strategic Transport and Highways Development Control Teams led on the delivery of the Porthcawl Metrolink bus facility. The Metrolink opened earlier this year and represents a significant regional project linking Porthcawl with the wider Cardiff Capital Region (CCR). The Metrolink project was funded mainly through UK and Welsh Government grants and was delivered on budget and in good time despite some site constraints and technical setbacks. Officers worked tirelessly to ensure its completion and operation.
- 3.9 The PDS team also contributed to the CCR Regional Transport Plan (RTP) and are also currently undertaking work on the active travel programme and other transport schemes including a proposed transport interchange in the Llynfi Valley.
- 3.10 Due to the work of the planning support officers, significant progress has been made and is ongoing with the digitisation of historic planning records. This will mean that, in time, all records will eventually be available online through the main back-office system, which will ensure more efficient working going forward.
- 3.11 In terms of constraints and challenges to service delivery, one of the principal issues is one of resource and funding. The PDS Group is highly dependent on fee income to provide the greater share of its staff funding. This raises issues of sustainability as planning fees and other income can fluctuate over time. Also, in years where there is a surplus in fee income it has been redistributed to other services rather than being invested back into the PDS Group. The resource issue not only affects the Planning & Development Group but also our partner functions such as legal, ecology, highways and drainage support, which is severely hampering the ability to respond on planning applications and development proposals as well as securing much needed S106 funding.
- 3.12 As it stands the latest Planning & Development Services Group structure (implemented in 2023), is not and has never been fully funded and the PDS Group faces considerable financial challenges. In order to address this situation Officers are working with colleagues in the Finance team to look at how the PDS Group services can be adequately funded in the future in order to ensure that the PDS Group can deliver its functions. This will involve a further restructure and a growth

pressure bid. In the meantime, the PDS team has created new income streams through its revised Pre-Planning Advice Service and the use of Planning Performance Agreements (PPAs). This has allowed the use of consultants and agency workers to backfill roles that been diverted to major development proposals, and to assist in resourcing other teams.

- 3.13 Recruitment and retention is also a problem area for the PDS Group across all its service areas. Competition from the private sector and other public bodies offering higher salaries has had a significant impact. The recruitment of Building Control Officers and specialist Highways Officer roles are particularly problematic and there would appear to be a lack of suitably qualified personnel within both the region and nationally. The PDS Group has however, been reasonably successful in fostering a culture of internal advancement allowing more junior officers to progress to senior roles and in providing apprentice roles. Any new structure will make provision for trainee roles in order to continue this process and provide a degree of succession planning.
- 3.14 Bridgend's planning service is being audited by both Audit Wales and the internal audit service over the coming weeks. The audits will require a degree of officer and Member input but it should be seen in a positive light and an opportunity to reflect and improve on the services currently being delivered by the PDS Group. Members will be advised of the outcome of both audits in due course and any measures or changes to working practices.
- 3.15 The Planning and Development Service continues to deliver its statutory functions to the best of its ability and this includes a number of significant schemes and projects. However, it is under considerable strain across all its service areas despite efficiencies being made and innovative working over the last 10 years . Nevertheless, Officers will continue to seek ways of addressing the current resourcing issues in order to meet future challenges and ensure that the Planning and Development Service is fit for purpose.
- 3.16 Bridgend is not alone within Wales (or in the UK) with regard to resourcing difficulties. This issue has now been acknowledged by Welsh Government (WG) and Members will be aware that it has recently consulted on ways to improve the resilience of local planning authorities. There is also recognition of the national dearth of planning officers and associated professionals and expertise that are critical to the planning process. Legal Support for example is part of the planning process in that, S106 Agreements are often the last "gateway" to the issue of Planning Permissions for larger & Strategic (RLDP) Sites as well as advising/commenting on draft SPG, planning enforcement advice, certificates of Lawfulness etc.
- 3.17 WG is considering measures including the raising of nationally set planning fees and the ring- fencing of planning fees surplus to within the planning service. This will certainly assist and provide the flexibility for Bridgend to invest in its planning service but also potentially to assist in the resourcing of other functions including those described above. Members will be advised of any changes arising from the consultation in due course.



#### **4. Equality implications (including Socio-economic Duty and Welsh Language)**

- 4.1 An initial Equality Impact Assessment (EIA) screening has identified that there would be no negative impact on those with one or more of the protected characteristics, on socio-economic disadvantage or the use of the Welsh Language. It is therefore not necessary to carry out a full EIA on this policy or proposal.

#### **5. Well-being of Future Generations (Wales) Act 2015 - implications and connection to Corporate Well-being Objectives**

- 5.1 This report refers to the implementation of the statutory Town and Country Planning system, which assists in the achievement of the following corporate well-being objectives under the Well-being of Future Generations (Wales) Act 2015:

1. Supporting a successful sustainable economy – taking steps to make the County Borough a great place to do business, for people to live, work, study and visit, and to ensure that our schools are focussed on raising the skills, qualifications and ambitions for all people in the County Borough.
2. Helping people and communities to be more healthy and resilient - taking steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services. Supporting individuals and communities to build resilience, and enable them to develop solutions to have active, healthy and independent lives. The Retail and Commercial Development SPG will provide additional guidance and material weight to support adopted RLDP Policies and seeks to provide clarity in respect of their future interpretation and application, setting out what the Council expects from applicants in respect of satisfying those policies' detailed criteria. This is a key contributory factor to delivering Local Wellbeing Objective one 'A prosperous place with thriving communities'.

#### **6. Climate Change and Nature Implications**

- 6.1 There are no direct climate change and nature implications from this report.

#### **7. Safeguarding and Corporate Parent Implications**

- 7.1 There are no safeguarding and corporate parent implications arising from this report.

#### **8. Financial Implications**

- 8.1 None

#### **9. Recommendation(s)**

- 9.1 That Members note the content of the report.

#### **Background Papers**

None

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<b>Meeting of:</b>	<b>DEVELOPMENT CONTROL COMMITTEE</b>
<b>Date of Meeting:</b>	<b>10 JULY 2025</b>
<b>Report Title:</b>	<b>THE CARE INSPECTORATE WALES' (CIW) RESPONSE OF 24 JUNE 2025 TO THE CHAIR OF THE COUNCIL'S DEVELOPMENT CONTROL COMMITTEE'S LETTER OF 10 JUNE 2025 FOLLOWING A REQUEST BY MEMBERS AT THE DCC OF 17 APRIL 2025</b>
<b>Report Owner / Corporate Director:</b>	<b>JANINE NIGHTINGALE CORPORATE DIRECTOR - COMMUNITIES</b>
<b>Responsible Officer:</b>	<b>JONATHAN PARSONS GROUP MANAGER PLANNING &amp; DEVELOPMENT SERVICES</b>
<b>Policy Framework and Procedure Rules:</b>	<b>There is no impact on the policy framework or procedure rules.</b>
<b>Executive Summary:</b>	<p><b>The purpose of this report is to advise Members of the CIW's response to the Chair's letter. Members will recall that the Chair was asked to write to the CIW to request the following:</b></p> <ol style="list-style-type: none"> <li><b>1. That the Care Inspectorate Wales should inform BCBC Planning when they receive applications for licences to operate a care facility in the County Borough.</b></li> <li><b>2. That the Care Inspectorate Wales should check with the Local Planning Authority before issuing a licence to make sure the correct planning permission is in place.</b></li> </ol>

## 1. Purpose of Report

1.1 The purpose of this report is to advise Members of the CIW's response to the Chair's letter. Members will recall that the Chair was asked to write to the CIW to request the following:

1. That the Care Inspectorate Wales should inform BCBC Planning when they receive applications for licences to operate a care facility in the County Borough.
2. That the Care Inspectorate Wales should check with the Local Planning Authority before issuing a licence to make sure the correct planning permission is in place.

## 2. Background

2.1 The initial Members' request was made during the consideration of a retrospective application for the change of use of Bryngarw Mill, 4 Abergarw Drive, New Road, Brynmenyn from Use Class C3 (dwelling house) to Use Class C2 (Residential accommodation for people in need of care) for one person. Application Number P/24/696/FUL refers.

2.2 The Chair's letter of 10.6.2025 is attached as Appendix 1 and the CIW's response of 24.6.2025 is attached as Appendix 2.

### **3. Current situation/ proposal**

3.1 The Chair's letter of 10.6.2025 is attached as Appendix 1 and the CIW's response of 24.6.2025 is attached as Appendix 2.

### **4. Equality implications (including Socio-economic Duty and Welsh Language)**

4.1 An initial Equality Impact Assessment (EIA) screening has identified that there would be no negative impact on those with one or more of the protected characteristics, on socio-economic disadvantage or the use of the Welsh Language. It is therefore not necessary to carry out a full EIA on this policy or proposal.

### **5. Well-being of Future Generations (Wales) Act 2015 - implications and connection to Corporate Well-being Objectives**

5.1 This report refers to the implementation of the statutory Town and Country Planning system, which assists in the achievement of the following corporate well-being objectives under the Well-being of Future Generations (Wales) Act 2015:

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2. Helping people and communities to be more healthy and resilient - taking steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services. Supporting individuals and communities to build resilience, and enable them to develop solutions to have active, healthy and independent lives. The Retail and Commercial Development SPG will provide additional guidance and material weight to support adopted RLDP Policies and seeks to provide clarity in respect of their future interpretation and application, setting out what the Council expects from applicants in respect of satisfying those policies' detailed criteria. This is a key contributory factor to delivering Local Wellbeing Objective one 'A prosperous place with thriving communities'.

### **6. Climate Change and Nature Implications**

6.1 There are no direct climate change and nature implications from this report.

### **7. Safeguarding and Corporate Parent Implications**

7.1 There are no safeguarding and corporate parent implications arising from this report.

**8. Financial Implications**

8.1 None

**9. Recommendation(s)**

9.1 That Members note the content of the report.

**Background Papers**

None

# Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr Bridgend County Borough Council



Swyddfeydd Dinesig, Stryd yr Angel, Pen-y-bont, CF31 4WB / Civic Offices, Angel Street, Bridgend, CF31 4WB

Care Inspectorate Wales  
Welsh Government Office  
Sarn Mynach  
Llandudno Junction  
LL31 9RZ

## Development Group / Grwp Datblygu

Email / Epost: [rhodri.davies@bridgend.gov.uk](mailto:rhodri.davies@bridgend.gov.uk)  
Direct line / Deialu Uniongyrchol: 01656 643152  
Ask for / Gofynnwch am: **Rhodri Davies**  
Our ref / Ein cyf:  
Your ref / Eich cyf:

**Date / Dyddiad: 10 June 2025**

Dear Care Inspectorate Wales,

## **TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) CARE HOMES IN BRIDGEND COUNTY BOROUGH COUNCIL**

In a recent meeting of the Development Control Committee in Bridgend County Borough Council, we considered an application for a small Care Home (one person) in Brynmenyn (Bryngarw Mill, 4 Abergarw Drive, New Road, Brynmenyn CF32 9LH).

The Care Company (Richmond Nursing/Richmond Medics) which operates from the premises is registered with the CiW, is governed by The Care Standards Act and is subject to inspection by the Care Inspectorate Wales.

It is accepted that the facility/property itself should be registered with the CiW if they intend to accommodate children and young people under 18 years of age in the future.

**However, a Member of the Development Control Committee requested that I write to you to kindly request that you notify the Local Planning Authority when you receive an application for registration with the CiW in the County Borough and to check with us before issuing a licence to operate a care home in the County Borough that the necessary planning permission is in place.**

Sometimes the care facilities are occupied by children from other authorities and our Social Services Officers would not necessarily be aware of the existence of the care home.

The best email address to use for these purposes is [planning@bridgend.gov.uk](mailto:planning@bridgend.gov.uk)

I wish to thank you in advance for your cooperation.

Yours sincerely,

**Cllr. Richard Granville**  
Chair of Bridgend County Borough Council's Development Control Committee

Ffôn/Tel: 01656 643643

Facs/Fax: 01656 668126

Epost/Email: [talktous@bridgend.gov.uk](mailto:talktous@bridgend.gov.uk)

Negeseuon SMS/ SMS Messaging: 07581 157014

[Twitter@bridgendCBC](https://twitter.com/bridgendCBC)

Gwefan/Website: [www.bridgend.gov.uk](http://www.bridgend.gov.uk)

Cyfnwdd testun: Rhowch 18001 o flaen unrhyw un o'n rhifau ffôn ar gyfer y gwasanaeth trosglwyddo testun

Text relay: Put 18001 before any of our phone numbers for the text relay service

Rydym yn croesawu gohebiaeth yn Gymraeg. Rhowch wybod i ni os mai Cymraeg yw eich dewis iaith

We welcome correspondence in Welsh. Please let us know if your language choice is Welsh

**From:** [REDACTED]  
**Sent:** 24 June 2025 08:27  
**To:** Rhodri Davies  
**Subject:** ENQ 96423 - your letter regarding Planning Permission when CIW receives an application for registration of a care home within the County Borough

Dear Cllr. Richard Granville

Thank you for your letter to CIW which we received 11 June 2025 with a request to notify the Local Planning Authority when CIW receives an application for registration of a care home within the County Borough.

As of March 2025 we updated our application process whereby it is now a requirement to submit evidence of appropriate Planning Permission, or that Planning Permission is not required, at the point of application. Therefore, a provider will not be able to submit an application to us without this evidence. In addition, when developing a new care home for children there is a requirement to submit a location assessment as part of the application and this asks the provider to tell us about what consultation they've had with the relevant local and regional commissioners, and local authority planning departments, to demonstrate consideration has been given to the location of the home in relation to the likely demand for the service within the relevant local authority areas and the wider sub-region/region. We cannot insist on the consultation with the local authority but we strongly suggest that it is done as a matter of good practice.

Kind Regards  
Dawn Duffy



**Dawn Duffy**

## **Uwch Reolwr - Tîm Cofrestru a Gorfodi / Senior Manager – Registration and Enforcement Team**

**Arolygiaeth Gofal Cymru (AGC) / Care Inspectorate Wales (CIW)**

**Ffôn / Tel:** [REDACTED] **/ Llinell uniongyrchol / Direct Line:** [REDACTED]

**E-bost / E-mail:** [REDACTED]

[www.arolygiaethgofal.cymru](http://www.arolygiaethgofal.cymru) / [www.careinspectorate.wales](http://www.careinspectorate.wales)

Twitter: [@arolygu\\_gofal](https://twitter.com/arolygu_gofal) / [@care\\_wales](https://twitter.com/care_wales)

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Mae'r e-bost hwn wedi'i fwriadu ar gyfer y derbynnydd(ion) yn unig a gall gynnwys gwybodaeth gyfrinachol. Os ydych chi'n credu eich bod wedi derbyn yr e-bost hwn mewn camgymeriad, a wnewch chi ei ddileu a hysbysu Arolygiaeth Gofal Cymru trwy anfon e-bost at [CIWInformation@llyw.cymru](mailto:CIWInformation@llyw.cymru). Ni ddylech gopïo, defnyddio na datgelu cynnwys yr e-bost hwn heb ganiatâd Arolygiaeth Gofal Cymru. I ddarganfod sut mae Arolygiaeth Gofal Cymru yn defnyddio ac yn storio gwybodaeth bersonol, darllenwch ein [AGCHysbysiad Preifatrwydd](#)

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## **TRAINING LOG**

*All training sessions will be held in the Council Chamber but can also be accessed remotely via Microsoft Teams.*

<b><u>Subject</u></b>	<b><u>Date</u></b>
Planning Committee Protocols (DCC Members only)	10 July 2025
Coal Authority Engagement with Local Planning Authorities	20 August 2025
Workshop – HMO SPG	21 August 2025 (subject to agreement)
Tree Policy - Green infrastructure	To be arranged.

(Members are reminded that the Planning Code of Practice, at paragraph 3.4, advises that you should attend a minimum of 75% of the training arranged).

### **Recommendation:**

That the report of the Corporate Director Communities be noted.

**JANINE NIGHTINGALE**  
**CORPORATE DIRECTOR COMMUNITIES**

### **BACKGROUND PAPERS**

None

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