

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.

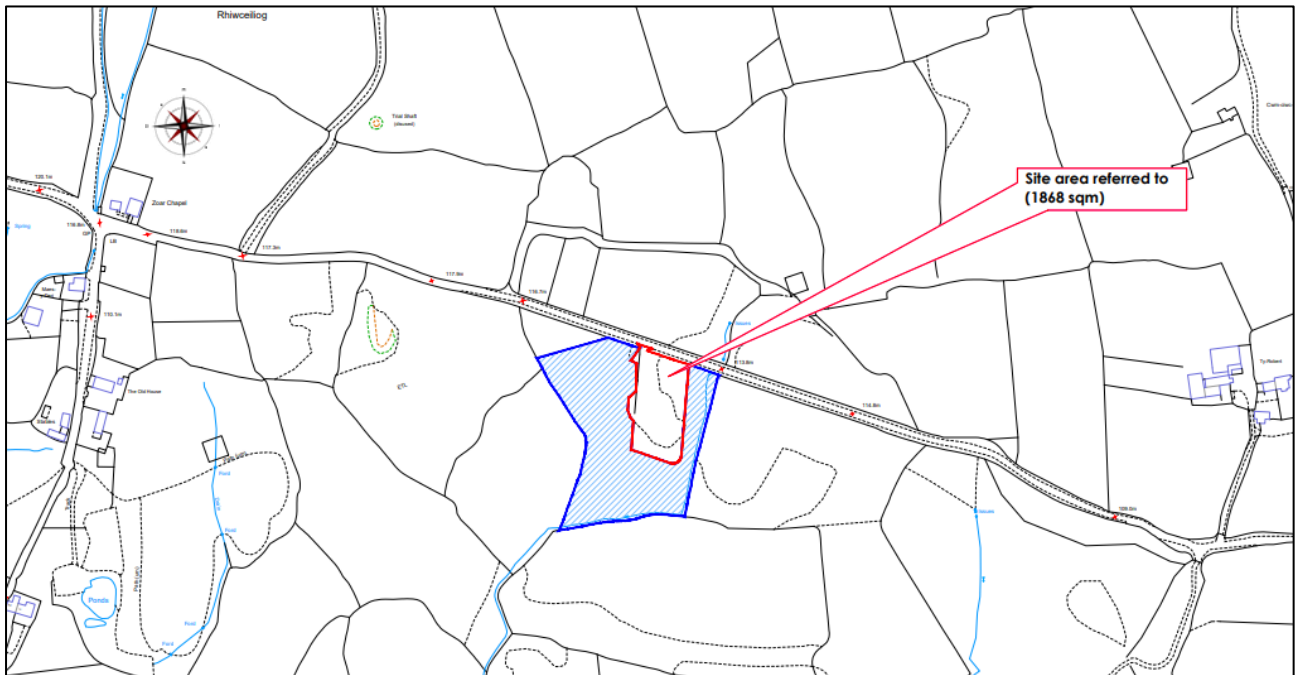


Figure 1 Site Location Plan

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.

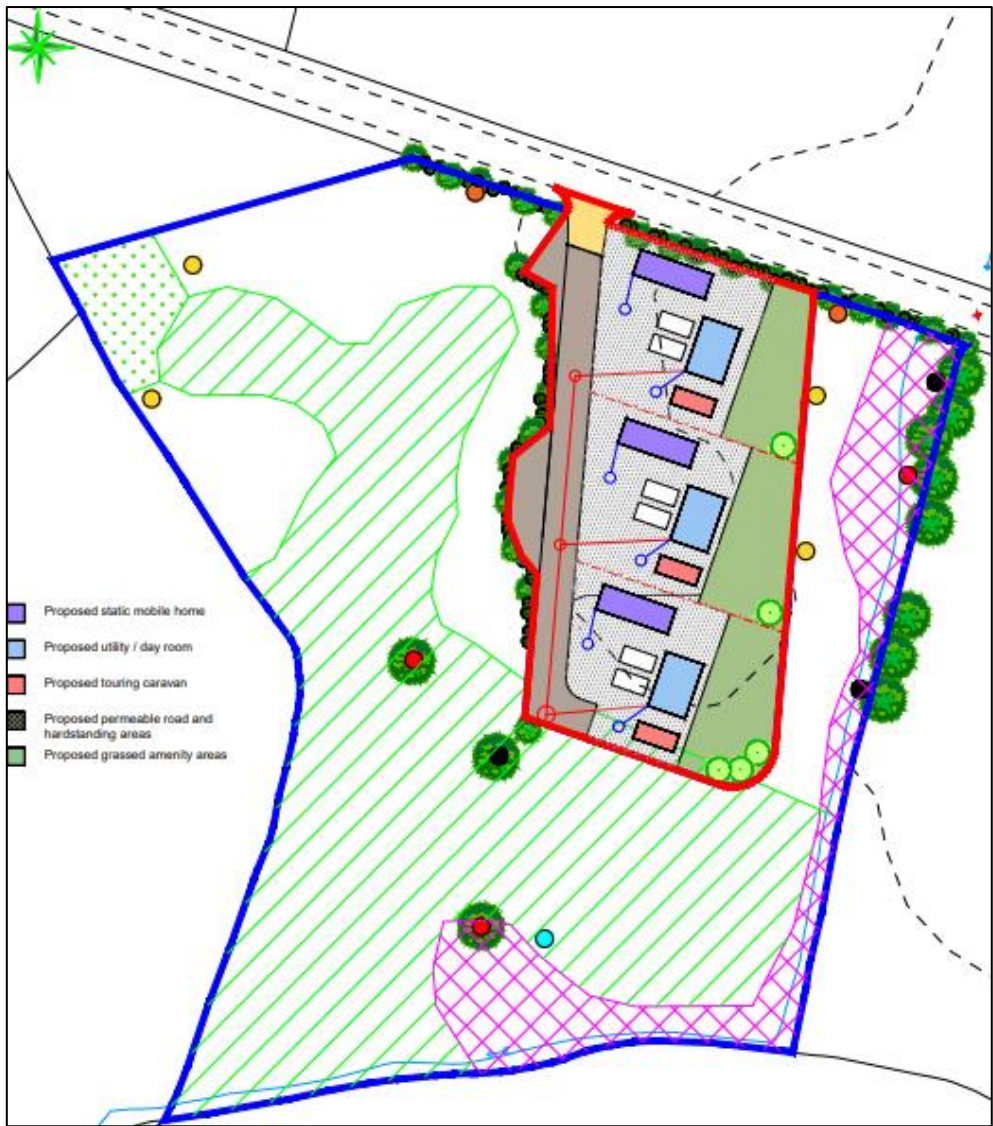
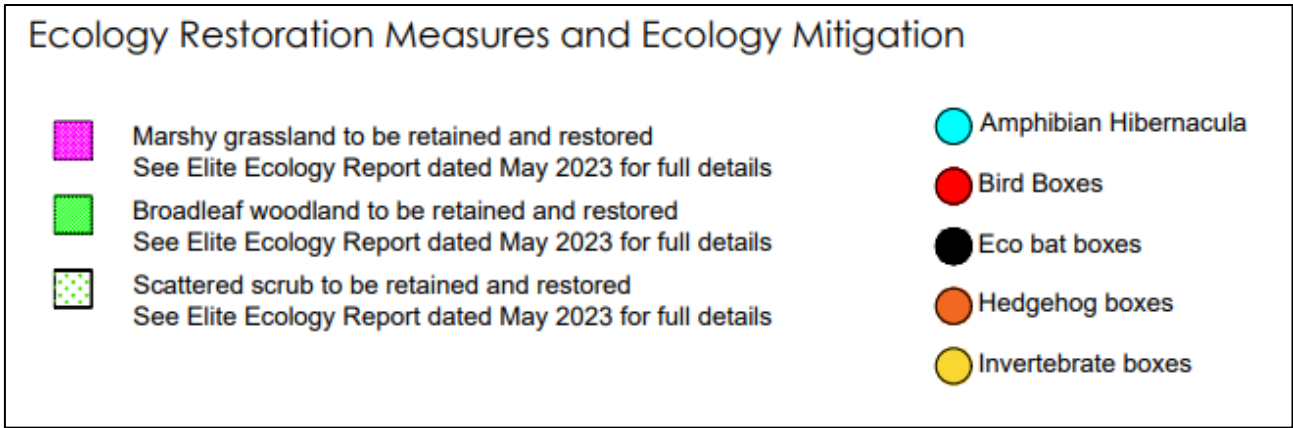


Figure 2 - Overall Site Plan

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 Hendre-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:

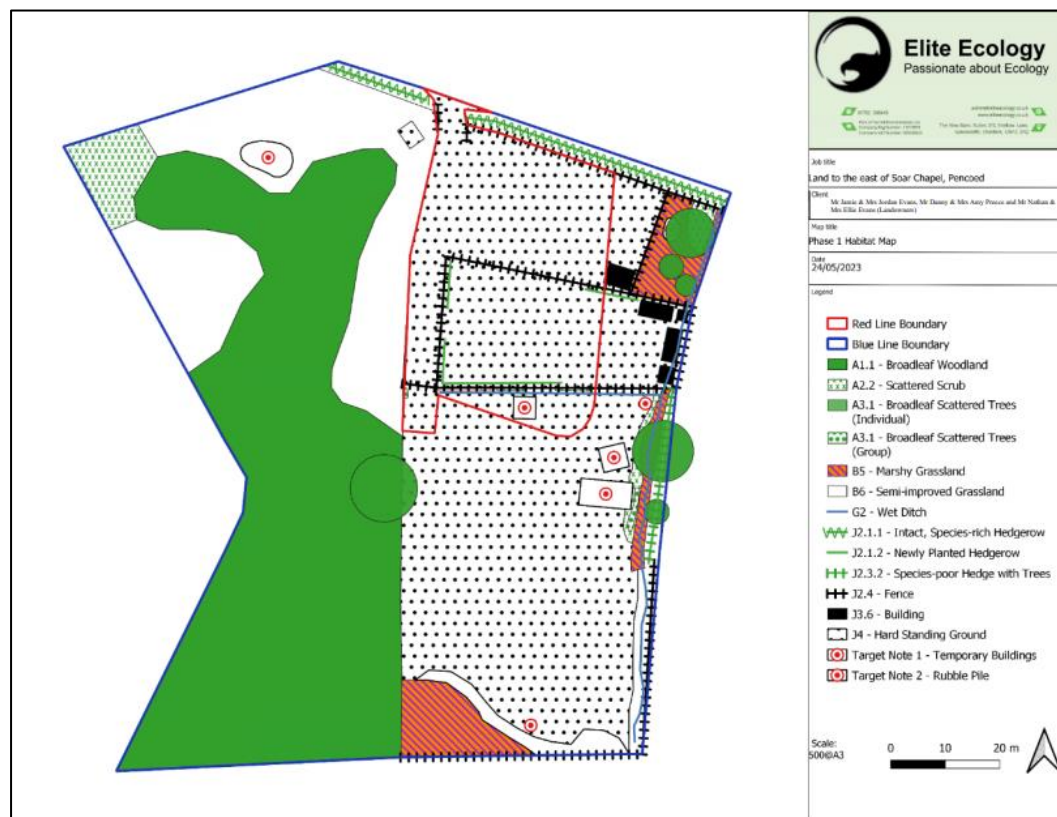


Figure 3 – Baseline Habitat – Existing Site Conditions (Red Outline – Proposed Development site)



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

P/19/580/FUL	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.
A/20/3254083	Appeal against the refusal of	Dismissed.	24 March 2023

	planning permission for the siting of two static caravans – P/19/580/FUL		
C/21/3269231	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 1,300m² 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.
Total Pitches LDP Plan Period	5 pitches immediate need	2 pitches (2025-2033)		7 pitches

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 1,300m² 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 m², 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"> • Drawing 01c Expanded Location Plan, • Drawing 02d Location and Block Plan, • Drawing 03d Overall Site Plan Showing Restoration and Ecological Mitigation • Drawing 04e Overall Site Plan Showing Restoration and Ecological Mitigation • Drawing 05a Floor Plan and Elevations of Proposed Utility/Day room • Drawing 06b Sectional Elevation Showing Existing in Context • Drawing 09 Supplementary Detail Sheet – Boundary Fence • Chapter 7 of the Ecological Impact Assessment by Elite Ecology (August 2023) • Chapter 7 (Conclusions and Recommendations) of Phase 1 Geo-Environmental Report by Dice Environmental 2023 • Chapters 2 & 3 of the Ecological Restoration Plan including Appendix C Ecological Restoration Map by Elite Ecology (August 2023). <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"> (i) an intrusive investigation to assess the extent, scale and nature of contamination which may be present (ii) an assessment of the potential risks to: <ul style="list-style-type: none"> • human health, • groundwaters and surface waters • adjoining land, • property (existing or proposed) including buildings, crops, livestock,

	<p>pets, woodland and service lines and pipes,</p> <ul style="list-style-type: none"> • ecological systems, • archaeological sites and ancient monuments; and any other receptors identified. <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"> • Construction methods: details of materials, how waste generated will be managed • General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments

	<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"> • Soil Management: details of topsoil strip, storage and amelioration for re-use. • 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 • 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. • Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details <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"> (i) Existing Hard Standing Ground Removal (ii) Restoration of Marshy Grassland (iii) Creation of New Broadleaf Woodland and Supplementary Understorey Planting (iv) Retention and Restoration of Hedgerows (v) Reprofiling of Retained Ditches with new planting (vi) Restoration/Creation of Grassland including the importation of new topsoil

	<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>NOTES:</p> <p>A) 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"> (i) determining the extent and effects of such constraints. (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"> - Unprocessed / unsorted demolition wastes. - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances. - 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 (iii) the safe development and secure occupancy of the site rests with the developer. <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) Drainage Advisory Notes:</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: www.gov.uk/government/organisations/the-coal-authority</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
TOTAL					£467.174