

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

15 SEPTEMBER 2020

REPORT OF THE HEAD OF OPERATIONAL SERVICES - COMMUNITIES

PORHCAWL WATERFRONT REGENERATION SCHEME : SALT LAKE AND SANDY BAY SITES

1. Purpose of report

The purpose of this report is to :

- 1.1 Update Cabinet on the Local Development Plan candidate site submission and proposed land use framework for this strategic scheme.
- 1.2 Update Cabinet on the proposed marketing of the food retail site on part of The Green and Salt Lake car park.
- 1.3 Seek a formal resolution to authorise officers to commence all necessary steps to acquire land to support the Porthcawl Waterfront Regeneration project, including steps preparatory to serving a Compulsory Purchase Order.

2. Connection to corporate well-being objectives / other corporate priorities

- 2.1 This report assists in the achievement of the following corporate well-being objective/objectives under the **Well-being of Future Generations (Wales) Act 2015:-**

1. **Supporting a successful sustainable economy** – taking steps to make the county borough a great place to do business, for people to live, work, study and visit, and to ensure that our schools are focussed on raising the skills, qualifications and ambitions for all people in the county borough.
2. **Smarter use of resources** – ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council's well-being objectives.

3. Background

- 3.1 There are two landholdings within the Porthcawl Waterfront Regeneration site which the major landowners are keen to promote for development and subsequent disposal:
 1. Land at the Salt Lake car park site (phase 1) which is exclusively owned by the Council.
 2. Substantial landholdings at the Coney Beach and Sandy Bay sites (phase 2), owned by the Council and another major landowner.

3.2 This report highlights some of the next steps in the delivery of this project.

4. Current Proposals

4.1 Local Development Plan

4.1.1 The site is currently allocated for mixed development within the existing Local Development Plan. This allocation is supported by adopted Supplementary Planning Guidance (SPG), often referred to as the “Seven Bays Project – Porthcawl Waterfront SPG”. The site has been put forward as a candidate site for consideration as part of the replacement Local Development Plan 2018-2033 (LDP).

4.1.2 The Bridgend County Borough Local Development Plan 2018-2033 Preferred Consultation Document identifies the Porthcawl Regeneration scheme as a strategically important site. To evidence the deliverability and viability of the site the major landowners have produced a draft land use framework and masterplan for consideration as part of the LDP process. This work is supported and informed by a suite of technical evidence that has been commissioned by the landowners. The proposed mix of land uses and quantum of development are similar to those within the existing SPG and include mixed use of residential, leisure, retail, commercial, open space, car parking and active travel routes. The land use plan is shown at Appendix 1.

4.2 Foodstore Site

4.2.1 As a first stage in bringing the phase 1 scheme forward on the Salt Lake car park land, the Council is intending to market a food retail site of circa 2.2 acres on the northern portion of The Green and Salt Lake car park site. Appendix 2 shows the outline of the site edged in red.

4.2.2 A development brief has been approved by Development Control Committee setting out the acceptable planning parameters. It is intended that a store of up to 2,322 sq.m (Gross Internal Area) with all necessary parking spaces will be accommodated on the site. The development brief provides a series of design principles that identify aspects of design which are considered important to the Council whilst providing the future developer (and their design team) ample scope for interpretation and innovation. These principles reflect an overall requirement for a high quality and bespoke design response given the gateway location of the site. The disposal bidding process will require compliance with the Development Brief. The site will be sold by way of a long leasehold, in order that there is landowner control to ensure that the site is not “land banked” and the development is built out in accordance with the development brief and in a timely fashion.

4.2.3 It is anticipated that the marketing will commence in early Autumn 2020 and bids will be received and appraised by the end of the calendar year. A further report will be submitted to Cabinet in the new year, providing an update and seeking approval to dispose of the site.

4.2.4 The food store site forms a key element of the wider masterplan that has been worked up for the Porthcawl Waterfront Regeneration Scheme and is intended to act as a precursor to, and catalyst for, future phases of development across the wider site.

4.3 Land Acquisition and Compulsory Purchase Order

- 4.3.1 Within the Phase 2 Sandy Bay and Coney Beach sites, the major land owners are keen to bring their landholdings forward for disposal. There are some unoccupied land parcels where title needs to be cleansed or which are in third party ownership and need to be acquired.
- 4.3.2 The Council will attempt to acquire the third party land through negotiated agreements. However, it may not be possible to acquire the third party land by agreement and if necessary the Council will use its powers under the Town and Country Planning Act 1990 to acquire land within the red edged boundary and as shown in Appendix 3.
- 4.3.3 Section 226(1) of the Town and Country Planning Act 1990 provides (in part) that:
- (1) A local authority to whom this section applies shall, on being authorised to do so by the Secretary of State, have power to acquire compulsorily any land in their area*
- (a) if the authority think that the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to the land,*
- (b) which is required for a purpose which it is necessary to achieve in the interests of the proper planning of an area in which the land is situated.*
- (1A) But a local authority must not exercise the power under paragraph (a) of subsection (1) unless they think that the development, re-development or improvement is likely to contribute to the achievement of any one or more of the following objects—*
- (a) the promotion or improvement of the economic well-being of their area;*
- (b) the promotion or improvement of the social well-being of their area;*
- (c) the promotion or improvement of the environmental well-being of their area.*
- 4.3.4 The above power is a positive planning power, which the Council may use to acquire land to achieve development, redevelopment or improvement or to achieve the interests of the proper planning of the area.
- 4.3.5 These powers are capable of applying to the wide variety of uses proposed within the scheme including residential, commercial, leisure, open spaces, car parking, education and transport infrastructure.
- 4.3.6 The current LDP and SPG and the draft LDP land use framework set out the planning policy and support the regeneration aspirations.
- 4.3.7 A resolution of the Cabinet is sought, in order to authorise officers to commence work on all steps which may lead to the making of a Compulsory Purchase Order to acquire the land edged red and which include the sites edged red, which are in third party, disputed or unknown ownership, as shown in Appendix 3. The purchase of this land is required in order to enable comprehensive and strategic regeneration of the area, as opposed to piecemeal development.

4.3.8 An acquiring authority should be sure that the purposes for which a compulsory purchase order is made justifies interfering with the human rights of those with an interest in the land affected. Particular consideration should be given to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of a dwelling, Article 8 of the Convention in deciding to make a compulsory purchase order.

4.3.9 None of the land included affects residential or business properties or businesses and all of the sites are unoccupied. Voluntary negotiations have been or will be entered into before the formal proceedings are commenced. It is considered in this case that the purchase of the land can be addressed through provision of compensation and there is no negative impact on the human rights of the land owners. If the relevant land cannot be acquired by agreement a further report will be made to Cabinet to request authority to make a compulsory purchase order.

5 Effect upon policy framework and procedure rules

5.1 The proposals will not have an impact on the Council's policies or procedures.

6 Equality Impact Assessment

6.1 It is not considered that there are any Human Rights implications arising from the contents of this report; as the report outlines the current position on the LDP and the Foodstore Site and only seeks to authorise officers to take all necessary steps to acquire the relevant land, including preparatory steps in relation to a compulsory acquisition. A full Equality Impact Assessment will be provided to Cabinet if there is a need to report back to request authority to make a CPO.

7 Well-being of Future Generations (Wales) Act 2015 implications

7.1 The Well-being of Future Generations (Wales) Act 2015 Assessment based on the 5 ways of working has been considered and there are no significant or unacceptable impacts upon the achievement of wellbeing goals/objectives.

- Long term - The Porthcawl Waterfront Regeneration is a strategic development scheme which has the potential to add vibrancy to the locality through the provision of new housing, leisure and tourism opportunities, as well as retail and commercial developments; set within appropriate open space, parking and public realm.
- Prevention – the current Waterfront sites are largely unoccupied and under-utilised and detract from the attractiveness of the area.
- Integration – the Waterfront development will integrate with and access to the existing town centre, sea front and leisure developments.
- Collaboration – the Council will collaborate with residents, visitors and end users of this project to ensure successful and sustainable development and outcomes.
- Involvement – ongoing engagement with the community will be an important facet of this project.

8 Financial implications

- 8.1 It is anticipated that the sale of the food store on the Salt Lake car park site will generate a capital receipt. In November 2018 Council resolved to use this receipt to invest in approved infrastructure improvements within the Porthcawl Regeneration project, including the upgrading of the Hillsborough Car park which serves the town centre.
- 8.2 The acquisition of land on the Sandy Bay / Coney Beach site will have a cost, including any compensation to be paid. The costs are to be shared between the major land owners. No funding has yet been approved for this and a separate report will be brought to Cabinet and Council, for funding to be included within the Capital Programme, should this proceed.

9. Recommendation(s)

- 9.1 To note the intention to submit a landuse framework as part of the Local Development Plan process for the Porthcawl Regeneration scheme.
- 9.2 To note the proposed marketing of the sale of land forming part of The Green and Salt Lake car park for use as a food store site
- 9.3 To approve the making of a resolution to authorise officers to take all necessary steps to acquire the land edged red on the attached plan, including all preparatory steps for making a compulsory purchase order for the purposes of enabling the comprehensive development of the Porthcawl Regeneration Scheme.

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Background documents: None