

# BRIDGEND COUNTY BOROUGH COUNCIL

## REPORT TO CABINET

20 July 2021

### REPORT OF THE CORPORATE DIRECTOR - COMMUNITIES

#### PORTHCAWL WATERFRONT REGENERATION SCHEME : PROPOSED COMPULSORY PURCHASE ORDER

#### 1. Purpose of report

- 1.1 The purpose of this report is to seek a formal resolution of the Cabinet to make, advertise, notify and progress confirmation of a Compulsory Purchase Order (CPO) to acquire land, and to authorise the advertisement of the proposed appropriation of Council owned land to planning purposes to support the Porthcawl Waterfront Regeneration Scheme.

#### 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.

- 2.2 In addition to the aforementioned corporate well-being objectives under the Well-being of Future Generations (Wales) Act 2015, the Cabinet should be cognisant of the seven well-being goals contained within the Act and pay due regard to the achievement of these when formulating this report.

#### 3. Background

- 3.1 In May 2007 the Cabinet resolved to make a CPO to acquire land for what was then known as the Seven Bays Project (Minute 1024 is relevant). A draft CPO was progressed but never published due to the recession following the financial crisis in 2008.

- 3.2 On 8 February 2011 the Cabinet approved entering into a 20 year Agreement in respect of the joint marketing of the Council's land with the owners of the Coney Beach Amusement Park to enable the Porthcawl Regeneration Scheme (Minute 601 is relevant). This agreement was completed and the Cabinet approved a variation on 19 December 2017 in order to exclude the Salt Lake car park land, when the Council acquired the Evans' long leasehold interest.(Minute 127 is relevant)
- 3.3 The Bridgend Local Development Plan 2006 to 2021(LDP) was adopted by the Council on September 18<sup>th</sup> 2013. The Porthcawl Waterfront Regeneration Area is allocated as a Mixed-Use Regeneration Scheme under Policy PLA3 (8) of the LDP. The Council is currently in the process of preparing a Replacement LDP(RLDP). The next step in this process is public consultation on the draft RLDP, which started on 1 June 2021 for a period of eight weeks.
- 3.4 On 15 September 2020 Cabinet resolved 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 CPO for the purposes of enabling the comprehensive development of the Porthcawl Regeneration Scheme".(Minute 530 is relevant).
- 3.5 This report highlights steps taken and next steps in the making of a CPO to acquire land to enable delivery of this project.

#### **4. Current situation/proposal**

##### **Compulsory Purchase Order**

- 4.1 The Council owns land in the Sandy Bay and Coney Beach area, and in 2011 entered into an agreement with a third party land owner to jointly market and dispose of all of the land to enable the wider Porthcawl Regeneration Area scheme ("the Scheme") to come forward as a key strategic mixed-use development. Disposal is proposed to be to either a single developer or to multiple developers. There are some unoccupied land parcels where title needs to be cleansed or which are in third party ownership and need to be acquired.
- 4.2 The Council has attempted to acquire the third party land through negotiated agreements, where ownership is known. However, to date, it has not been possible to acquire the third party land by agreement and it is considered that the Council should seek to use its powers under section 226(1)(a) of the Town and Country Planning Act 1990 to acquire land compulsorily within the red edged boundary and as shown in the draft plan attached in Appendix 1, as described in the draft CPO in Appendix 2 and for the reasons set out in the draft Statement of Reasons at Appendix 3.
- 4.3 Section 226(1)(a) and (1A) of the Town and Country Planning Act 1990 provide (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,*

*(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.*

- 4.4 The above power is a positive planning power, which the Council may use to acquire land to achieve development, redevelopment or improvement.
- 4.5 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.
- 4.6 The aim is to create a premier seaside resort of regional significance through the comprehensive regeneration of the land to be acquired and adjacent land which form a key waterfront site.
- 4.7 A sustainable distribution and variety of complementary land uses across the area, including residential, leisure, retail and education is proposed. It is also proposed to retain and improve upon areas of attractive open space within Griffin Park, whilst creating significant new areas of open space along the seafront, supplemented with high quality active travel routes that traverse the entire site between the harbour and Trecco Bay.
- 4.8 It is proposed to provide a mixed-use development consisting of the following components in accordance with the acquiring authorities' strategic plans and policies:
- a primary east west vehicular link;
  - a new large open "Griffin Park"
  - approximately 912 dwellings on the Sandy Bay/Coney Beach Amusement Park sites and in excess of 328 dwellings on the Salt Lake site;
  - recreational and leisure opportunities;
  - retail and commercial development
  - new and improved parks and open spaces
  - a new school or expansion of existing educational facilities
- 4.9 The scope and detail of these general components will be refined in the development and planning process.

- 4.10 This will build upon the successful revitalisation of the harbour area, the conversion of the Jennings Building into residential and commercial units, the coastal flood defence works to Eastern Promenade, Western Breakwater, Sandy Bay and Rhych Point and the disposal of a part of the north western portion of Salt Lake Carpark for development as a food retail site. The scheme will seek to build upon this earlier development by creating development that is both complementary and well integrated, within a prestigious and vibrant waterfront.
- 4.11 Physical development of the waterfront in this manner will improve the attractiveness of the town as a place to live and work, enhance the vibrancy of the Town Centre and deliver wider socio-economic benefits that allow the broader settlement of Porthcawl to thrive and prosper.
- 4.12 The current target for the completion of the scheme is the late 2020's, with the Council seeking to achieve acquisition of the land to be acquired by early 2023 at latest. It is planned to identify the preferred developer or developers, depending upon whether a single or multiple developers are chosen via open marketing of the first phase of the site in early - mid 2022. The aim is to secure the requisite planning consents for the first phase by late 2023.
- 4.13 Once acquisition is complete the Council intends to dispose of the land by way of tender. This is considered to be the most advantageous way to achieve a disposal of the site to developers as this will allow for receipts to be maximised whilst also enabling the Council to control the nature, scale and quality of proposals put forward by bidders. This control will be secured through the use of a gateway test requiring bids to demonstrate deliverability, which includes the scheme being capable of achieving planning consent.
- 4.14 In order to guide the nature, scale and quality of proposals, and provide a framework to assess a bid's ability to secure planning consent, a development brief will be prepared in advance of any marketing of the site. It is envisaged that this development brief will set out a series of key development and infrastructure parameters and design guidance that reflect the requirements of the Council whilst also aligning with the requirements of the landowners in terms of key infrastructure and phasing.
- 4.15 The CPO is therefore being progressed prior to a grant of planning permission recognising that in this instance it is not feasible or sensible to wait until the full details of the development proposal have been worked up, and planning permission obtained. Here, the proposed acquisitions form part of a longer term strategy which needs to adapt to changing circumstances. It is therefore not possible to demonstrate with absolute clarity or certainty the precise nature of the end-use proposed.
- 4.16 However, it is considered that that there is a compelling case for compulsory acquisition to secure these remaining small areas of land required to deliver comprehensive redevelopment in advance of resolving all the uncertainties; and there

are realistic prospects of the Council subsequently securing the necessary planning permission for the Scheme.

- 4.17 To achieve the Scheme it is considered to be necessary for the Council to unify all the interests in the land to be acquired. The achievement of this will enable the Council to fulfil the terms of the Agreement with the other owner of land to be used in the Scheme and will allow the joint marketing of the entire area required for the Scheme to take place.
- 4.18 To secure the ownership of the land to be acquired for its development, within a reasonable period of time, at a fair and reasonable price and to assure potential purchasers that the development is viable, it is considered that there is a compelling case in the public interest for the making and confirmation of the CPO in view of the significant public benefits that will result from the comprehensive development, redevelopment or improvement on or in relation to the land.
- 4.19 In deciding to proceed with the making of the CPO the Council must take into account the statutory requirements in section 226(1A) of the Town and Country Planning Act 1990 ("the 1990 Act") which, as set out above, requires the Council to confirm that it thinks the acquisition of the land to be acquired is likely to promote or improve the economic, social and environmental well being of the Council's area.
- 4.20 It is considered that the Scheme will promote or improve the economic and social well being of the area through the regeneration of a derelict and rundown waterfront area for mixed uses including new leisure, education and recreation facilities, retail and commercial uses and residential development. The geographical location of the area to be developed is most conducive to a vibrant tourist resort that includes this mix of development.
- 4.21 Through its content, quality and size it is considered that the development will be a flagship for Porthcawl that will give substantial aid to the implementation of the Council's strategic policies.
- 4.22 The development, redevelopment and improvement of the site is supported by the statutory development plan review as necessary for the vitality and viability of Porthcawl and for its contribution to the achievement of the Council's wider regeneration priorities, which are supported by the Welsh Assembly Government.
- 4.23 The scheme will facilitate the environmental well-being of the area through the redevelopment of an area within Porthcawl, a large part of which has long been identified as being unoccupied, derelict, run down and in an unattractive state generally. The Scheme will have a positive impact on a substantial section of the waterfront. On the operational areas it will involve the demolition and clearance of a number of structures built in the 1960's and 1970's which are now effectively at the end of their useful life. Overall, this will result in a substantial improvement in the environment in the immediate area of the scheme.

- 4.24 The re-creation of sustainable communities through better balanced housing markets is one regeneration objective of the Council. A greater diversity of housing provision is needed to ensure that neighbourhoods are sustainable in the long term, and improved housing quality and choice is necessary to meet demand.
- 4.25 The impact of the Scheme on the wider environment has been considered and is judged to be benign.
- 4.26 The land to be acquired is considered to be the minimum essential to the successful implementation of the Scheme and is the minimum required for the scheme to be able to proceed in a comprehensive way.
- 4.27 The benefit to be derived from making the CPO is not restricted to the area subject to the CPO, as the concept is applied to the wellbeing of the whole (or any part) of the Council's area. Accordingly, the Council may take into account all the benefits and consequences that are likely to flow from the development, redevelopment or improvement of land within the Scheme in deciding to make the CPO.
- 4.28 Here, the site has been allocated in the LDP for many years but the Scheme has not come forward on its own. It is therefore considered that the Scheme is not being capable of being delivered solely or mainly through the granting or refusal of planning permission. The Scheme requires a more proactive approach with the Council facilitating the assembly of land.
- 4.29 The now proposed CPO relates to land within the Porthcawl Waterfront Regeneration Scheme as identified within the recent Candidate Site submission for the RLDP which is a lesser area than the previous proposals for the Seven Bays Regeneration Scheme.
- 4.30 The Porthcawl Waterfront Regeneration Scheme includes development on the Salt Lake car park and Hillsborough Place car parks. However, that area is now a standalone scheme, as the Council acquired the long leasehold interest in the Salt Lake Car Park in 2018 and varied the Agreement with the owners accordingly. The CPO is required to enable development of that land within the balance of Porthcawl Waterfront Regeneration scheme which remains within the Agreement with the other substantial landowner and is located within the Sandy Bay and Coney Beach areas. These again are standalone developments.
- 4.31 However, the two schemes combined will provide comprehensive redevelopment along the Porthcawl waterfront and are able to run concurrently rather than as Salt Lake as phase 1 and Sandy Bay / Coney Beach as phase 2, as previously envisaged.
- 4.32 The land to be acquired is shown in Appendix 2 and described in Appendix 3 and includes:

- the freehold in the subsoil of land forming a part of Mackworth Road (Plot 3), which begins at No. 48 Mackworth Road and ends at the gated vehicular access from Mackworth Road to Sandy Bay Beach to the south,
- the leasehold interest (but not the freehold interest) in a plot of land forming the gated vehicular access from Mackworth Road to Sandy Bay Beach, part of a wall and stepped revetment onto Sandy Bay Beach from Mackworth Road (Plot 1B),
- the freehold interest (but not the leasehold interest) in a parcel of land adjoining Mackworth Road, to the east of it, and to the west of Sandy Lane known as the Model Village Leisure Park (Plot 5)
- the freehold interest in the road and footway of Sandy Lane, off Mackworth Road and south-west of Newton Primary School (Plot 7).
- the freehold interest in part of the western verge of Sandy Lane and the rear access to the residential property at 2 Mackworth Road (Plot 6), driveway fronting the residential property at 1 Sandy Lane (Plot 8) and driveway fronting the residential property at 2 Sandy Lane (Plot 9).
- the freehold interest in land on the eastern side of Sandy Lane forming a car parking area used in connection with Newton Primary School (Plot 10) and a vehicular access to the car park at Newton Primary School (Plot 10A).
- the freehold interest in Rhych Avenue off New Road and part of the unadopted lane from Rhych Avenue to the premises known as the Hi Tide Inn (Plot 11), together with part of the road and eastern footway (Plot 11B) and western footway (Plot 11A) of Rhych Avenue located south of its junction with New Road.
- The freehold in the Coney Beach WPD substation located east of Eastern Promenade and Griffin Park Tennis Courts (Plot 2).
- All interests other than the freehold in land forming the former Coney Beach Amusement Park (Plot 1).
- All interests other than the freehold and registered charge in part of Sandy Bay Beach located east of Eastern Promenade and south-west of Mackworth Road (Plot 1A), together with part of Sandy Bay Beach comprising unregistered land (Plot 4).

4.33 The present built development on the land to be acquired is varied. Plot 3 consists in the main of the end of Mackworth Road which is adopted highway maintainable at public expense. Plot 1B consists of the gated vehicular access, wall and stepped revetment from the southern end of Mackworth Road to Sandy Bay Beach. Plot 5 is known as “the Model Village Leisure Park”. This used to form a part of the Coney Beach Amusement Park and is currently unoccupied. Plots, 6, 7, 8 and 9 consist of Sandy Lane which runs off Mackworth Road together with the western verge and driveways to the properties at 2 Mackworth Road, 1 Sandy Lane and 2 Sandy Lane. Plots 10 and 10A consist of land on the eastern side of Sandy Lane which form a car park used in connection with, and a vehicular access leading to, Newton Primary School . Plots 11, 11A and 11B consist of part of Rhych Avenue off New Road, which is highway but not adopted as maintainable at public expense, along with footway, verge and turning areas, together with part of the unadopted lane from Rhych Avenue to the premises known as the Hi Tide Inn. Plot 2 is the site of an electricity substation at the former Coney Beach Amusement Park. Plot 1 is the former Coney Beach Amusement Park, where all interests other than those of the freeholder are to be

acquired to cleanse the title. Plot 1A consists of part of Sandy Bay Beach located east of Eastern Promenade and south-west of Mackworth Road, where all interests other than those of the freeholder are to be acquired to cleanse the title. Plot 4 comprises an area of Sandy Bay Beach which comprises unregistered land in unknown ownership

- 4.34 Parts 2 and 3 of Schedule 2 to the Acquisition of Land Act 1981 are not incorporated into the CPO and no minerals interests are proposed to be acquired. Where necessary these will be dealt with by indemnity insurance upon disposal.

### **Special Categories of Land**

- 4.35 Part of the land to be acquired forming a part of Sandy Bay beach could be considered to be open space within the meaning of section 19 of the Acquisition of Land Act 1981. This area is proposed to be acquired because flood defences need to be incorporated into the development. The design of these is such that public access to the beach will be enhanced and improved – with the defences forming a stepped revetment that can be used by the public. Officers therefore consider that the beach area being acquired will secure the preservation and improve the management of the wider beach area. A certificate to that effect is proposed to be sought from the Welsh Ministers.
- 4.36 None of the Land to be Acquired is within a Conservation Area.
- 4.37 Equipment and structures of statutory undertakers and telecommunications operators will be protected, replaced, diverted, extended or improved as necessary. The Council is actively working with statutory undertakers to achieve this by agreement.
- 4.38 The Coney Beach electricity substation is being acquired from Western Power Distribution, who are a statutory undertaker pursuant to the Electricity Act 1989. The Council and its preferred developers will work with the statutory undertaker to ensure that it can be purchased and not replaced without serious detriment to the carrying on of the undertaking, or that it can be replaced by other land belonging to, or available for acquisition by the undertakers without serious detriment to the carrying on thereof.
- 4.39 The site is within the setting but not the curtilage of Newton Primary School which is a grade II listed building.
- 4.40 There are no scheduled ancient monuments within the Land to be Acquired.
- 4.41 There are no Tree Preservation Orders on the land to be acquired. It is likely that some trees will need to be removed to enable the development to proceed. The impact on trees will be fully considered during the planning process.



## **Appropriation of the Council's Land**

- 4.42 The former Sandy Bay Caravan Park which forms the majority of the land owned by the Council in the area intended for development was acquired by the Council for the purposes of public walks, being purposes set out in section 164 of the Public Health Act 1875, and section 4 of the Physical Training and Recreation Act 1937. The acquisition took place following the confirmation of the Porthcawl Urban (Newton) Recreation Ground Confirmation Order 1948 which authorised compulsory purchase acquisition of the land for those purposes. The land is accordingly held pursuant to a statutory trust imposed by section 10 of the Open Spaces Act 1906 to allow, and with a view to, the enjoyment thereof by the public as an open space within the meaning of the 1906 Act.
- 4.43 It is unclear what powers were used to acquire Griffin Park, a part of which is also to be appropriated so that it can be used to access the wider Scheme, but this land was acquired from the Great Western Railway Company in 1928 and it seems highly likely that it was either acquired utilising the powers contained in section 164 of the Public Health Act 1875 or section 9 of the Open Spaces Act 1906, and that this land is similarly held by the Council pursuant to a statutory trust imposed by section 10 of the 1906 Act .
- 4.44 The area of land to be appropriated from open space use within Griffin Park includes a part of a bowling green which is currently in use. There are however 3 bowling greens in Griffin park, one of which is disused. The current proposal is to bring that disused bowling green back into use prior to development taking place so as to mitigate the loss of the bowling green. That may depend on the extent of utilisation of the current bowling green. It is conceivable that the extent of bowling green provision within Griffin Park would be reduced to a single green.
- 4.45 The Council wishes to transfer the land from its current use to a use for planning purposes. This process is known as land appropriation. Under Section 246 of the Town and Country Planning Act 1990 planning purposes means reference to any purposes for which land can be acquired under (in part) Section 226 and Section 227 of the Town and Country Planning Act.
- 4.46 The Council has a general power to appropriate land under the provisions of Section 122 of the Local Government Act 1972. Under this section a Council may appropriate land owned by the Council which is no longer required for the purpose for which it is held for any other purpose for which the Council is authorised by statute to acquire land. The Council is authorised to acquire land under Sections 226 (using compulsory powers of acquisition) and 227 (by agreement) of the Town and Country Planning Act 1990.
- 4.47 Any land so appropriated will be freed from the statutory trusts arising under section 164 of the Public Health Act 1875 or section 10 of the 1906 Act (section 122(2B) Local Government Act 1972).

- 4.48 In reaching a decision to appropriate land the Council must decide that the land is no longer required for the purpose for which it is currently held and in making that decision the Council must consider the public need within the area for the existing use. This report gives a detailed outline of the development proposals for the area including the Council's land. The Council's land is required for purposes of development, re development and improvement.
- 4.49 One effect of appropriation for planning purposes is that when planning permission is granted for the development, section 203 of the Housing and Planning Act 2016 allows the Council to override easements and other rights – although compensation becomes payable to the owners of those interests. These powers extend to successors in title. For this reason the Council's land is not necessary to include within the CPO, notwithstanding its inclusion within and intended disposal as a part of the Porthcawl Regeneration Scheme.
- 4.50 To achieve the re development of the area in accordance with the Council's planning policy it is desirable that the Council's land is appropriated for planning purposes, as set out in further detail in the proposed Statement of Reasons at Appendix 3.
- 4.51 Before appropriating the land to planning purposes the Council must advertise its intention to appropriate the open space land for two consecutive weeks in a newspaper circulating in the local area and consider any objections received to the appropriation.
- 4.52 This report consequently seeks authorisation to advertise the appropriation, with any objections that are forthcoming to be considered at a further Cabinet meeting in due course.

### **Human Rights Implications**

- 4.53 The Cabinet should be sure that the purposes for which a compulsory purchase order is made and any decision to appropriate land 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.
- 4.54 Section 6 of the Human Rights Act 1998 prohibits public authorities from acting in a way which is incompatible with the Convention. Various Convention rights may be engaged in the process of making and considering a compulsory purchase order, notably Article 1 protects the right of everyone to the peaceful enjoyment of possessions. No-one can be deprived of possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. Article 8 provides a right to respect to one's private and family life and home.

- 4.55 The European Court of Human Rights has recognised in the context of Article 1 that regard must be had to the fair balance which has to be struck between the competing interests of the individual and of the community as a whole. Similarly, any interference with Article 8 rights must be necessary for the reasons set out. Both public and private interests are to be taken into account in the exercise of the Council's powers and duties as a local planning authority. Any interference with Convention Rights must be necessary and proportionate.
- 4.56 In considering the CPO and the appropriation of the Council's land, the Council has to carefully consider the balance to be struck between individual rights and the wider public interest. Any interference with Convention rights is considered to be justified in order to secure the economic, social, physical and environmental regeneration that the redevelopment will bring. Appropriate compensation will be available to those entitled to claim it under the relevant provisions of the relevant statutory provisions.
- 4.57 It is considered that there is a compelling case in the public interest for making the CPO and appropriating the Council's land and that the CPO, if confirmed, and the appropriation if made would strike an appropriate balance between public and private interests. In addition, having regard to the provisions of the Town and Country Planning Act 1990 and Welsh Government Circular Ref: 003/2019 Compulsory Purchase in Wales and 'The Cricheol Down Rules (Wales Version 2020)' (October 2020) it is considered that the land to be acquired is both suitable for and necessary to deliver the public benefits described above. Furthermore, it is considered that interference with individual rights is necessary and proportionate in the context of the delivery of the scheme.
- 4.58 In assessing human rights considerations, members should have particular regard to the fact that the proposed acquisition and appropriation will affect land currently owned and occupied by the owners, lessees, occupiers of the land and/or other legal interests.
- 4.59 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 – evidence has been invited from reputed owners where they are not registered. 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.
- 4.60 If after making the CPO, any qualifying objections are received within the statutory timescales and not resolved, it is likely that the matter will proceed to a local public inquiry. If this is the case, the Welsh Ministers will appoint an inspector to hear evidence from the objector(s) and the Council, before determining whether or not to confirm the CPO. The Secretary of State has limited power to modify the CPO before confirmation.

- 4.61 If, after publishing an advert detailing the proposed appropriation of public open space, representations are received by the Council these representations will be reported back to Cabinet to be considered at a further Cabinet meeting.
- 4.62 Once the CPO is confirmed and notices have been served, all persons with a compensation interest in the order land and who make a claim will be entitled to compensation in accordance with the provisions of a variety of statutory provisions which together form the Compensation Code. Once made, any person whose rights are impacted upon by the appropriation of the Council's land to planning purposes will also be entitled to compensation. Any dispute with regards to compensation can be referred to the Upper Tribunal (Lands Chamber) to determine.
- 11.11 Negotiations with landowners and the holders of any other interests will continue throughout the CPO process and where possible agreement will always be the preferred option for land acquisition.

## **5 Effect upon policy framework and procedure rules**

- 5.1 The proposals will positively support the Council's policies or procedures.
- 5.2 The site is currently allocated for mixed development within the existing Local Development Plan. Policy PLA3 of the Adopted Local Plan sets out the Council's objectives for mixed use regeneration of brownfield under utilised sites and identified the Porthcawl Regeneration Area as being a significant part of this strategy through its allocation as site PLA3(8). This allocation is supported by adopted Supplementary Planning Guidance (SPG), often referred to as the "Seven Bays Project – Porthcawl Waterfront SPG".
- 5.3 In addition to the allocation in the Adopted Local Plan the site has been put forward as a candidate site for consideration as part of the replacement Local Development Plan 2018-2033 (LDP).
- 5.4 The Bridgend County Borough Local Development Plan 2018-2033 Preferred Strategy Consultation Document identifies the Porthcawl Regeneration scheme as a strategically important site. Specifically the preferred strategy recognises that the Porthcawl Waterfront Regeneration Area will provide the strategic focus of residential-led growth and opportunity for Porthcawl by maximising the benefits of the unique location that incorporates views across Sandy Bay. The provision of new residential units, including affordable dwellings, will enable the delivery of other vital regeneration requirements comprising flood defences, enhanced active travel links plus education, retail and community facility provision.
- 5.5 Subsequent to the site being identified in the County Borough Local Development Plan 2018-2033 Preferred Strategy Consultation Document the site has since been identified as a Mixed-Use Strategic Development Site within the Replacement Local Development Plan Deposit Plan Public Consultation Document.

- 5.6 Specifically, Policy PLA1 of the Replacement Local Development Plan Deposit Plan Public Consultation Document sets out that the Land at Porthcawl Waterfront, is allocated for a comprehensive, regeneration-led, mixed-use development that will deliver circa 1,115 homes (including 30% / 335 units of affordable housing), incorporating a new one form entry Welsh medium primary school, a four classroom block extension at the existing English medium primary school, a new food store, leisure facilities, a bus terminus, recreation facilities, public open space, plus appropriate community facilities and commercial uses. Policy PLA1 goes on to set out a series of placemaking and master planning principles that apply to the site.
- 5.7 To evidence the deliverability and viability of the site the major landowners have contributed to 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 – see Appendix 4.
- 5.8 In addition to the planning status of the site at a local level there is significant support for the proposed regeneration at a national policy level. Planning Policy Wales (PPW) is unequivocal in terms of its support and indeed directive towards prioritising the redevelopment of suitably located brown field sites such as this. Of particular relevance is section 3.51 which states as follows:
- “3.51 Previously developed (also referred to as brownfield) land (see definition overleaf) should, wherever possible, be used in preference to greenfield sites where it is suitable for development. In settlements, such land should generally be considered suitable for appropriate development where its re-use will promote sustainability principles and any constraints can be overcome.”
- 5.9 In parallel to the importance placed on supporting brownfield regeneration opportunities such as the proposal, section 3.57 of PPW encourages appropriate steps to be taken to unlock sites with this including exercising compulsory purchase powers where voluntary acquisition is unsuccessful. Considerable effort has been made to voluntarily acquire the freehold interest in the former Model Village Leisure Park, although at this time these attempts remain unsuccessful. As such steps are being taken to progress with a compulsory purchase as this will unlock the site so it can meet development needs in the local area and secure better development outcomes. As detailed within the preceding sections of this statement the Council is satisfied that the benefits in relation to the public interest will outweigh the loss of private interests.
- 5.10 In May 2007 the Council’s Cabinet resolved to make a CPO to acquire land for what was then known as the Seven Bays Project. A draft CPO was progressed but never published due to the recession following the financial crisis in 2008. The key difference in the current CPO is that the previously proposed acquisition of land to undertake coastal protection works along the frontage of the Hi-Tide Inn has been

removed. These works are no longer required, as the coastal flood protection works the Council are carrying out at Eastern Prom, the Western Breakwater and Rhych Point, and the works that the Council's development partners are carrying out in front of the Coney beach Amusement Pak will provide sufficient coastal flood protection to enable the proposed development, redevelopment or improvement to proceed. In addition the Council has secured freehold title to some of the land that was required and this is therefore not included in the current CPO.

## **6. Equality Act 2010 implications.**

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

## **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 The acquisition of land on the Sandy Bay / Coney Beach site will have a cost, including any compensation to be paid. Given that the CPO has not yet been made it is premature to confirm what compensation payments will have to be made or to what value. Notwithstanding this point Cabinet and Council approval is being sought in a separate report for officers to include a capital budget in the capital programme from unallocated capital funding at the earliest opportunity. Once the need for compensation payments and the amounts which will be required are clarified a report will be presented back to Cabinet and Council to finalise the amount for the capital programme, with any such payments to be reimbursed from future sale receipts from disposal of the land at Porthcawl.

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

Cabinet is recommended:

- 9.1 To authorise the Corporate Director-Communities and the Chief Officer Legal, HR and Regulatory Services to make a Compulsory Purchase Order in the form at Appendix 1 and 2 (subject to such amendments as the Council's Corporate Director-Communities may authorise) and to publish a Statement of Reasons in the form at Appendix 3 (subject to such amendments as the Council's Corporate Director-Communities may authorise) to acquire the land edged red on the attached plan, for the purposes of enabling the comprehensive development of the Porthcawl Waterfront Regeneration Scheme.
- 9.2 To authorise the Corporate Director-Communities and the Chief Officer Legal, HR and Regulatory Services to make an application to the Welsh Ministers for a certificate under section 19 of the Acquisition of Land Act 1981 that the beach area is to be purchased in order to secure its preservation or improve its management
- 9.3 To authorise the Corporate Director-Communities and the Chief Officer Legal, HR and Regulatory Services to advertise and give notice of the making of the Compulsory Purchase Order; and to submit the same to the Welsh Ministers for confirmation,
- 9.4 To give authority to the Corporate Director Communities and the Chief Officer Legal, HR and Regulatory Services and those who may be authorised by her to respond to any objections received and to progress any public inquiry which the Welsh Ministers may wish to convene in respect of the making of the Compulsory Purchase Order.
- 9.5 To authorise the Corporate Director-Communities and the Chief Officer Legal, HR and Regulatory Services to advertise the Council's intention to appropriate the open space land as shown on the plan at Appendix 5 to a use for planning purposes and to report back to Cabinet to consider any objections received to the proposed appropriation.

**Janine Nightingale**  
**CORPORATE DIRECTOR – COMMUNITIES**  
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**Background Documents:** Equality Impact Assessment Screening Report