

**Application to:**

**Deputy Minister for Climate Change  
Welsh Government  
5<sup>th</sup> Floor  
Tŷ Hywel  
Cardiff Bay  
CF99 1NA**

**ACQUISITION OF LAND ACT 1981**

**Section 19**

**The Bridgend County Borough Council (Porthcawl Waterfront Regeneration)  
Compulsory Purchase Order 2021**

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**Application by Bridgend County Borough Council to the Welsh Ministers  
for a Certificate under Section 19(1)(aa) of the Acquisition of Land Act 1981**

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**1. Background**

- 1.1 This is an application made by Bridgend County Borough Council ("**the Council**") to the Welsh Ministers under section 19(1)(aa) of the Acquisition of Land Act 1981 ("**the 1981 Act**") for a certificate confirming that the Welsh Ministers are satisfied that part of the land which the Council intends to acquire is being purchased in order to secure its preservation or improve its management.
- 1.2 On 8<sup>th</sup> October 2021 the Council made The Bridgend County Borough Council (Porthcawl Waterfront Regeneration) Compulsory Purchase Order 2021 ("**the CPO**") and it has now submitted the CPO to the Welsh Ministers for confirmation. Reference should be made to the CPO and the CPO Map submitted along with the Council's accompanying Statement of Reasons. The CPO and Statement of Reasons give details of the comprehensive redevelopment scheme which the compulsory acquisition of land is intended to facilitate, which, in summary, will include:
- major residential development;
  - new and improved parks and open spaces
  - public open space;
  - a primary east - west vehicular link;

- retail and commercial development;
  - recreational and leisure opportunities; and
  - a new school or expansion of existing educational facilities.
- 1.3 The area of land to which this application relates comprises Plots 1A and 4 of the CPO and forms part of Sandy Bay Beach ("**the beach**"), which is publicly accessible. It covers an area of 2,256.02 square metres in total and is located south of Coney Beach Amusement Park, east of Eastern Promenade and south-west of Mackworth Road ("**the Land**"). The location and extent of the Land is shown edged red on the plan which accompanies this application at Appendix 1.
- 1.4 The part of the Land within Plot 1A comprises part of the land registered to Fun Fair Sites Limited (Company Number 562902) ("**Fun Fair**") under title number WY166414. The Council has entered into an agreement with Fun Fair (and its group companies) which provides for land to be made available for disposal as part of the land assembly being undertaken to facilitate the proposed redevelopment scheme. As a result, Fun Fair's freehold interest in this part of the Land is excluded from the interests being acquired compulsorily under the CPO as Fun Fair will make this land available for disposal and subsequent development under the terms of the agreement; this part of the Land has only been included in the CPO to enable the Council to acquire any third party interests in the Land. Fun Fair is in agreement and supportive of the proposals for the Land referred to in this application.
- 1.5 The part of the Land within Plot 4 comprises unregistered land which is in unknown ownership. The Council is intending to acquire the freehold title to this land pursuant to the CPO.
- 1.6 The Land does not contain any land designated as a site of special scientific interest (SSSI) under the Wildlife and Countryside Act 1981 or any other protected sites that may be affected by the proposals.
- 1.7 The Council has no record of the Land having ever been formally designated as open space, as defined in section 19(4) of the 1981 Act. However, it accepts that the Land is publicly accessible and used for the purposes of informal public recreation, and therefore there may be an argument that it constitutes open space for the purposes of section 19 of the 1981 Act.
- 1.8 The making of this application by the Council should not be taken as any acceptance that the Land does in fact constitute open space within the meaning of section 19 of the 1981 Act.

## 2. Reason for Acquiring the Land

- 2.1 The Council intends to acquire the Land pursuant to the CPO in order to improve its management and public access thereto and to provide flood defences at the interface between the beach and the seafront as part of the development.
- 2.2 It is currently intended that a stepped revetment spanning a 135m stretch of the seafront, with an additional 54m length of rock armour, will be constructed to form the interface with the beach.
- 2.3 The Land is currently primarily accessed via a gated vehicular access located south of Mackworth Road. Several other additional access points to the beach are available via various stairs along the length of the beach frontage. This existing access arrangement is a by-product of the piecemeal approach to development and privately owned coastal defences that has been delivered historically. The resultant frontage and interface between the beach and the seafront lacks cohesiveness and openness.
- 2.4 The Council considers that the proposed revetment design will improve management of the Land by providing public access to the beach in a way that is more attractive and accessible, including to a range of different users, when compared to the existing situation. Whilst the revetment requires a stepped form in order to effectively dissipate wave energy during storm events, step-free access points will be incorporated into the design, particularly where the existing ramped access point via Mackworth Road is located, which will be maintained and modified, thereby providing continued step free access to the beach for pedestrians, wheelchair users and emergency vehicles.
- 2.5 Once the stepped revetment has been constructed as part of the completed development, it will be accessible to and able to be used by the public. In addition to maintaining and enhancing access to the beach, the stepped revetment structure will function as a piece of public open space in its own right, with the stepped nature of the extent of revetment that will remain above beach level providing opportunities for members of the public to sit down and appreciate the views and overall amenity provided by the adjoining beach. Whilst it is recognised that the rock armour revetment will alter the present beach use to the extent that it is located above the level of the beach post-construction, it will nevertheless improve the management of the Land by enhancing access and providing seating opportunities. It is not considered to have a material negative impact on the general accessibility and function of the Land as open space. Moreover, the rock armour revetment will improve accessibility to those members of the public that are able to or enjoy climbing and sitting on rocks as part of their seaside experience.
- 2.6 Accordingly, any public rights, trusts or incidents to which the Land (including both the area of stepped revetment and rock armour) may currently be subject will not be discharged, as is the case for a certificate granted under subsection (1)(a) of

section 19. As such, the acquisition of the Land pursuant to the CPO does not require the provision of exchange land.

- 2.7 In addition to improving management and public access, the proposed revetment design will enhance the degree of coastal protection to an acceptable level and provide necessary enhanced erosion protection.
- 2.8 The precise design of the flood defence scheme has not yet been finalised as this will form part of the detailed design work for the development proposals, which is proposed to take place once the land assembly has been completed. However, it is anticipated that part of the revetment and rock armour referred to above will be located underneath the beach, with this increasing over time as sand naturally covers part of the revetment.
- 2.9 The proposed flood defences are necessary due to the existing combination of private defences being in poor condition coupled with these defences also having inadequate crest levels at various points. Without the proposed improvement to flood defences the shoreline would be eroded over time and in turn the ability to maintain a beachside footway and public access to the beach, and to continue to locate associated leisure activities and facilities along the beachfront, would be compromised significantly. By installing the proposed defences there is an opportunity to maintain and improve this beachfront interface in a manner that improves the accessibility and functionality of the beach.
- 2.10 For the reasons explained above, the Council has concluded that the purchase of the Land is necessary to improve its management. Accordingly, on 20 July 2021 the Council's Cabinet resolved to make this application in accordance with section 19(1)(aa) of the 1981 Act.

### **3 Temporary Restriction on Access**

- 3.1 It is envisaged that a construction programme to deliver the revetment and associated works would span 12-18 months. Whilst this work is ongoing the beach would remain accessible via several existing access points to the east with the nearest being within 65 metres to the east of the existing access to the Land from Mackworth Road.

### **4 Representations in Support of the Application**

- 4.1 The Council hereby applies to the Welsh Ministers for a certificate under section 19(1)(aa) of the 1981 Act to enable the acquisition of the Land without the need for special Senedd procedure on the grounds that:
  - (a) the Land is being purchased to improve the management of the Land and its interface with the beachfront, and to enable the construction of a flood

defence scheme which will secure the preservation of the surrounding land on which the proposed development is to be carried out;

- (b) the Land will continue to be accessible for use as open space once the relevant construction works associated with the proposed development have been carried out (albeit to some extent in a different way than at present, as explained in paragraph 2.5 above), meaning that there will be no loss of open space able to be accessed and used for the purposes of public recreation;
- (c) the proposed design of the flood defence scheme means that access to the beach will be more cohesive, attractive and accessible, including to a range of different users, when compared to the existing situation; and
- (d) the Land will be of a better qualitative standard as an area of informal open space – the Land is therefore being purchased to improve its management, in the form of an improvement within the sense of section 226(1)(a) of the Town and Country Planning Act 1990 (see Section J, paragraph 31 of Welsh Government Circular 003/2019).

Dated: 10.12.21

K. Watson

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Appendices:

1. Plan showing the boundary of the Land
2. CPO
3. CPO Map
4. Statement of Reasons