

**BRIDGEND COUNTY BOROUGH COUNCIL****REPORT TO CABINET****18 OCTOBER 2022****REPORT OF THE CORPORATE DIRECTOR - COMMUNITIES****PORTHCAWL WATERFRONT REGENERATION: APPROPRIATION OF LAND AT GRIFFIN PARK AND SANDY BAY****1. Purpose of report**

1.1 The purpose of this report is to:-

- Inform Cabinet of the representations received in response to the advertisement of the proposed appropriation of land at Griffin Park and Sandy Bay to support the Porthcawl Waterfront Regeneration Scheme.
- Ask Cabinet to consider the representations received as a result of the public notices and the officers' responses to those representations, and to seek Cabinet approval to proceed with the appropriation for planning purposes of the land at Griffin Park and Sandy Bay as outlined in red on the Appropriation Plan (Appendix 1) in order to facilitate the delivery of 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 objectives under the **Well-being of Future Generations (Wales) Act 2015**:-

1. **Supporting a successful sustainable economy** – taking steps to make the county borough a great place to do business, for people to live, work, study and visit, and to ensure that our schools are focussed on raising the skills, qualifications and ambitions for all people in the county borough.
2. **Helping people and communities to be more healthy and resilient** – Taking steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services. Supporting individuals and communities to build resilience, and enable them to develop solutions to have active, healthy and independent lives.
3. **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 On 20 July 2021 Cabinet authorised 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 at Griffin Park and Sandy Bay that is identified on the appropriation plan provided as Appendix 1 (Minute 692) to support the Porthcawl Waterfront Regeneration Scheme. As detailed within the 20 July 2021 Cabinet Report, the process of appropriation allows for the Council to transfer the land from its current use to a use for planning purposes. Before appropriating open space to planning purposes the Council must advertise its intention to appropriate for two consecutive weeks in a newspaper circulating in the local area before considering whether the land is no longer required as open space and any objections received to the appropriation. Minute 692 of the Cabinet meeting on 20 July 2021 requires the officers to report back to Cabinet to consider any objections received to the appropriation.
- 3.2 In addition to authorising the advertisement of the appropriation on 20 July 2021 Cabinet also gave approval to make, advertise, notify and progress confirmation of a Compulsory Purchase Order (CPO) in order to acquire land to deliver the Porthcawl Waterfront Regeneration Scheme. The CPO was subsequently published on the 8<sup>th</sup> of October 2021 and formally submitted to Planning and Environment Decisions Wales (PEDW). The publication of the CPO was followed by a statutory objection period between 21 October 2021 and 26 November 2021, during which a wide range of representations were submitted to PEDW. PEDW have now confirmed that the CPO is to be subject to a Public Inquiry which will take place in due course.
- 3.3 The land parcels subject to the CPO and appropriation are intrinsically linked as, together with land in respect of which an agreement has been entered into with the owners of land at Coney Beach Amusement Park, they form the Coney Beach and Sandy Bay development site which has been identified for mixed use regeneration as a part of the Porthcawl Waterfront Regeneration Scheme, as reflected through the current Local Development Plan (LDP) allocation, proposed Replacement Local Development Plan (RLDP) allocation and adopted Porthcawl Placemaking Strategy. For reference a plan has been provided as Appendix 2 which shows the appropriation land in red and the CPO land in blue.
- 3.4 Whilst the CPO and appropriation land parcels together form the Coney Beach and Sandy Bay development site, they remain subject to their own distinct legal processes. The current proposed planning purposes for the appropriation land is mixed use development in accord with the existing LDP allocation, proposed RLDP allocation and Porthcawl Placemaking Strategy. The decision to appropriate the land does not however prejudice the form of any planning application that is to made and

determined in due course, the details of which would be considered in accordance with the policy documents applying at the time the application is considered.

- 3.5 In order to avoid any confusion that could arise from multiple consultations taking place at the same time, the advertisement of the intention to appropriate land at Sandy Bay and Griffin Park was not progressed whilst the CPO and subsequent Placemaking Strategy consultations were ongoing. Following the completion of these two consultations and subsequent approval of the Porthcawl Placemaking Strategy by Cabinet (Minute 813) on 8 March 2022, advertisement of the proposed appropriation commenced on 6 June 2022.
- 3.6 The proposed appropriation was readvertised over a period of 21 days commencing on 30 June 2022 as during the first consultation period it was brought to the attention of officers that there was only a reference to Griffin Park and not Sandy Bay in the body of the notice of the proposed appropriation. The second consultation period used a revised notice to avoid any doubt as to the land which is proposed to be subject to appropriation.

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

##### **Land to be Appropriated**

- 4.1 The land subject to the proposed appropriation consists of 0.743 hectares of land at Griffin Park and 19.098 hectares of land at Sandy Bay with the combined area of the 2 parcels equating to 19.841 hectares.
- 4.2 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.
- 4.3 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.

- 4.4 The area of land to be appropriated from open space use within Griffin Park includes 2 tennis courts and a bowling green which are currently in use. Additionally, there is an existing single storey building that has remained vacant since December 2021. Prior to the building being vacated it most recently functioned as a community building via two twelve month leases granted by BCBC to Porthcawl Town Council with the predominate use being a veterans hub. Prior to this temporary occupation, which ceased on December 2021, the building was declared surplus to BCBC requirements. As it stands the building is in poor condition with the floor having failed. Due to this and the limited lifespan of the building it has been identified that repairs to the building are not cost effective and it has been earmarked for demolition accordingly.
- 4.5 With respect to the tennis courts, the Council is committed to providing replacement provision with a new modern facility to be installed at an alternative location within the extended Griffin Park that will be delivered within the Porthcawl Waterfront Regeneration Scheme with the exact location and design of this facility to be developed in due course. In terms of bowling green provision there are 3 bowling greens in Griffin Park, one of which (located outside of the appropriation land) 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 and that the new tennis court provision would be located at the site of the existing disused bowling green to the north of Griffin Park. With respect to the vacant building which previously accommodated the Veterans Hub the Council will work with this group to identify an appropriate alternative premises within the Town. It is recognised that there is potential for a short time between the removal of facilities within Griffin Park and their potential replacement/alternative facilities being available for use but any such delays would be kept to the minimum necessary.
- 4.6 The area of land to be appropriated within Sandy Bay is unoccupied with the exception of a temporary caravan park area on the western edge of the site that is operated by the Hi Tide Inn on a seasonal basis. This operation represents a temporary use that has been taking place via a short-term licence agreement prior to the planned redevelopment taking place. Additionally, the Town Council have been granted short term licences to use part of Sandy Bay as a temporary events space. The remainder of the land has been publicly accessible since the closure of the Sandy Bay caravan site in 2000.

### **Process of Appropriation**

- 4.7 Appropriation is the formal legal process that allows the Council to transfer land from its current use to another use, such as a use for planning purposes as in this case.
- 4.8 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. Under Section 226 of the Town and Country Planning Act 1990 land can be acquired for planning purposes if the Council think that the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to the land and the Council 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.

- 4.9 Given the Council's proposals for the land to be used as a part of the Porthcawl Waterfront Regeneration Scheme, for which it has an LDP allocation, the proposal to include it within the RLDP and the inclusion of the land within the adopted Placemaking Strategy, appropriation of the land to planning purposes is possible. Whilst appropriation allows for land to be transferred to planning purposes it does not fetter any future decision that may be made by the Council acting in its capacity as the Local Planning Authority. As such, any future applications for planning permission will be subject to due consideration and determined based on material planning considerations, in accordance with the relevant planning policies that apply at the time any planning application is made. It is expected that any planning applications will be made by developers in due course.
- 4.10 The appropriation will however enable the Council to give certainty to both the Welsh Ministers (who will consider whether the CPO ought to be confirmed) and developers alike that the land is available for development and that the statutory trusts that apply in respect of the land are released. It will also enable the Council to show that there are no impediments to the Porthcawl Waterfront Regeneration Scheme proceeding at the public inquiry into the CPO, as required by Welsh Government circular guidance.
- 4.11 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 should consider the public need within the area for the existing use. Additionally, the Council must consider the responses to the advertisement of the appropriation prior to making a decision. The need for the existing use of the land and responses to advertisement of the intended appropriation are considered under the relevant headings below.

### **Public Need for Existing Use**

- 4.12 It is recognised that Griffin Park is a valued and well used area of formal open space within Porthcawl that accommodates various facilities including bowling greens, a now vacant single storey community building, public toilets and tennis courts with recreational paths and grassed areas. As such, and whilst the appropriation land includes a 0.743 hectare area of Griffin Park in order to accommodate a road that would provide access to planned development to the east, the Council does not

intend to reduce the size of Griffin Park following the proposed appropriation as it intends to include an extension to Griffin Park within the associated redevelopment of the Porthcawl Waterfront Regeneration Scheme. In contrast to any reduction in space, the plans outlined within the Porthcawl Placemaking Strategy show how Griffin Park would be extended by in excess of 4 acres which would essentially double its existing size. A plan showing the extent of the proposals to extend Griffin Park is provided as Appendix 3. As part of the extension to the park, any existing facilities located within the appropriation land would be able to be relocated as may be required, with this providing an opportunity to provide improved facilities such as new all-weather tennis courts as part of any redevelopment. It is recognised that there is a potential for a short term impact on facilities, but delays in the provision of new facilities would be kept to the minimum necessary. The Council can control such delays through its disposal strategy for the land and in its role as local planning authority, through which it can condition requirements for replacement/extended open space.

- 4.13 Whilst it is proposed to extend Griffin Park it is important to recognise that the development will also generate its own open space requirements and to that extent, the extension of Griffin Park is required to meet the needs of the new development as well as representing additional formal open space provision that will be available for existing residents within Porthcawl. The proposed retained and extended Griffin Park, which will remain in public ownership, also provides an opportunity to deliver qualitative improvements to open space provision within the area.
- 4.14 With respect to land at Sandy Bay the proposed appropriation includes 19.098 hectares of land that forms the former Sandy Bay Caravan Park. Whilst this land was acquired as open space and has remained accessible to the public since the closure of the caravan park in 2000, it has not been used or maintained as formal open space and its planning status has been long regarded as suitable for redevelopment as reflected by the allocation of the site under allocation ref. H1 (58) in the now superseded Unitary Development Plan (UDP) adopted in 2004, the current LDP adopted in 2013 (Policy PLA3(8)) and proposed reallocation in the RLDP (Deposit Plan Public Consultation Document (PLA1)). Both the 2004 UDP and adopted LDP were subject to approval by full Council prior to their adoption, whereby in approving the Development Plan allocation the redevelopment of the site was considered acceptable.
- 4.15 The longstanding proposals to redevelop this area of land were further detailed within the 2004 and 2007 Supplementary Planning Guidance (SPG) Documents that were prepared for the sites and formally adopted by the Council.
- 4.16 The suitability of Sandy Bay for redevelopment was most recently confirmed by the approval of the Porthcawl Placemaking Strategy by Cabinet on 8 March 2022. This document sets out the Council's vision for redevelopment of Sandy Bay, Coney Beach, Salt Lake and the surrounding area for mixed use development including the provision of circa 1100 homes across the wider development area, new commercial and leisure development, significant areas of new open space, community use

opportunities and new transport infrastructure. A copy of the illustrative masterplan layout produced as part of the Placemaking Strategy is provided as Appendix 4.

- 4.17 Whilst subject to the statutory trusts referred to above and physically open to the public, the suitability of Sandy Bay for redevelopment is further reinforced by the findings of the Council's 2020 Outdoor Sport and Children's Play Space Audit available via the following link:

<https://democratic.bridgend.gov.uk/documents/s25785/Appendix%2022%20-%20Outdoor%20Sport%20and%20Childrens%20Play%20Space%20Audit%202021.pdf?LLL=0>

- 4.18 This Audit does not recognise Sandy Bay as falling within any of the categories of open space identified by the Audit. It is noteworthy that, despite that, there remains an identified surplus of 'Amenity Green Space' within Porthcawl. 'Amenity Green Space' is defined within the Audit as being "*Informal recreation spaces, communal green spaces in and around housing and village greens*". 'Amenity Green Space' is the category of open space with the most shared similarities to the open previously developed nature of the land at Sandy Bay. As such, the appropriation of land at Sandy Bay for planning purposes and associated proposals for redevelopment would not affect the existing identified surplus of 'Amenity Green Space' within Porthcawl.
- 4.19 With respect to other categories of open space it is recognised that the Audit does identify shortfalls in other categories of open space that include Playing Pitches, Other Outdoor Sports, Equipped / Designated Play Provision, and Other Outdoor Provision. An extract of the numerical sub area analysis contained within the Audit is provided as Appendix 6. This numerical analysis shows the respective surpluses and deficits in forms of open space provision within Porthcawl.
- 4.20 The extent to which the extension of Griffin Park contributes towards the open space needs generated by the redevelopment of the land as a part of the Porthcawl Waterfront Regeneration Scheme would need to be considered in the process of considering any detailed planning application. In addition to the extension to Griffin Park it is anticipated that any future development proposals would include additional areas of smaller scale local open space (such as pocket parks and play areas) as required to meet the needs of the new development in line with planning policy requirements. Any such additional provision would be controlled by the Local Planning Authority when considering any future planning application.
- 4.21 As above, it is important to recognise that the development will also generate its own open space requirements and to that extent, the extension of Griffin Park is required to meet the needs of the new development as well as representing additional formal open space provision that will be available for existing residents within Porthcawl. To that extent the extension to Griffin Park and any contribution towards remedying the deficit in formal open space provision as identified within the 2020 Outdoor Sport and Children's Play Space Audit cannot be fully quantified until details of the overall open space provision within the new development and wider Porthcawl Waterfront Regeneration Area (PWRA) are confirmed through the planning application process.

4.22 The proposed retained and extended Griffin Park, which will remain in public ownership, also provides an opportunity to deliver qualitative improvements to open space provision within the area. It is also recognised that the appropriation of part of Griffin Park will enable the development of the area and that the development in so far as it affects Griffin Park will in the short term exacerbate a shortfall in formal open space provision, but any delay in delivering the extension to Griffin Park and any other additional space, the need for which is generated by the development, would be kept to a minimum.

4.23 Within the context outlined above it is not considered that there is an overriding public need for the existing use of the appropriation land. Additionally, and in the event it was considered that there was a benefit in retaining the land in its current use, it is considered that any such benefit would be outweighed by the wider benefits arising from the redevelopment of the appropriation land (and adjoining land that collectively forms the PWRA) in accordance with its LDP allocation and framework for development outlined within the Porthcawl Placemaking Strategy. In summary these wider benefits are considered to include the following:

- Creation of new and enhanced open space for current and future residents and visitors;
- Provision of improved connectivity across the site and to adjoining areas;
- Creation of additional housing to meet an identified need within the existing boundaries of Porthcawl and adjacent to established infrastructure;
- Additional job opportunities arising from both the construction and operational phases of the development;
- The development of this previously developed site protects against the unnecessary loss of countryside and the associated environmental impacts; and
- Having a positive impact on the perception and function of the area, benefiting existing residents and businesses.

### **Proposed Planning Use**

4.24 When considering whether to appropriate the land for planning purposes it is important to understand the current planning status of the site. Whilst a detailed planning permission has not yet been secured, the site's previous UDP allocation, current LDP allocation, proposed RLDP reallocation and the approved Porthcawl Placemaking Strategy set out key land use parameters and a framework for comprehensive development that any detailed planning application would be expected to accord with.

4.25 The proposed appropriation land and the wider Porthcawl Waterfront Regeneration Area is currently allocated for mixed use development within the existing Local Development Plan. Policy PLA3 of the Adopted Local Plan sets out the Council's objectives for mixed use regeneration and identifies the Porthcawl Waterfront Regeneration Area as being a significant part of this strategy through its allocation as site PLA3(8).



- 4.26 In addition to the allocation in the Adopted LDP, the site is identified as a Mixed-Use Strategic Development Site within the RLDP Deposit Plan Public Consultation Document. Specifically, Policy PLA1 of the RLDP Deposit Plan Public Consultation Document allocates the land at Porthcawl Waterfront 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, extension of 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.
- 4.27 The Porthcawl Placemaking Strategy builds upon the LDP and proposed RLDP allocation outlined above. The Placemaking Strategy was formulated in order to ensure that the future development of the wider Regeneration Area is aligned with the Council's aspirations to deliver development of the highest quality and responds to the wide-ranging needs of both the current community and future generations.
- 4.28 The preparation of the Placemaking Strategy and associated consultation provided an opportunity for members of the public to understand and influence the framework and guiding principles for development within the Porthcawl Waterfront Regeneration Scheme. This includes both the future development to be delivered upon the appropriation land and the wider development that will be unlocked via delivery of enabling infrastructure such as the new access road on the part of the land proposed to be appropriated.
- 4.29 The public consultation for the Placemaking Strategy was undertaken over a three week period from 24 November 2021 to 17 December 2021. The consultation included a two day public exhibition in the Porthcawl Pavilion which was attended by in excess of 1,000 members of the public. This exhibition was followed by the consultation material being displayed on the Cosy Corner site hoarding for 3 weeks and being made available online on the Council website.
- 4.30 The outcome of the public consultation process was fully outlined within the consultation report included as part of the 8 March 2022 report to Cabinet which resulted in the Placemaking Strategy being approved. In response to the areas of concern identified through the consultation, the following core amendments were made to the indicative mix and distribution of uses identified within the Porthcawl Waterfront Regeneration Area:
- Creation of a circa 200m long and 70m wide linear park along the Salt Lake seafront.
  - Enlarged area of open space adjoining the pedestrianised extension to Dock Street and adjoining piazza.

- Reduction in the area of land on Salt Lake earmarked for housing by approximately a third.
- 4.31 Whilst the aforementioned amendments do not directly alter the nature and scale of the form of development anticipated to be delivered across the land proposed for appropriation, they have introduced significant changes to the form of development across the wider Porthcawl Waterfront Regeneration Area as a whole, including the introduction of additional open space that can be used flexibly by the community.
- 4.32 In addition to these amendments the Placemaking Strategy includes proposals for a new access road to Sandy Bay complete with integrated active travel routes and a significant extension to Griffin Park which would connect through to the relic dunes and Sandy Bay Beach. The delivery of this enhanced access and open space infrastructure is reliant on the proposed appropriation as the land is required to be vested for planning purposes in order for the highway works and the associated development to be delivered.
- 4.33 It is within the planning context outlined above that the appropriation of land at Griffin Park and Sandy Bay is being proposed, with the appropriation being an important step towards facilitating the comprehensive regeneration of the Porthcawl Waterfront Regeneration Area.

#### **Advertisement of intention to Appropriate Land**

- 4.34 Section 122(2A) of the Local Government Act 1972 requires a notice to be published in a newspaper circulating in the area in which the land to be appropriated is situated. In response to this requirement a notice was placed in the Western Mail on the 6 June and 13 June 2022. An electronic copy of this notice and the associated appropriation plan was also made available on the Council's legal notices page.
- 4.35 The proposed appropriation was readvertised via both site notice and Western Mail advert over a further 21 day period commencing 30 June 2022 using an amended notice, as it was brought to the attention of Council officers during the first period of consultation that there was only a reference to Griffin Park and not Sandy Bay in the body of the notice. This was done for the avoidance of any doubt about the land which is proposed to be appropriated. Objectors were informed that there was no need to submit a further objection if their objection already dealt with the proposed appropriation of Sandy Bay, as many/most had.
- 4.36 In addition to proposed appropriation being advertised in the Western Mail and on the legal notices page the consultation was expanded beyond the baseline statutory requirements by advertising the appropriation more widely, in order to ensure the public had maximum opportunity to be made aware of and in turn consider and comment on the proposed appropriation. This additional consultation consisted of the following:
- Display of notices and proposed appropriation plan at key entry points to Griffin Park and Sandy Bay.

- Background information, copies of documents and instructions of how to comment included on the BCBC consultation page
- Press and social media releases which provided further information and detail on how to comment.

4.37 With respect to the duration of the consultation the baseline requirement is for a 2 week period as outlined within the report to Cabinet that provided the initial authorisation to proceed with the advertisement of the appropriation. As with the approach to advertising outlined above additional time for responses was provided with the consultation period set at 3 weeks in order to maximise the opportunity for the public to consider and comment on the appropriation. In addition, the 21 day re-advertisement of the proposed appropriation commencing 30 June 2022 gave further time for members of the public to consider the proposed appropriation and submit written representations for consideration.

### **Representations Received**

4.38 Representations of objection were received in response to the advertisement of the intended appropriation. An analysis of and officers' comments in response to the issues raised within the representations is set out in Appendix 5.

4.39 In summary, the advertisement resulted in 679 responses being received. The majority of these representations consisted of objections to the Council's proposals for the Porthcawl Waterfront Regeneration Scheme and most contained multiple reasons for making objections. In terms of the number of individual grounds for objection, recurring themes included the following:

- Fully opposed to the appropriation
- Opposed to any housing within Sandy Bay
- Opposed to the amount of housing
- Want to see more open space retained
- Concerned about loss of tennis courts
- Oppose loss of community building in Griffin Park
- Object to loss of Griffin Park
- Desire for more leisure and recreational uses
- Comments in relation to parts of the PWRA which fall outside the appropriation land
- Concerns as to whether the Well-being of Future Generations (Wales) Act is being considered in full
- Ecology concerns
- Concerns regarding infrastructure capacity
- Concerned about impact on access to medical facilities and education provision
- Consider insufficient information has been provided

- Lack of consultation
- Concerns about legal process

4.40 The consultation summary document provided as Appendix 5 includes officer comments in response to the summarised / paraphrased and aggregated grounds of objection. It is now necessary for Cabinet to formally consider the consultation responses and to decide whether the proposed appropriation should proceed. In considering representations made following the advertising of the intended appropriation, the Council is required to take these into account in reaching its decision to appropriate. This involves the exercise of discretion and the duty to act reasonably, taking into account all material considerations. In practice this will involve considering whether there is a need for the land to remain in its existing use in addition to balancing the benefits of appropriating the land against any detriment suffered by members of the public that may use and enjoy the land for open space purposes. Cabinet should consider the issues set out in detail in this report. Members of the public who currently use the open space for recreational purposes will have their current ability to use part of the open space land for these purposes taken away, but the short term exacerbation of a shortfall in formal open space provision in relation to the proposed appropriation of part of Griffin Park as well as the effects of the appropriation on all the land proposed to be appropriated must be weighed in the balance against the wider social, economic and environmental benefits to the area.

### **Human Rights**

4.41 Objections have raised concerns in relation to the PWRA and impact on access to open space and leisure facilities. Consideration should be given to whether the Council would be complying with the Human Rights Charter for Leisure if it proceeds with the proposed appropriation. The World Leisure Organisation's review of the implications of the 1948 United Nations Universal Declaration of Human Rights recognises the right of all to enjoy leisure time and to freely participate in the cultural life of the community, for governments at national, regional/provincial and local levels; commercial organizations; education institutions; professional bodies; non-government organizations; and individual citizens. The latest revision was conducted by a Special Taskforce of the World Leisure Academy over the period 2017-2019 and was approved in 2020.

4.42 Article 1 of the Charter for Leisure recognises that everyone, whether adult or child, has the right to adequate time for rest and for the pursuit of leisure activity. Article 5 explains that leisure is a medium through which other rights and related benefits set out in the Universal Declaration of Human Rights and associated covenants can be exercised, including: the physical, mental, emotional and social development of the child through play; support for family life; personal expression and development; sustaining of cultural life of the community; and promotion of physical and mental health and well-being through sport, physical activity and cultural engagement. Article 6 provides that rights should therefore be observed and supported by all of society's institutions, including commercial organisations, education institutions, professional bodies and non-government organisations. It recognises that

Governments at national, regional/provincial and local levels have particular responsibilities reflecting commitments under United Nations treaties and, in some cases, provisions in national constitutions and legislation. Article 7 sets out that although Governments face many challenges and competing demands for resources, they nevertheless have particular responsibilities to:

- ensure availability and protection of land for open space for recreation in residential areas;
- ensure preservation of, and public access to, natural and culture heritage;
- ensure the provision of suitable space and facilities for children's play;
- support provision of health-enhancing amenities, such as facilities for sport and exercise;
- support cultural institutions and activities;
- ensure that all members of the community, regardless of age, gender, sexual orientation, ethnicity, religion, ability or income, have access to beneficial leisure facilities and services;
- support suitable training of a technical and professional work force for the leisure/ sport/cultural service industries;
- support research on the benefits and costs of leisure activity and on the provision of leisure facilities and services;
- include recognition of leisure-related rights in relevant national/provincial legislation and regulations, including those concerned with regulation of mass communications and digital media;
- recognise, in national, regional and urban policies and plans, the contribution which leisure-related provisions can make to personal, social, cultural and economic development;
- support other human rights which facilitate the participation in the cultural life of the community, including the right to food, clothing, housing and medical care and necessary social services and security, as set out in Article 25 of the Universal Declaration of Human Rights.

4.43 UK domestic legislation has not adopted the World Leisure Organisation's Charter For Leisure nor the Universal Declaration of Human Rights which it reviewed. It has however, via the Human Rights Act 1998, adopted various rights in the European Convention on Human Rights, including for example the rights to family and personal life in Article 8 and the right in Article 1 of Protocol No. 1 to own property and use possessions, which should also be considered. The close interconnection between the Universal Declaration of Human Rights (reviewed in the Charter for Leisure) and the European Convention on Human Rights is clearly expressed in the preamble to the latter treaty. It is therefore considered that the Council should consider the impact of the Charter for Leisure.

4.44 It is clear from the drafting of the European Convention on Human Rights that those rights of relevance are not absolute and can be overridden in a fair and proportionate manner. For example, Article 8 is qualified in that rights only apply except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the

prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others. Similarly, Article 1 of protocol number 1 does not in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties. In considering the appropriation of the 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 statutory provisions.

- 4.45 The proposed appropriation fits within a legislative context which requires consideration of the continued need for open space and provides for compensation of those whose property interests are affected. The policy context within which the proposed appropriation is being considered has been the subject of wide consultation. It is also considered that the proposed appropriation fits within the factual background which is described above in more detail. Overall, it is considered that the proposed appropriation wholly accords with the Charter for Leisure, the Universal Declaration, the European Convention and the Human Rights Act 1998. Any interference with such rights is considered to be a proportionate reasonable and lawful interference with the same in all of the circumstances.
- 4.46 Similarly, consideration should be given to the UN Convention on the Rights of the Child. The Convention came into force in the UK in 1992. Specific regard must be given to whether the appropriation is a breach of Article 31 – the right of every child to relax, play and take part in a wide range of cultural and artistic activities. In all of the circumstances, overall, it is considered that the proposed appropriation is in accordance with the UN Convention on Rights of the Child.
- 4.47 It is considered that there is a compelling case in the public interest for appropriating the Council's land as described in this report and that the appropriation would strike an appropriate balance between public and private interests. Furthermore, it is considered that the interference with individual rights is necessary and proportionate in the context of the delivery of the scheme and the benefits it will bring. These benefits are summarised within paragraph 4.21 of this report.

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

- 5.1 The approval of the proposed appropriation is an important step in the progression of the Porthcawl Waterfront Regeneration Scheme within the programme for delivery and will positively support the Council's policies and procedures.
- 5.2 As detailed within preceding sections of this report the site is currently allocated for mixed development within the existing Local Development Plan. In addition to the allocation in the Adopted Local Plan the site is identified as a Mixed-Use Strategic Development Site within the Replacement Local Development Plan Deposit Plan

Public Consultation Document. The Porthcawl Placemaking Strategy sets out a framework for development that delivers upon the objectives of the existing and proposed LDP allocations.

- 5.3 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) supports the prioritisation of suitably located previously developed land for regeneration purposes, subject to other policy considerations.
- 5.4 When considered in the policy and procedural context outlined above, the proposed appropriation represents an important and necessary step in progressing the delivery of development across the PWRA, realising the regeneration objectives of the Council and wider national placemaking objectives of Welsh Government.

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

- 6.1 An initial Equality Impact Assessment (EIA) screening for the development across the PWRA 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 Equality Impact Assessment on this proposal.
- 6.2 For the avoidance of doubt, whilst the proposed appropriation seeks to change the legal status of the land it will not directly result in any material change to the physical state of the land. Any future decisions in connection with the disposal of the site and associated development will be brought before Cabinet for consideration in due course. Any future planning application will be subject to determination by the Local Planning Authority. Further EIA will be required and carried out at these stages.

## **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, as summarised below, and there are no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of this report.
- Long term - The Porthcawl Waterfront Regeneration Scheme 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 Porthcawl Waterfront Regeneration Scheme sites are largely unoccupied and under-utilised and detract from the attractiveness of the area.
  - Integration – the development of land within the Porthcawl Waterfront Regeneration Scheme will integrate with and access the existing town centre, sea front and leisure developments.

- Collaboration – the Council will continue to 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 continue to be an important facet of the Porthcawl Waterfront Regeneration Scheme.

## **8. Financial implications**

- 8.1 The process of appropriation can in some instances result in compensatory payments where there are underlying third party interests in land. In this case there are no such known interests in the appropriation land and therefore it is not anticipated that any compensatory payments would arise as a result of the proposed appropriation. However, in the event that such interests were engaged then compensation would be made available and, in the event of any dispute, the extent of compensation would be referable to the Upper Tribunal (Lands Chamber) for determination. Given that the appropriation has not yet been confirmed, and it is not anticipated that that any compensatory payments would arise as a result of the proposed appropriation, it is premature to confirm if any compensation payments will have to be made or to what value. Should there be a need for compensation payments the amounts required, if agreed between the parties, will be clarified and a report will be presented back to Cabinet and/or Council to inform it of the amounts to be paid along with the funding source. Should there be a capital cost this will be reimbursed from future sale receipts from disposal of the land at Porthcawl.
- 8.2 With respect to the proposed relocation of existing facilities impacted by the proposed development and provision of new facilities as part of the wider development, it is anticipated that these projects will be part of a significant number of large-scale individual and interlinked development projects as identified within the Porthcawl Placemaking Strategy. The approval of the legal process of appropriation does not constitute approval of any additional capital or revenue expenditure in connection with such individual projects and therefore there are no direct financial implications arising for BCBC from this report. All financial considerations will need to be considered on a project by project basis and further reports will be brought back to Cabinet and/or Council in connection with any future planned disposal / development of the appropriation land and wider regeneration area as appropriate.

## **9. Recommendations**

Cabinet is recommended:

- 10.1 To consider the representations received in response to the advertisement of the proposed appropriation of land at Griffin Park and Sandy Bay and officers' responses to those representations set out in Appendix 5.
- 10.2 To approve the appropriation for planning purposes of the land at Griffin Park and Sandy Bay outlined in red on the Appropriation Plan (Appendix 1)



**Janine Nightingale**  
**CORPORATE DIRECTOR – COMMUNITIES**  
**18 October 2022**


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Principal Regeneration Officer

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**Background Documents:** Porthcawl Placemaking Strategy 2022  
Bridgend Local Development Plan (Adopted September 2013)  
Bridgend Replacement Local Development Plan Deposit Plan  
(2022)




**Porthcawl Waterfront  
Regeneration Land Appropriation**  
 Plot generated by :WTP  
 Reference : PC1 -AP\_070121

**Scale: 1: 2500 @ A3**  
**Date: 01/07/2021**

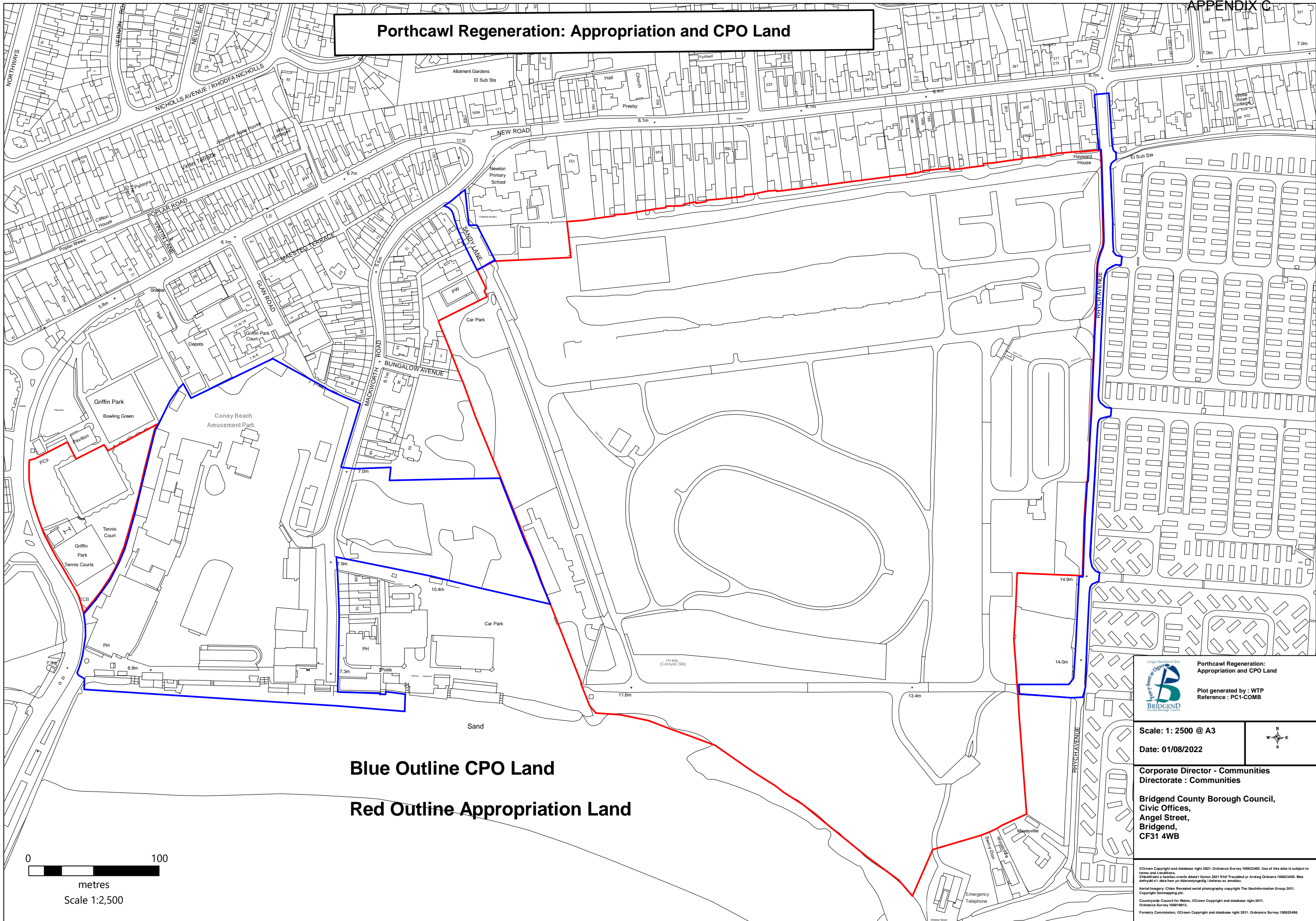


**Corporate Director - Communities  
Directorate - Communities**  
**Bridgend County Borough Council,  
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CF31 4WB**

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# Porthcawl Regeneration: Appropriation and CPO Land



**Blue Outline CPO Land**  
**Red Outline Appropriation Land**

**Porthcawl Regeneration: Appropriation and CPO Land**  
 Plot generated by : WTP  
 Reference : PC1-COMB

Scale: 1: 2500 @ A3  
 Date: 01/08/2022

Corporate Director - Communities  
 Directorate : Communities

Bridgend County Borough Council,  
 Civic Offices,  
 Angel Street,  
 Bridgend,  
 CF31 4WB

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# OPEN SPACE



 Public Realm key points and linkages

 Green Infrastructure key points and linkages





# MIX OF USES, DISTRIBUTION AND SCALE

- Residential
- Residential areas with mixed uses at ground floor
- Car parking
- Metro link
- Green infrastructure
- Public realm
- Leisure
- Commercial / retail
- School
- Future development opportunity
- ★ Key community use opportunity





**Appropriation of Land at Griffin Park and Sandy Bay  
Public Consultation Report  
August 2022**



## Overview

In total 679 representations were received by letter and e-mail in response to the advertisement of the proposed appropriation. Advertisement included the publication of notices in the Western Mail on 6<sup>th</sup> of June and 13<sup>th</sup> of June, in addition to notices being displayed on land at Griffin Park and Sandy Bay from 6<sup>th</sup> of June until 27<sup>th</sup> of June. Further exposure was given to the consultation period through the publication of consultation details on the BCBC website in addition to a press release that was issued via the BCBC website and was posted on social media.

The proposed appropriation was readvertised over a period of 21 days commencing 30 June 2022 as during the first consultation period it was brought to the attention of officers that there was only a reference to Griffin Park and not Sandy Bay in the body of the notice. The second consultation period used a revised notice to avoid any doubt as to the land which is proposed to be subject to appropriation.

## Planning and Prior Consultation Context

The proposed appropriation land and the wider Porthcawl Waterfront Regeneration Area (PWRA) is currently allocated for mixed use development within the existing Local Development Plan (LDP). Policy PLA3 of the Adopted Local Plan sets out the Council's objectives for mixed use regeneration and identified the PWRA as being a significant part of this strategy through its allocation as site PLA3(8).

In addition to the allocation in the Adopted LDP, the site is identified as a Mixed-Use Strategic Development Site within the Replacement Local Development Plan (RLDP) Deposit Plan Public Consultation Document. Specifically, Policy PLA1 of the RLDP Deposit Plan Public Consultation Document allocates the land at Porthcawl Waterfront 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, 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.

The Porthcawl Placemaking Strategy builds upon the LDP and proposed RLDP allocation outlined above. The Placemaking Strategy was formulated in order to ensure that the future development of the wider Regeneration Area is aligned with the Council's aspirations to deliver development of the highest quality and responds to the wide-ranging needs of both the current community and future generations.

The preparation of the Placemaking Strategy and associated consultation provided an opportunity for members of the public to understand and influence the framework and guiding principles for development within the Porthcawl Waterfront Regeneration Scheme. This includes both the future development to be delivered upon the appropriation land and the wider development that will be unlocked via delivery of enabling infrastructure such as the new access road on the part of the land proposed to be appropriated.

The public consultation for the Placemaking Strategy was undertaken over a three week period from 24th November 2021 to 17th December 2021. The consultation included a two day public exhibition in the Porthcawl Pavilion which was attended by in excess of 1,000 members of the public. This exhibition was followed by the consultation material being displayed on the Cosy Corner site hoarding for 3 weeks and being made available online on the Council website.

Whilst the LDP allocation and Placemaking Strategy provide a framework for development, detailed proposals for individual developments within the PWRA will be subject to a planning application in due course and this will include further public consultation at both pre application and application stages as part of the statutory requirements applicable to planning applications.

Whilst appropriation allows for land to be transferred to planning purposes it does not fetter any future decision that may be made by the Council acting in its capacity as the Local Planning Authority. Any future applications for planning permission will be subject to due consideration and determined based on material planning considerations, in accordance with the relevant planning policies that apply at the time any planning application is made. It is expected that any planning applications will be made by developers in due course.

## **Representations Received**

The significant majority of representations constituted objections to the Council's proposals to appropriate the land. Specifically, 658 of the representations received constituted an objection with 11 representations in support of the proposed appropriation. There were a number of grounds of objection that were raised by multiple respondents and many of the respondents objected to the proposals on more than one ground.

The grounds for objection have been aggregated / paraphrased as appropriate and are set out under themed headings below. Where appropriate comments have been provided in response to the grounds of objection.

It is worthwhile noting that a large number of representations relate to the overall regeneration proposals across the PWRA as opposed to the proposed legal process of appropriation. Such representations have been included below with comments provided in response as appropriate.

### Loss of Open space / Impact on Recreational Opportunities

*Representation: Opposed to any loss of open space*

*Representation: Griffin Park should be retained and upgraded*

*Representation: Opposed to any building on Griffin Park*

*Representation: Sandy Bay is the only green land left in Porthcawl and has the opportunity to be created into a much needed larger park than the existing Griffin Park.*

Response: Whilst the majority of Sandy Bay is proposed to be developed, the proposals will result in a significant extension to Griffin Park which will provide a green link eastwards, connecting the existing Griffin Park to the Relic Dunes. It is recognised that there is potential



for a short time between the removal of facilities within Griffin Park and their potential replacement/alternative facilities being available for use but any such delays would be kept to the minimum necessary. There is an identified surplus of 'Amenity Green Space' within Porthcawl as identified within the 2020 Outdoor Sport and Children's Play Space Audit.

*Representation: Sandy Bay is widely used by dog walkers and should be retained as open space*

Response: The proposed extension to Griffin Park which will provide a green link eastwards, connecting the existing Griffin Park to the Relic Dunes will provide space for dog walkers to continue to exercise their animals. It is recognised that there is potential for a short time between the removal of facilities within Griffin Park and their potential replacement/alternative facilities being available for use but any such delays would be kept to the minimum necessary. There is an identified surplus of 'Amenity Green Space' within Porthcawl as identified within the 2020 Outdoor Sport and Children's Play Space Audit

*Representation: The new development must include open/community space within the heart of the development and should not rely on the beach to be it's community space.*

*Representation: Porthcawl has very limited leisure facilities and BCBC have not provided Porthcawl with a much needed leisure centre, pool or any other type of leisure for decades. To take what the town does have away will be detrimental and damaging.*

*Representation: The area should be retained as open-space and used to create things such as family friendly picnic areas, bike park, skateboard park, tennis courts, outdoor lido. The list is endless. Let people enjoy our great outdoors not develop more little boxes built on shifting sand.*

*Representation: There is no cinema, swimming pool or other major indoor recreational facility despite I believe many requests over the years.*

Response: The proposed extension to Griffin Park outlined above forms a core element of the development and will provide opportunities for new community and recreational facilities as outlined within the Porthcawl Placemaking Strategy. It is recognised that there is potential for a short time between the removal of facilities within Griffin Park and their potential replacement/alternative facilities being available for use but any such delays would be kept to the minimum necessary. There is an identified surplus of 'Amenity Green Space' within Porthcawl as identified within the 2020 Outdoor Sport and Children's Play Space Audit. In addition to the extension to Griffin Park the wider proposals for the PWRA include a site at the southern end of salt lake earmarked for leisure uses. As outlined within the Placemaking strategy one potential leisure opportunity for this site is a new hotel, which could include the provision of onsite leisure / spa facilities which could be utilised by both hotel guests and residents within Porthcawl.

*Representation: Request that a designated green wedge be included in the development*

*Representation: Sandy Bay acts a green belt between Trecco caravan park and nearby developed land and should be maintained.*

Response: as outlined above, the proposals include a significant extension to Griffin Park which will act as a green corridor, linking Griffin Park to the Relic Dunes. It is recognised that there is potential for a short time between the removal of facilities within Griffin Park and their

potential replacement/alternative facilities being available for use but any such delays would be kept to the minimum necessary. There is an identified surplus of 'Amenity Green Space' within Porthcawl as identified within the 2020 Outdoor Sport and Children's Play Space Audit

*Representation: The loss of open spaces designated for leisure in Porthcawl will also have a significant impact on the mental and physical wellbeing of existing residents and visitors to Porthcawl*

*Representation: Given the cost of living crisis and post covid context it is imperative that we provide sufficient areas of suitable land for public recreation, pleasure and mental wellbeing.*

Response: The positive role of open space in facilitating physical and mental wellbeing is fully recognised. The proposals include a significant extension to Griffin Park which will act as a green corridor, linking Griffin Park to the Relic Dunes. It is recognised that there is potential for a short time between the removal of facilities within Griffin Park and their potential replacement/alternative facilities being available for use but any such delays would be kept to the minimum necessary. There is an identified surplus of 'Amenity Green Space' within Porthcawl as identified within the 2020 Outdoor Sport and Children's Play Space Audit.

*Representation: The proposed new road system will cut through the lower half of Griffin Park, taking away the much needed leisure facilities in the tennis courts, veterans hut and local bowls club. What proposals are in the Porthcawl Regeneration scheme to replace the loss of these facilities?*

*Representation: Opposed to the loss of the bowling green and tennis courts, particularly if there is a time lag between their loss and replacement facilities being provided.*

*Representation: Opposed to appropriation as land is regularly used for intended purposes but lack of investment has impacted on the use of the bowling green and community building which is now closed.*

*Representation: Opposed to loss of tennis courts as they are the most used part of the park*

Response: The area of land to be appropriated from open space use within Griffin Park includes 2 tennis courts and a bowling green which is currently in use. Additionally, there is an existing single storey building that has remained vacant since December 2021. Prior to the building being vacated it most recently functioned as a community building via two 12 month leases granted by BCBC to Porthcawl Town Council with the predominate use being a veterans hub. Prior to this temporary occupation which ceased on December 2021 the building was declared surplus to BCBC requirements. As it stands the building is in poor condition with the floor having failed. Due to this and the limited lifespan of the building it has been identified that repairs to the building are not cost effective and it has been earmarked for demolition accordingly. The Council will work with this group to identify an appropriate alternative premises within the Town.

With respect to the tennis courts, it is proposed for these to be relocated and a new modern facility installed at an alternative location within the extended Griffin Park that will be delivered within the Porthcawl Waterfront Regeneration Scheme with the exact location and design of this facility to be developed in due course. In terms of bowling green provision there are 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 and that the new tennis court provision would be located at the site of the existing disused bowling green to the north of Griffin Park.

It is recognised that there is potential for a short time between the removal of facilities within Griffin Park and their potential replacement/alternative facilities being available for use but any such delays would be kept to the minimum necessary.

*Representation: Sandy Bay provides a safe area for children to ride bikes with surrounding roads too dangerous and the beachfront too busy to cycle safely.*

Response: The proposed development will incorporate both an extension to Griffin Park and a series of active travel routes in order to ensure safe routes for cycling. It is recognised that there is potential for a short time between the removal of facilities within Griffin Park and their potential replacement/alternative facilities being available for use but any such delays would be kept to the minimum necessary. There is an identified surplus of 'Amenity Green Space' within Porthcawl as identified within the 2020 Outdoor Sport and Children's Play Space Audit.

*Representation: Proposed appropriation is in direct contradiction to the majority of Porthcawl's residents wishes and also to the wishes of the early urban council that purchased 56 acres of Sandy Bay back in 1948 for the express purpose of providing an area for leisure and exercise.*

Response: as part of the appropriation process the views of residents have been sought via the statutory consultation process for which the report provides a summary. The council has a duty to consider such comments when determining whether or not to proceed with the proposed appropriation. Teward must also be paid to the wider benefits arising from the redevelopment of the appropriation land (and adjoining land that collectively forms the PWRA) in accordance with its LDP allocation and framework for development outlined within the Porthcawl Placemaking Strategy. In summary these wider benefits are considered to include the following:

- Creation of new and enhanced open space for current and future residents;
- Provision of improved connectivity across the site and to adjoining areas;
- Creation of additional housing to meet an identified need within the existing boundaries of Porthcawl and adjacent to established infrastructure;
- Additional job opportunities arising from both the construction and operational phases of the development;
- The development of this previously developed site protects against the unnecessary loss of countryside and the associated environmental impacts; and
- Having a positive impact on the perception and function of the area, benefiting existing residents and businesses

*Representation: Griffin Park is the only free seafront play area in Porthcawl and refuge for those with young children when the weather is not quite good enough for the beach.*

Response: The proposals will result in a significant extension to Griffin Park which will provide a green link eastwards, connecting the existing Griffin Park to the Relic Dunes. As such, the

proposals will result in additional open space in closer proximity and directly linked to the seafront when compared to the existing situation. Additionally, the proposals include a new beachfront revetment which will improve access to the beach at Sandy Bay with a new walkway to be provided alongside this revetment. These works will collectively improve access to the seaside on the parts of the land controlled by the Council and provide a catalyst for redevelopment of areas along the seaside that are not within the land we control. It is recognised that there is potential for a short time between the removal of facilities within Griffin Park and their potential replacement/alternative facilities being available for use but any such delays would be kept to the minimum necessary. There is an identified surplus of 'Amenity Green Space' within Porthcawl as identified within the 2020 Outdoor Sport and Children's Play Space Audit. In addition to this further areas of open space are proposed within the PWRA by way of a new linear park running parallel to Eastern Promenade, in addition to further flexible all weather open space within the southern portion of Hilsboro Car Park.

*Representation: Concerned about the loss of outdoor space for local people to train and enjoy sport. Taking away the Sandy Bay Area would have a huge impact on the fastest growing triathlon club in South Wales as it is used for both training and events.*

*Representation: Concerned as to whether BCBC have prepared an Open Space Assessment of the local area and whether the proposals are adequately linked to other relevant plans and strategies*

Response: The positive role of open space in facilitating physical activity and recreation is recognised and the proposed regeneration includes significant areas of new formal open space, both within the appropriation land and across other parts of the PWRA. With respect to the reduction in the quantum of open space at Sandy Bay and query regarding an open space audit there is an identified surplus of 'Amenity Green Space' within Porthcawl as identified within the 2020 Outdoor Sport and Children's Play Space Audit. Whilst the development of Sandy Bay may require groups that use this space to relocate their activity the findings of the 2020 Outdoor Sport and Children's Play Space Audit confirm that there is still a residual surplus of alternative 'Amenity Green Space' open space that falls within the same categorisation as Sandy Bay that is available for use.

With respect to alignment of the proposed appropriation with other strategies of the Council regard should be given to the planning context.. In summary the proposed appropriation represents an important step in delivering upon a longstanding strategic allocation within the LDP.

*Representation: The regeneration proposals for Sandy Bay itself would see the loss of easily accessible green space, currently used by the school for outdoor learning, which is now a legal requirement in the new curriculum.*

Response: As outlined above the proposals would include an extension to Griffin Park and there is a surplus of 'Amenity Green Space' within Porthcawl which will act as a green corridor, linking Griffin Park to the Relic Dunes. It is recognised that there is potential for a short time between the removal of facilities within Griffin Park and their potential replacement/alternative facilities being available for use but any such delays would be kept to the minimum necessary. The Proposals also set aside land alongside the existing Newton Primary which would be sufficient both for a new school and for appropriate open space provision for both the new and retained school. Additionally, a series of active travel routes

would be included within the development in order to ensure safe routes for cycling. In respect of the school in particular, access would be maintained via Sandy Lane with this providing a high level of accessibility to both the relic dunes and beach area beyond.

*Representation: There is insufficient information available regarding the use and value of Sandy Bay in order for it to reach an informed view on whether the open space is still required in the public interest of the locality.*

Response: The Councils 2020 Outdoor Sport and Children's Play Space Audit does not recognise Sandy Bay as falling within any of the categories of open space identified by the Audit. It is noteworthy that despite that, there remains an identified surplus of 'Amenity Green Space' within Porthcawl. 'Amenity Green Space' is defined within the Audit as being "Informal recreation spaces, communal green spaces in and around housing and village greens". 'Amenity Green Space' is the category of open space with the most shared similarities to the open previously developed nature of the land at Sandy Bay.

*Representation: The appropriation covers the whole of the land at Griffin Park and Sandy bay, yet a large proportion of the land at Sandy Bay (the relic dunes) is not proposed to be covered by the regeneration but left as Relic Dunes. Therefore, including this area within the land appropriation appears to be a misuse of the process and the statutory process should, as a matter of course, not be used to be relieve land of its status of being held in trust through appropriation for planning purposes when it is not covered by the proposed plans.*

Response: The retention, protection and enhancement of the relic dunes forms an important part of the proposed development, and it is for this reason that it has been included within the area proposed to be appropriated for planning purposes. Whilst included within the area to be appropriated it can be confirmed that there are no plans for development within this area other than any work required to safeguard the dunes and ensure an appropriate level of public access is maintained in the future.

*Representation: The proposed appropriation land would be used for intended purposes if the Authority considered making the land available for "pop up" events. Collaborating with local groups to make running adhoc events easier to organise, would be hugely beneficial.*

*Representation: The Land has been used successfully for public events and fundraisers. It is a travesty that Porthcawl Lions Club were forced to relocate their monthly boot sale & annual classic car rally outside Porthcawl as open space is available to them. With the right investment "the Sandy Bay bowl" could be an ideal all weather leisure & recreation location, much needed by tourists and residents alike.*

Response: The proposals include a significant extension to Griffin Park which will act as a green corridor, linking Griffin Park to the Relic Dunes and will provide space for future events to be held. It is recognised that there is potential for a short time between the removal of facilities and their potential replacement/alternative facilities being available for use but any such delays would be kept to the minimum necessary. Additionally, the placemaking strategy identifies proposals for a new linear park along eastern promenade in addition to a large area of flexible community space within the existing Hillsboro South Car Park. These spaces will provide further opportunities for events to take place.

## Housing

*Representation: There are no affordable homes in Porthcawl and building on prime land will not remedy this.*

Response: The proposed development would result in an overall increase in the supply of homes within Porthcawl. Based on current planning policy, and subject to scheme viability, up to 30% of any new residential development would be required to be provided as affordable housing.

*Representation: There must surely be areas to build houses further back from the sea front so that the designated area could be used as recreational for visitors and residents.*

*Representation: it would be more suitable to develop new housing on sites on the outskirts of Porthcawl*

The site is allocated within the LDP and RLDP for mixed use regeneration as it is a sustainably located site that is comprised of previously developed land. Development in close proximity to the seafront will comprise of both residential and commercial development. For example the Coney Beach frontage has been identified as being suitable for ground floor commercial / leisure development with the potential for residential units above.

This approach accords with the site search sequence outlined in national planning policy, whereby previously developed land within existing settlement boundaries should be prioritised for development over agricultural land outside an existing settlement.

*Representation: The houses on New Road are at a lower level than Sandy Bay and I do not want my back garden overlooked by new properties. This potentially will significantly lower the value of my property.*

Response: The separation distances between any new development and existing properties will be carefully considered as part of any future planning application. The design of housing and retained separation distances will be required to ensure that no unacceptable overlooking to neighbouring properties arises as a result of the proposed development.

*Representation: more of the land should be designated for recreational facilities rather than housing to bring more visitors into the town as Porthcawl relies on tourism to generate its economy*

*Representation: Please reduce the number of dwellings proposed and use the opportunity to increase leisure facilities and open spaces for the benefit of the community and visitors*

*Representation: Opposed to development of any homes, Sandy bay should be used for caravans again*

Response: The proposed mix and quantum of development has been informed by the LDP and RLDP processes which have included a robust assessment of relevant development needs in line with national planning policy. The resultant draft allocation in the RLDP is based on 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.

*Representation: Concerned that any housing built in those areas would be snapped up for holiday lets or for rental purposes rather than locals or first time buyers.*

*Representation: Residents of Porthcawl should be given priority to buy any properties built in Porthcawl*

Response: Based on current planning policy requirements 30% of new homes within the developemnt would need to be provided as affordable housing. With respect to use of dwellings as holiday lets this would, if necessary, be controlled via the planning system.

### **Leisure and Tourism**

*Representation: Demand exists for an extension to the Hi tide seasonal caravan & camper van site and this should be pursued instead of housing.*

Response: The proposed mix and quantum of development has been informed by the LDP and RLDP processes which has included a robust assessment of relevant development needs in line with national planning policy. The resultant draft allocation in the RLDP is based on 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.

*Representation: Building homes on Sandy Bay would kill off the front and seaside town character.*

*Representation: Plans are ill conceived. Porthcawl is a tourist town, celebrating our beautiful beaches and coastline. Any development at all needs to reflect that and add to the potential tourist attraction.*

*Representation: The redevelopment of a seaside resort should be focussed on improving Porthcawl's tourist offer and not as an opportunity to bolster housing and meet development plan housing targets.*

*Representation: Concerned as to what is going to happen to events such as the Elvis weekend and Bonfire night fireworks*

*Representation: Opposed to the loss of the funfair as it's removal will impact the towns attractiveness to overnight tourists and day trippers*

Response: The proposed housing forms part of a wider masterplan for the PWRA as set out within the Porthcawl Placemaking Strategy. The fun fair is a private business and therefore the decision to close down the fun fair is not one that the Council can control. The plans for the PWRA are in part a response to the long planned closure of the fun fair by the company that operates it. The provision of new leisure and commercial development alongside new and enhanced open spaces and community facilities are important elements of the overall plans for the area. Collectively this mixed use regeneration is considered to provide an opportunity to improve the attractiveness of Porthcawl as a place to visit as well as live and do business within. The proposed regeneration will not act as a barrier for Porthcawl to continue to host special events such as the Elvis Festival and Bonfire Night. Conversely, the new spaces such as the seafront linear park proposed can create an opportunity to continue these events and

indeed establish new events that further support the towns attractiveness as a tourist destination.

*Representation: With the right investor sought the bowl at Sandy Bay would be the perfect site for a wave pool like those at Bristol and Snowdonia which would make Porthcawl a world class surfing location for both natural and artificial waves.*

Response: The land at Sandy Bay has been allocated for development as prescribed within the LDP and RLDP. Notwithstanding this the Councils planning policies are supportive of new tourism related business in appropriate locations. As such, should a proposal for such a facility represent a viable business opportunity and such proposals were to come forward on an alternative site then this would be able to be considered in accordance with the relevant planning policies.

*Representation: Proceeds from any residential development should be for use on recreational purposes in Porthcawl, improving areas for walks and for creating exciting new attractions such as splash parks, crazy golf and similar facilities for both residents and visitors alike.*

Response: the anticipated capital receipt from the new food store on the northern portion of Salt Lake has already been ringfenced to fund infrastructure improvements within Porthcawl. It is possible that future receipts from residential development could be targeted in a similar manner and used to fund any necessary infrastructure / development within Porthcawl, but that is ultimately a financial decision for the Council to make in due course.

*Representation: Land at Sandy Bay is under covenant to be used for Recreational purposes. As such there should be no houses built on it. Instead it should have a pump track built in the Bowl for use by cyclists and skateboarders. There should be a splash park and mini golf*

Response: The proposed appropriation would release the statutory trust that applies in respect of the land. Whilst the majority of Sandy Bay is proposed to be developed the proposed extension to Griffin Park forms a core element of the development. This extended park, alongside additional areas of open space along Eastern Promenade and within Hillsboro South Car Park will provide opportunities for new community and recreational facilities which could include some of the suggestions listed above.

*Representation: Porthcawl has very little hotel or guest accommodation and other than the Parkdean holiday park the town has predominantly become a destination primarily popular with day trip visitors.*

Response: The wider proposals within the PWRA include a site to the north of the marina which has been safeguarded for leisure use. As depicted within the Placemaking Strategy one potential use of this site would be for a new spa hotel which would act to bolster the hotel accommodation offer within Porthcawl.

*Representation: If the council needs a cash injection then sell Sandy Bay area to Parkdaen or other similar operator*



*Representation: A campsite by the beach could bring in so much more tourism. With our great surf and wonderful beaches it would be the perfect spot. Something similar to Llangenith on Gower.*

Response: The proposed appropriation has been brought forward in order to enable the site to be used and developed for planning purposes, in line with the LDP and RLDP allocation. Whilst the PWRA includes an area earmarked for a possible hotel the land at Sandy Bay has not been identified as being suitable for visitor accommodation such as a campsite and/or caravan park.

*Representation: The development will cause a reduction in parking and in tourism to the area which a lot of businesses depend upon.*

Response: There is only limited existing car parking available within the land subject to the proposed appropriation with this being the unmarked car park at Sandy Lane. Whilst the proposed appropriation does not relate to Salt Lake Car Park it is noteworthy that the PWRA includes this land and proposals for its redevelopment are predicated on the delivery of a new multi storey car park at Hillsboro North, as outlined within the Porthcawl Placemaking Strategy.

*Representation: Children's activities don't seem to have been considered other than extending Griffin Park. Barry Island still attracts lots of visitors & has managed to keep the funfair & children's rides along the front.*

Response: The extended Griffin Park and proposed linear park along Eastern Promenade provide ample scope to include activities and facilities for children. At this stage these spaces have been mapped out spatially but not designed in detail. The detailed design of these spaces will be subject to further consultation in due course.

## **Transport, Highways and Parking**

*Representation: the new residential area would appear to be poorly served by public transport thus resulting in a corresponding private vehicle load on the local routes that are already stretched*

*Representation: There are a lack of cycling tracks within Porthcawl and also a lack of cycle routes in and out of the town.*

Response: the overall proposals for the PWRA include the provision of a new four bay metro link which will enhance public transport accessibility within Porthcawl and provide links to adjoining settlements such as Pyle and Bridgend. The proposed development of Sandy Bay includes provision of a new access road that could be used as part of a new bus route. Additionally, a range of new pedestrian and cycle routes will be delivered across the PWRA which will support walking and cycling for local trips.

*Representation: Establishing an access road through Griffin Park is un-necessary. Alternate route could be established if amalgamated with proposed sea revetment in front of Coney Beach Funfair.*

Response: the route along the sea revetment will provide a safe and scenic route for pedestrians and cyclists with the provision of commercial / leisure development adjoining this

route adding to the tourist offer and overall vitality of the area. The revetment will also improve access to the beach. As such a new access road would not be appropriate in this area. The planned route through a small section of Griffin Park, across the existing fun fair and through the former monster park has been identified as the most appropriate route.

*Representation: Little or no consideration given to parking facilities which will negatively impact on tourism and drive parking into the town and residential streets.*

*Representation: The Salt Bay car park is hugely necessary during peak periods and the loss of this will cause a huge car parking overspill into the surrounding streets and roads*

Response: There is only limited existing car parking available within the land subject to the proposed appropriation with this being the unmarked car park at Sandy Lane. Whilst the proposed appropriation does not relate to Salt Lake Car Park it is noteworthy that the PWRA includes this land and proposals for its redevelopment are predicated on the delivery of a new multi storey car park at Hillsboro North, as outlined within the Porthcawl Placemaking Strategy.

*Representation: Porthcawl would benefit from a park and ride scheme, and better transport links, existing car parks could then be used as green spaces for visitors and residents to enjoy.*

Response: the potential use of out of town parking facilities is an option that the Council will continue to consider in parallel to its plans for parking provision within the PWRA itself.

*Representation: The highway infrastructure cannot support more all-year-round traffic*

*Representation: New Road is already an extremely busy and often congested road and cannot take more traffic.*

*Representation: Existing road system is inadequate, when events are held currently (like Bonfire Night) there is difficulty actually accessing the town & parking.*

*Representation: What is the situation regarding the access to the 900 houses in Sandy Bay.*

Response: The proposed access road via Griffin Park has been expressly designed in order to minimise any impacts on New Road. For example an alternative to the current proposal could have been vehicular access to Sandy Bay via an upgraded Sandy Lane and / or Rhych Avenue. Such an approach was ruled out due to the fact that New Road could not accommodate the associated increase in traffic.

*Representation: You are removing an area behind Sandy Bay used by residents & particularly disabled people who use the existing metalled roads around the bowl.*

*Representation: As a regular user of the place of worship on Sandy Lane, will the council assure us continued access to the property during & after any construction work?*

*Representation: safe access to the primary school must be maintained*

*Representation: Concerned that the redevelopment of Sandy Bay may cut off the car free route to the beach from Newton Primary*

Response: access to both the place of worship on Sandy Lane and Newton Primary will be maintained via Sandy Lane. Access further southwards to the beach will remain pedestrian and cyclist only to ensure Sandy Lane is not used as an alternative vehicle access into Sandy Bay. Pedestrian and cycle links to the beach from Newton Primary will be included in the development.

*Representation: Object to BCBC taking part of Griffin Park for a proposed road which at this time they have no Planning Permission for and in fact do not own or control the majority of the land (other than Griffin Park) which is required for the road proposal.*

The proposed mix and quantum of development, including the requirement for a new access road through part of Griffin Park and the Coney Beach Fun Fair has been informed by the LDP and RLDP processes which has included a robust assessment of relevant development needs in line with national planning policy. The resultant draft allocation in the RLDP is based on 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, 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. There is no apparent reason why planning permission would not be granted.

### **Sustainability and Environmental Constraints**

*Representation: What will be implemented to protect the coastline and the development*

*Representation: With global warming and sea levels rising, is it a wise decision to build houses so close to the sea on land that is basically sand dunes?*

*Representation: Isn't there some risk building new homes by the sea due to rising sea levels*

Response: Coastal flood risk will be appropriately mitigated as part of any new development with initial proposed design solutions including the provision of a stepped concrete revetment along the Coney Beach frontage

*Representation: BCBC has a target of net zero, which cannot be reached by house building, tarmacking over wild areas and having thousands of construction lorries move in.*

*Representation: Concerned about CO2 emissions, the amount of extra traffic this will add to travelling in and out of Porthcawl will definitely have an impact on our environment.*

*Representation: Has the environmental impact been properly considered?*

Response: The Council has a statutory duty to identify land for development to meet the needs of its local population via the local strategic planning process. A key element of the LDP and RLDP processes is assessing the suitability of a site from a sustainability and environmental impact perspective. This site and the proposed mixed use regeneration has been subject to a robust assessment and found to be suitable from a sustainability and environmental impact perspective. Further consideration of the environmental credentials and carbon footprint of detailed proposals will take place at the planning application stage, where relevant

environmental protection and carbon reduction policies will be applied to any new development proposal.

### **Infrastructure Capacity (Water, sewerage, electricity etc)**

*Representation: Public sewers are inadequate to accommodate the development*

*Representation: Concern that the size of residential provision will cause an unsustainable burden on the sewage treatment works at Ogmore resulting in potential spillage and contamination of our coastline that has long been a valuable asset to the town.*

*Representation: The current sewage system is operating at maximum capacity and is only relieved of a catastrophic breakdown by the emergency reservoir behind the Eastern Promenade. Overflow releases untreated effluent into the sea. An additional 900+ housing units will only exacerbate this problem.*

*Representation: Concerned about run-off issues when heavy rain, often driven by onshore winds, falls on an impervious surfaces such as roads and drives.*

*Representation: With so much building work there will be a lack of drainage which could cause flooding in the future.*

Response: A drainage strategy has been prepared for the site which identifies the necessary on-site infrastructure required to accommodate both foul water and surface water flows arising from the proposed development. Further drainage design work will be completed at the time a planning application is considered and this will be subject to independent review by Dwr Cymru/Welsh Water(DCWW) in respect of foul water and the Sustainable Drainage Approval Body (SAB) in relation to Sustainable Drainage Systems (SuDS) requirements.. Should this review process identify the need for further upgrades to existing infrastructure then such work would be specified by DCWW as a requirement for any relevant phase of development.

*Representation: Concerned about the probable extra strain on the utilities such as water, electricity and broadband.*

Response: the ability for the development to be accommodated by the existing utility network in the town has been subject to review as part of the LDP and RLDP processes. Whilst these reviews did not indicate any headline concerns with regards to capacity this will be reviewed as part of the detailed planning application process via consultation with statutory consultees in connection with future planning applications.

### **Ecology**

*Representation: The area is an important wildlife corridor, and any development will result in loss of wildlife habitat.*

*Representation: I have seen a surprising number of species in the area including sky larks and kestrels. This space is clearly home to several species of flora and fauna, some of which may be significant in conservation terms. Building in the proposed volume on this unique habitat will be devastating to the wildlife and those who enjoy it.*

*Representation: The area commonly referred to as the bowl is home to numbers of migrating birds that nest in the area*

Response: A Phase 1 habitat survey has been completed. This survey included both a desktop review and detailed site walkover in order to provide a robust basis for determining what ecology constraints may exist within the site. The Survey found as follows:

-It is not considered that the proposed development would have any adverse impact on any designated biodiversity sites in the surrounding area.

-The majority of the site provides habitat of low ecological value with limited areas of neutral maritime grassland considered to be of high local value within the site

-Provided adequate mitigation measures are implemented the proposed development of the site is not unacceptably constrained by biodiversity and nature conservation issues.

*Representation: Local wild life will be adversely affected by taking so much of the coastal dunes away*

*Representation: The sand dune ecosystem is unique and should be preserved for future generations to experience and enjoy.*

Response: the proposed development would not negatively impact on the relic dunes. Conversely the proposals include the retention and ongoing management of the relic dunes to ensure they continue to function as an important area of habitat.

### **Community Facilities / Social Infrastructure**

*Representation: Instead of 900 houses we need community space, outdoor facilities and places to enjoy and be proud of.*

Response: The PWRA proposals are not limited to housing. For example the proposed extension to Griffin Park and new seafront linear park parallel to Eastern Promenade form a core element of the development and will provide opportunities for new community and recreational facilities as outlined within the Porthcawl Placemaking Strategy

*Representation: Concerned about where the veterans hub members will go, without support potential for noise and anti social behaviour.*

Response: Whilst the single storey building that previously accommodated the veterans hub is no longer fit for occupation, the Council will work with this group to identify an appropriate alternative premises within the Town.

*Representation: Local infrastructure totally inadequate for size of development*

*Representation: The town's infrastructure, schools & medical services can't cope with the demand at present let alone with an increased population.*

Response: In terms of GP surgeries the Council has been engaging with Cwm Taf Morgannwg University Health Board from the outset of the RLDP process. Early meetings were held to ensure the level and spatial distribution of growth proposed was clarified to help facilitate alignment of service provision. As part of Stage 3 of the Candidate Site Assessment, the health board amongst other consultation bodies were invited to provide comments in respect of those sites identified as suitable for future development and possible allocation in the Deposit LDP.

Whilst the Council cannot ultimately control provision of primary healthcare services, close working relationships will continue and be maintained with Cwm Taf Morgannwg University Health Board. This will be key to service provision planning as site allocations within the Deposit Plan progress.

In terms of additional supporting infrastructure, an Infrastructure Delivery Plan (IDP) has been produced for the site. The IDP provides a single schedule of all necessary infrastructure without which the development of the site for the anticipated uses within the plan period could not proceed. The key enabling infrastructure required to facilitate the proposed development includes the following key requirements:

- Coastal defence improvements;
- New public open space;
- Drainage infrastructure;
- New road and roundabout;
- Active travel improvements;
- Education provision (incorporating a new one form entry Welsh medium primary school and extension at the existing English medium primary school ); and
- Utility connections and upgrades

### **Wellbeing of Future Generations**

*Representation: Regard must be given to the views of children, obtained through consultations, on what play and recreation provision they want in their areas; how they would like their neighbourhood to be organised to provide the play opportunities they want; and what barriers stop them from playing.*

*Representation: Regard should also be given to the views of parents, families and other stakeholders, The views of parents, families and other stakeholders, obtained through consultation, on play provision/opportunities and how this has or will inform future plans'*

*Representation: The social value of this land has been greatly underestimated by BCBC. This land should remain in trust to ensure that recreation and pleasure opportunities remain for my children and future generations.*

*Representation: I urge you to consider the long term physical and mental benefits your plans will have for the residents, and not the short to medium financial benefits of more residential properties.*

*Representation: It concerns me greatly that our children and grandchildren will have opportunities removed from them because of the current corporate and business deals being proposed which core purpose is to maximise receipts from land sales in our town.*

*Representation: Concerned about consultation and whether our community, young people and others been successfully engaged with and been given appropriate opportunity to give their opinion on the regeneration proposals.*

*Representation: How does this project safeguard the resources which may be needed by future generations? Open space is a valuable resource that should be protected for future generations.*

*Representation: It concerns me that there is potential for little or no open land to be left for our children and children's children to use. If the area is all developed, there will be no open space in which to maintain or improve our social and environmental wellbeing.*

*Representation: There has not been areas of land defined for retention and protection for future generations to have a say in the use of any land.*

Response: The proposed framework for development outlined within the Porthcawl Placemaking Strategy followed public consultation which was attended by and engaged with by a broad spectrum of the community including both young and old. Additionally, a focused engagement session was held with a group of students from Porthcawl Comprehensive as part of pre public consultation stakeholder engagement. The responses from this engagement fed into the emerging strategies and opportunities identified at consultation stage.

The Council is fully cognisant of the requirements set out within the Wellbeing of Future Generations Act (WFGA) and such matters are taken into account as part of any formal decision making by the Council. A summary review of the Placemaking Strategy against the key WFGA criteria is included as part of the approved document.

With respect to the proportion of open land safeguarded for future generations it is considered that a suitable proportion of open space has been identified as part of the proposals for the PWRA. Whilst development across Sandy Bay will reduce the amount of open space compared to the current provision, due regard should be given to the quality of public realm and in this respect it is considered that the proposals provide an opportunity to provide significant qualitative improvements.. The detailed design of these spaces and facilities contained within will be subject to further design work and consultation in due course.

In addition to the proportion of open space identified within the placemaking strategy (which is retained public land that can be used flexibly and modified over time in response to changing needs) regard must be given to the needs of future generations with respect to housing and employment opportunities. The proposed large scale mixed use development across the PWRA would make a valuable contribution to meeting such needs of future generations within Porthcawl.

## **Economic**

*Representation: Regeneration plans should also take into account the requirements of traders and for business not to be adversely affected in any way.*

*Representation: It is unclear how this appropriation will benefit the town's traders.*

*Representation: Concerned about economic impact resulting from the fair closing and associated businesses that rely on the linked trade*

*Representation: Concerned about impact on attractiveness of Porthcawl as a tourist destination.*

*(NB: further representations in relation to tourism and leisure covered under relevant section above)*

Response: The proposed regeneration plans are expected to provide a significant uplift in economic activity and spend within Porthcawl, both in terms of enhanced attractiveness of the area to tourists in addition to the economic impacts arising from the construction and operational / occupied phase of the development.

## **Education**

*Representation: Newton School Governors are concerned about loss of green space including the loss of school playing field. The loss of the playing field, which has been in use for over 20 years, would have a considerable detrimental impact to our pupils who use this area everyday for their playtime and to participate in the daily mile, an initiative aimed to improve the physical and mental health of children.*

*Representation: Schools currently can't cope so will struggle with increased demand.*

Response: the proposals do not seek to develop the existing Newton Primary grounds for alternative uses. The LDP and RLDP allocation safeguards a 1.8 hectare site adjoining the existing primary school to accommodate a minimum one form entry Welsh medium primary school, the expansion of the existing Newton Primary School (with co-located nursery facility) and a financial contribution to nursery, primary school and secondary provision as required by the Local Education Authority will be calculated at the time a planning application is made in accordance with the Education Facilities and Residential Development SPG and secured by way of planning obligation before planning permission is granted.

*Representation: We have significant concerns regarding the loss of the informal parking facilities used by parents of the school at the start and end of the school day. This is likely to increase the volume of traffic around the school and could increase the risk of an accident occurring for example due to quick drop-offs at the school gate, or illegal parking.*

Response: Suitable pick up and drop off facilities (both for the existing school and proposed new school) will need to be designed and implemented as part of the development of the new school and any extension to Newton Primary.

## **Other Matters**

*Representation: The Porthcawl Lifeguard Club are deeply concerned about how access to their station and the parking area will be severely impacted by this proposal.*

Response: there are no plans to impact on the ability for the club to access their station. In contrast the proposals provide an opportunity to improve upon existing access arrangements and the Council is committed to working with the lifeguard club to facilitate this.

*Representation: Porthcawl's issue is about a lack of "brand" identity. For example is Porthcawl a retirement village, a Commuter town, a residential town with thriving businesses or a seaside tourist resort. I would like the regeneration to find a balance between providing for all of the above*



Response: The Council recognises the range of requirements for both the current and future Porthcawl. The proposals for the PWRA are considered to represent a balanced approach that maximises on the opportunity to deliver transformational change through high quality development that meets the land use planning requirements identified within both the LDP and RLDP.

*Representation: The proposals for the appropriation of Sandy Bay are illegal. It's a well known fact that the land in question was left to the people of Porthcawl for leisure purposes by a benefactor.*

Response: The appropriation is proposed within the legal framework in which BCBC operates.

*Representation: From a personal point of view I am concerned about the lane which runs along the back of our houses in New Road. I don't know how accurate your red line is but in some instances it seems to go through the end of garages. Whatever you intend to do with this lane is very likely to affect access to our garages and gardens, if not stop it all together.*

Response: the red line follows the Council's freehold ownership of Sandy Bay. Access to the rear land that serves properties on New Road will be maintained (and likely enhanced) as part of the proposed development.

*Representation: The consultation pre-empts any changes to the LDP and Placemaking Strategy as a result of the consultations undertaken last year*

Response: In order to avoid any confusion that could arise from multiple consultations taking place at the same time, the advertisement of the intention to appropriate land at Sandy Bay and Griffin Park was not progressed whilst the RLDP, CPO and subsequent placemaking strategy consultation were ongoing. Following the completion of these consultations and subsequent approval of the Porthcawl Placemaking Strategy by Cabinet on 8 March 2022, advertisement of the proposed appropriation commenced on the 6 June 2022.

*Representation: Concerned at the distinct lack of information regarding what is planned. As residents, we are being asked for our views, but there are no plans that are easy to find on the BCBC website, and only newspaper reports found during a web search.*

*Representation: Concerned about a lack of transparency as to the intended use of the land the council seeks to appropriate. The council should be more forthcoming with their planning on how they intend to use this area for regeneration to allow for transparency with the Porthcawl community.*

*Representation: Object to the Porthcawl Appropriation on the basis that no detail has been provided apart from a map outlining the designated land to be taken.*

*Representation: The Council has tried to limit the views of residents on this important issue; three weeks is not enough time to consider such complex issues with the correct amount of thought and consideration.*

Response: The Council has clearly set out its intentions for development within the PWRA through the consultation on and subsequent approval of the Porthcawl Placemaking Strategy which was undertaken over a three week period from 24th November 2021 to 17th December

2021. The consultation included a two day public exhibition in the Porthcawl Pavilion which was attended by in excess of 1,000 members of the public. This exhibition was followed by the consultation material being displayed on the Cosy Corner site hoarding for 3 weeks and being made available online on the Council website.

With respect to the appropriation consultation this was advertised in the Western Mail and on the BCBC legal notices page. In addition to this the consultation was expanded beyond the baseline statutory requirements by advertising the appropriation more widely, in order to ensure the public had maximum opportunity to be made aware of and in turn consider and comment on the proposed appropriation. This additional consultation consisted of the following:

- Display of notices and proposed appropriation plan at key entry points to Griffin Park and Sandy Bay.
- Background information, copies of documents and instructions of how to comment included on the BCBC consultation page
- Press and social media releases which provided further information and detail on how to comment.

With respect to the duration of the consultation the baseline requirements are for a 2 week period as outlined within the report to Cabinet that provided the initial authorisation to proceed with the advertisement of the appropriation. As with the approach to advertising outlined above additional time for responses was provided with the consultation period set at 3 weeks in order to maximise the opportunity for the public to consider and comment on the appropriation. In addition, the 21 day re-advertisement of the proposed appropriation commencing 30 June 2022 gave further time to objectors to consider the proposed appropriation and submit written representations for consideration.

*Representation: under Local Government Act 1972 section 122 (2A) and Section 246 Town and Country Planning Act 1990 Section 122 LGA 1972 provides that: The Council may appropriate for any purpose for which the Council is authorised by statute to acquire land by agreement any land which belongs to it and is no longer required for the purpose for which it held immediately before appropriation. I note that you are using the above Act. But under the National Assembly for Wales (transfer of functions order 1999) planning legislation was transferred to what became the Welsh Government. Most executive functions and secondary legislation powers contained in the England and Wales Acts were transferred to National Assembly. Called National Assembly for Wales (trans functions) order 1999. These powers were transferred to Welsh Ministers as a result of the Government of Wales Act 2006. Since then there has been numerous planning legislation Acts issued by Welsh Government one being the Planning (Wales) Act 2015 on primary legislation to be made on a Wales only basis. Which also includes the Well being of Future Generations (Wales) Act 2015. Planning legislation has been devolved to Welsh Gov. so why is BCBC still quoting regulations under the. local Government Act 1972. Section 122-2A.? Surely, BCBC should be using more recent legislation issued by Welsh Government?*

*Representation: The legal trail leading to its present ownership is steeped in controversy and possible fraud.*

*Representation: There are covenants in place for Sandy Bay that the area is for Leisure use only. These also need to be considered as part of the appropriation.*

Response: The Council is following the appropriate legal process for the proposed appropriation.

*Proposed development is in conflict with local and national planning policies*

*Proposed appropriation would prejudice comprehensive development of an area*

Response: the LDP allocation and framework for development set out within the Porthcawl Placemaking Strategy prescribe a comprehensive form of development of the type proposed. The proposals will also be subject to more detailed consideration when a planning application is made.

*Representation: Object to any land within Griffin Park being removed from the use of residents of Porthcawl until such time that BCBC has planning permission, funding and a proposed developers has obtained planning permission to proceed with the development of the Sandy Bay site*

*Representation: A Public Inquiry has been called following the large numbers of objections to the Compulsory Purchase Orders for land related to the regeneration proposals. It would seem prudent to await the result of the Inquiry before attempting to appropriate land.*

Response: Given the Council's proposals for the land to be used as a part of the Porthcawl Waterfront Regeneration Scheme, for which it has an LDP allocation, the proposal to include it within the RLDP and the adopted Placemaking Strategy. Appropriation of the land to planning purposes is necessary prior to planning permission being granted in order to demonstrate that there are no impediments to the scheme which underlies the CPO. Whilst appropriation allows for land to be transferred to planning purposes it does not fetter any future decision that may be made by the Council acting in its capacity as the Local Planning Authority. As such, any future applications for planning permission will be subject to due consideration and determined based on material planning considerations, in accordance with the relevant planning policies that apply at the time any planning application is made. It is expected that any planning applications will be made by developers in due course. The appropriation will however enable the Council to give certainty to both the Welsh Ministers (who will consider whether the CPO ought to be confirmed) and developers alike that the land is available for development.

*Representation: To accompany my objection and reasoning I have attached the results of an online survey which I carried out ahead of having to submit a statement of case for the impending public enquiry. This survey identified, with a very clear consistency throughout the duration within which responses were being received, that the most important element to the respondent was to retain and protect sufficient and suitable land and protect it from permanent types of development - mean importance rating of 8.88 out of 10. Housing returned at a mean importance rating of 3.67 out of 10. 963 people responded to this survey.*

Response: The submitted survey and information contained within is noted.

*Representation: The public notice under Section 122(2A) of The Local Government Act 1972 is misleading and incorrect.*

Response: The proposed appropriation was readvertised over a period of 21 days commencing 30 June 2022 as during the first consultation period it was brought to the attention of officers that there was only a reference to Griffin Park and not Sandy Bay in the body of the notice. The second consultation period used a revised description of the land in the notice to avoid any doubt as to the land which is proposed to be subject to appropriation.

*Representation: Concerned that private leasehold agreements have held back regeneration for so many years.*

Response: The Council is committed to progressing its proposed regeneration plans within the PWRA. The proposed appropriation is an important step towards delivery of development and follows the success of the Jennings Building, sale of the food retail site and recent approval of the Porthcawl Placemaking strategy. In addition to the proposed appropriation the Council are progressing a Compulsory Purchase Order to unlock development.

### **Representations in Support**

In addition to the key grounds of objections summarised / paraphrased and aggregated above there were 11 representations in support of the proposals which included the following comments:

*Sandy Bay has been derelict for so long it's about time something was done about it the place is a mess and the bowl is full of rubbish and dog mess*

*Porthcawl needs more houses for it's next generations*

*Porthcawl is desperately in need of new housing of all types; apartments, townhouses, detached houses and semis etc.*

*New housing on these brownfield sites will ease the pressure on the green belt*

*New housing on these sites will be part of the natural housing land cycle and encourage some of the older, downsizers in other parts of town such as Nottage, Newton and Rest Bay etc to stay local and release their larger family homes to the market for families with children to buy.*

*If new houses are not built on these sites then the current supply and demand imbalance will cause prices to go up even further.*

*New housing on these sites will attract increased spend from new residents to stay within the town and assist regeneration and development of the town and creation of other business' and jobs etc.*

*This new housing development needs to happen asap or else there is a grave danger of missing the housing cycle again as has happened several times over the past 30+ years.*

*I am looking to purchase my first home right now and it's difficult to find houses due to high prices and lack of availability. There are many people in a similar situation to me and the main way to resolve this is to build more houses.*

*The proposed infrastructure plans surrounding the developments, whilst they seem to be high level at present, look very promising.*

*For too long, the town has been dominated by a loud negative grouping that opposes just about everything and believes that cheap air flights never happened.*

*The only thing that will regenerate Porthcawl is people living here. As our population gets increasingly older, the town needs new faces.*

*I live 50 yards from the development at Rhych Avenue and I am concerned that there is a misguided campaign from people, who live miles away to stop it in its tracks.*

*The local people should have a say but please listen to people who live near it allow them to have a greater voice. Any objection from a post code outside Porthcawl will have political motivation, a Nimby mentality and should be disregarded.*

*I would urge the local authority to see this development through. Purchase as much land as possible from local speculators who are happy to see prime sites left derelict (Knights and GHH come to mind) Build a large mixed use development. Built by local south Wales contractors with plenty of houses, apartments and tourist business'.*

*Do not listen to negative naysayers who will not be contributing to Porthcawl or spending any time near the project*

*I think it is fantastic that Porthcawl regeneration is being talked about. For far too long Porthcawl has been a tatty seaside town with a tired, dated, run down fair. The town is desperately in need of investment and the prospect of progress is exciting and welcomed.*

# Sub Area Analysis

Grouped Sub Market Area	2011 population	Playing Pitches (1.2 Ha per 1,000 population)			Other Outdoor Sports (1.6 Ha per 1,000 population)			Equipped / Designated Play Areas (0.25 Ha per 1,000 population)			Other Outdoor Provision (MUGAs and skateboards parks) (0.3 Ha per 1,000 population)			Amenity Green Space (1.22 Ha per 1,000 population)		
		Standard (Ha)	Existing Provision	Deficit or Surplus	Standard (Ha)	Existing Provision	Deficit or Surplus	Standard (Ha)	Existing Provision	Deficit or Surplus	Standard (Ha)	Existing Provision	Deficit or Surplus	Standard (Ha)	Existing Provision	Deficit or Surplus
Bridgend	49,404	59.28	30.72	-28.57	79.05	3.75	-75.30	12.35	3.00	-9.35	14.82	2.46	-12.36	29.64	99.50	69.86
Ganw Valley	7,784	9.34	5.46	-3.88	12.45	0.28	-12.18	1.95	0.79	-1.16	2.34	1.01	-1.32	4.67	4.83	0.16
Llynfi Valley	20,612	24.73	14.57	-10.17	32.98	1.33	-31.65	5.15	0.85	-4.30	6.18	2.59	-3.59	12.37	29.14	16.77
Ogmore Valley	7,954	9.54	6.60	-2.94	12.73	0.85	-11.88	1.99	0.63	-1.36	2.39	0.17	-2.22	4.77	13.81	9.04
Pencoed	10,054	12.06	14.73	2.66	16.09	0.58	-15.51	2.51	0.34	-2.17	3.02	1.57	-1.45	6.03	23.38	17.35
Porthcawl	16,005	19.21	11.20	-8.00	25.61	1.78	-23.83	4.00	0.75	-3.25	4.80	0.09	-4.72	9.60	20.85	11.25
Pyle Kenfig Hill & Cornelly	15,945	19.13	12.21	-6.92	25.51	2.08	-23.43	3.99	0.61	-3.37	4.78	0.55	-4.23	9.57	31.39	21.87
Valleys Gateway	11,420	13.70	11.41	-2.29	18.27	0.52	-17.76	2.86	0.75	-2.10	3.43	1.38	-2.05	6.85	15.10	8.25

APPENDIX C