

Sandy Bay and Griffin Park Ownership and Rights

The former Sandy Bay Caravan Park 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.

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.

On 18 October 2022 the land known as the former Sandy Bay Caravan Park and Land at Griffin Park was appropriated for planning purposes. A link to the relevant cabinet report and minutes can be found below:

<https://democratic.bridgend.gov.uk/ieListDocuments.aspx?CId=141&MId=4298&Ver=4&LLL=0>

The 18 October 2022 cabinet decision was called in by the Councils Overview and Scrutiny Committee 2 and considered at a meeting on 3 November 2022. Following due consideration the scrutiny committee concluded that the Decision would not be referred back to Cabinet.

A link to the scrutiny committee report and minutes is included below:

<https://democratic.bridgend.gov.uk/ieListDocuments.aspx?CId=395&MId=4372&Ver=4&LLL=0>

Whilst the cabinet and scrutiny committee reports fully detail the relevant matters a summary of the consultation process and legal implications of the appropriation has been provided under separate headings below:

Consultation

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 6 June, 13 June and 30 June 2022. An electronic copy of this notice and the associated appropriation plan was also made available on the Council's legal notices page.

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.

A total of 679 responses were received with the majority of these being objections to the proposed appropriation / the wider regeneration proposals. These representations were considered in full as part of the decision making process as outlined within the associated Cabinet report available via the link included above but reproduce below for ease of reference.

<https://democratic.bridgend.gov.uk/ieListDocuments.aspx?CId=141&MId=4298&Ver=4&LLL=0>

Legal Implications

Following the decision made on 18 October 2022 the land comprised of the Former Sandy Bay Caravan Park (along with land within the southern section of Griffin Park) was formally appropriated for planning purposes.

The appropriation process acts to cleanse the title of any underlying rights or interests and where these are proven to exist result in compensation becoming payable to the beneficiaries of any such rights.

For clarity no such compensatable rights or interests have been identified at the time of the appropriation and no parties have come forward with evidence of any such rights or made any claims for compensation.