



## **Porthcawl Waterfront Regeneration Area Compulsory Purchase Order 2021**

### **Statement of Reasons**

**08/10/2021**



# **Porthcawl Waterfront Regeneration Area Compulsory Purchase Order 2021**

## **Statement of Reasons**

### **Introduction**

1. Bridgend County Borough Council (“the Council”) has made the Porthcawl Regeneration Area Compulsory Purchase Order 2021 “the CPO”) on [date] to enable the wider Porthcawl Regeneration Area scheme (“the Scheme”) to come forward as a key strategic mixed-use development.
2. This statement of reasons is a non-statutory document prepared in accordance with paragraph 75 of Welsh Government Circular 003/2019 Compulsory purchase in Wales and the Crichel Down Rules (“the Circular”).
3. It is intended to be sent to every person who must be served notice of the making of the CPO (known as “qualifying persons”). Qualifying persons include:
  - an owner;
  - an occupier;
  - a tenant (whatever the period of the tenancy);
  - a person to whom the Council would be required to give Notice to Treat if it was proceeding under section 5(1) of the Compulsory Purchase Act 1965 Act (“the 1965 Act”);
  - a person the Council thinks is likely to be entitled to make a claim for compensation under section 10 of the 1965 Act (compensation for injurious affection), for example someone with rights over land, if the CPO is confirmed and the compulsory purchase takes place, so far as they are known to the Council after making diligent inquiry. This relates mainly, but not exclusively, to easements and restrictive covenants.
4. The general public has also been notified of the making of the CPO through newspaper notices and site notices.
5. The statement of reasons is intended to be as comprehensive as possible to allow the Council to use it as the basis of its statement of case which is required to be served under Rules 8 and 9 of the Compulsory Purchase (Inquiries Procedure)(Wales) Rules 2010 where a public inquiry is to be held.

### **The land to be acquired**

6. The site is located within the coastal town of Porthcawl, a prime location for tourist activity on the South Wales Coast, overlooking the Bristol Channel.
7. Porthcawl covers an area of 177 square hectares and has 3388 inhabitants (2001 Census). It lies approximately halfway between Wales’s two largest cities, Cardiff and Swansea, around 25 miles from both. Situated at the main entrance to Porthcawl, the site is located within 5 miles of junction 37 of the M4 and is connected to it by the A4229 and the A4106.
8. Porthcawl like many UK resorts has suffered a decline in its holiday trade over the years, especially since most of the South Wales coal pits have closed. A major

feature of the summer used to be the miners fortnight when the miners would take their annual break in large numbers.

9. Key historical events of the area that is proposed to be developed, redeveloped or improved that help to understand the context of the Council's proposals are as follows:

1866	Porthcawl harbour was extended.
1884	Railway infrastructure serving the harbour is present. A ship builders yard, sawmill, smithy, gasworks and gasometer surround the harbour.
1906	The inner basin of the harbour is closed
1918	Original Coney Beach Amusement Park built on a beachfront area where the ballast from incoming ships to Porthcawl had been deposited over many years.
1919	The lock gates are removed and the harbour is used for breaking up ships.
1926	The inner lock is bricked up creating a lagoon used for swimming and boating
1946	Coney Beach Amusement Park rebuilt after site had been used for the war effort. The gasworks and gasometer are removed, the industrial buildings remain and residential development in the area has occurred.
1940's	Trecco Bay caravan park opened.
1950	Sandy Bay caravan park opened.
1969	The infilled dock is used as a car park.
1970s	Model Village leisure park opened as part of Coney Beach Amusement park.
1990's	Model Village leisure park closed.
2000	Sandy Bay caravan park closed.

10. Porthcawl is home to one of the largest caravan and camping parks in Europe, Trecco Bay. It has an extensive promenade, a small harbour and several beaches, two of which are Blue Flag beaches: a tourist-oriented beach at Trecco Bay, at the east end of the town; a sandy beach at Rest Bay, which lies to the northwest of the town; and the popular Sandy Bay leading out towards Rhych Point. There are a range of leisure activities fronting onto the towns Western and Eastern Promenades and Sandy Bay.

11. The land to be acquired forms a small part of a larger site to be developed, redeveloped or improved. The site boundary for the larger regeneration area extends from the town centre (west) towards Trecco Bay (east).
12. The land to be acquired under the CPO comprises an area of 5.6846 hectares or thereabouts in the vicinity of the waterfront at the eastern end of Porthcawl, extending from Trecco Bay in the east to Salt lake carpark in the west including a part of the frontage along Sandy Bay beach, between the Harbour and Rhych Point.
13. The land to be acquired includes:
  - the freehold in the subsoil of land forming a part of Mackworth Road (Plot 3), which begins at No. 48 Mackworth Road and ends at the gated vehicular access from Mackworth Road to Sandy Bay Beach to the south,
  - the leasehold interest (but not the freehold interest) in a plot of land forming the gated vehicular access from Mackworth Road to Sandy Bay Beach, part of a wall and stepped revetment onto Sandy Bay Beach from Mackworth Road (Plot 1B),
  - the freehold interest (but not the leasehold interest) in a parcel of land adjoining Mackworth Road, to the east of it, and to the west of Sandy Lane known as the Model Village Leisure Park (Plot 5)
  - the freehold interest in the road and footway of Sandy Lane, off Mackworth Road and south-west of Newton Primary School (Plot 7).
  - the freehold interest in part of the western verge of Sandy Lane and the rear access to the residential property at 2 Mackworth Road (Plot 6), driveway fronting the residential property at 1 Sandy Lane (Plot 8) and driveway fronting the residential property at 2 Sandy Lane (Plot 9).
  - the freehold interest in land on the eastern side of Sandy Lane forming a car parking area used in connection with Newton Primary School (Plot 10) and a vehicular access to the car park at Newton Primary School (Plot 10A).
  - the freehold interest in [the subsoil of land at] Rhych Avenue off New Road and part of the unadopted lane from Rhych Avenue to the premises known as the Hi Tide Inn (Plot 11), together with part of the road and eastern footway (Plot 11B) and western footway (Plot 11A) of Rhych Avenue located south of its junction with New Road.
  - The freehold in the Coney Beach WPD substation located east of Eastern Promenade and Griffin Park Tennis Courts (Plot 2).
  - All interests other than the freehold in land forming the former Coney Beach Amusement Park(Plot 1).
  - All interests other than the freehold and registered charge in part of Sandy Bay Beach located east of Eastern Promenade and south-west of Mackworth Road (Plot 1A), together with part of Sandy Bay Beach comprising unregistered land (Plot 4).
14. The present built development on the land to be acquired is varied. Plot 3 consists in the main of the end of Mackworth Road which is adopted highway maintainable at public expense. Plot 1B consists of the gated vehicular access, wall and stepped revetment from the southern end of Mackworth Road to Sandy Bay Beach. Plot 5 is known as “the Model Village Leisure Park”. This used to form a part of the Coney Beach Amusement Park and is currently unoccupied. Plots 6, 7, 8 and 9 consist of Sandy Lane which runs off Mackworth Road together with the western verge and driveways to the properties at 2 Mackworth Road, 1 Sandy Lane and 2 Sandy Lane.

Plots 10 and 10A consist of land on the eastern side of Sandy Lane which form a car park used in connection with, and a vehicular access leading to, Newton Primary School . Plots 11, 11A and 11B consist of part of Rhych Avenue off New Road, which is highway but not adopted as maintainable at public expense, along with footway, verge and turning areas, together with part of the unadopted lane from Rhych Avenue to the premises known as the Hi Tide Inn. Plot 2 is the site of an electricity substation at the former Coney Beach Amusement Park. Plot 1 is the former Coney Beach Amusement Park, where all interests other than those of the freeholder are to be acquired to cleanse the title. Plot 1A consists of part of Sandy Bay Beach located east of Eastern Promenade and south-west of Mackworth Road, where all interests other than those of the freeholder are to be acquired to cleanse the title. Plot 4 comprises an area of Sandy Bay Beach which comprises unregistered land in unknown ownership

### **The Council's purpose**

15. The Council has made the CPO to facilitate the delivery of the scheme which is unlikely to come forward absent the CPO.
16. The Council aims to create a premier seaside resort of regional significance through the comprehensive regeneration of the land to be acquired and adjacent land which form a key waterfront site.
17. It proposes a sustainable distribution and variety of complementary land uses across the area, including residential, leisure, retail and education. It also proposes to retain and improve upon areas of attractive open space within Griffin Park, whilst creating significant new areas of open space along the seafront, supplemented with high quality active travel routes that traverse the entire site between the harbour and Trecco Bay.
18. It is proposed to provide a mixed-use development consisting of the following components in accordance with the acquiring authorities' strategic plans and policies:
  - a primary east west vehicular link;
  - a new large open "Griffin Park"
  - approximately 912 dwellings on the Sandy Bay/Coney Beach Amusement Park sites and in excess of 328 dwellings on the Salt Lake site;
  - recreational and leisure opportunities;
  - retail and commercial development
  - new and improved parks and open spaces
  - a new school or expansion of existing educational facilities
19. The scope and detail of these general components will be refined in the development and planning process.
20. This will build upon the successful revitalisation of the harbour area, the conversion of the Jennings Building into residential and commercial units, the coastal flood defence works to Eastern Promenade, Western Breakwater, Sandy Bay and Rhych Point and the disposal of a part of the north western portion of Salt Lake Carpark for development as a food retail site. The scheme will seek to build upon this earlier development by creating development that is both complementary and well integrated, within a prestigious and vibrant waterfront.

21. Physical development of the waterfront in this manner will improve the attractiveness of the town as a place to live and work, enhance the vibrancy of the Town Centre and deliver wider socio-economic benefits that allow the broader settlement of Porthcawl to thrive and prosper.
22. The Council is the freehold owner of most of the land to be used in the development. Much of the land is un-occupied and derelict. The local authority has entered into an Agreement with the owner of another substantial area of land to be used in the development. This land forms the main part of the Coney Beach Amusement Park, which is still operational. Reinvestment in buildings at the park has been held back in recent years because of the long term Agreement to release the land as part of the comprehensive redevelopment of the area. This owner also holds a long leasehold interest in the Model Village Leisure Park but it is necessary to acquire the freehold for comprehensive development to be carried out.
23. The Agreement requires the joint marketing and disposal of all of the larger area of land to be used for the development to either a single or to multiple developers. The Council therefore aims to work jointly with those developers to improve the quality of life of those living, working or otherwise involved in the community life of their area.
24. The CPO relates to land assembly to deliver the Porthcawl Waterfront Regeneration Scheme as identified within the recent Candidate Site submission for the Replacement Local Development Plan, which is a lesser area than previous proposals for the Seven Bays Regeneration Scheme.
25. The Porthcawl Waterfront Regeneration Scheme includes development on the Salt Lake Carpark and Hillsborough Place car parks. However that area is now a standalone scheme, as the Council acquired the long leasehold interest of the Salt Lake Carpark in 2018 and varied its Agreement with the owners of the other substantial parcel of land within the Scheme accordingly. The CPO is required to enable the development, redevelopment or improvement of that land within the balance of the Porthcawl Waterfront Regeneration Scheme which remains within the Council's Agreement with the other substantial owner and is located within the Sandy Bay and Coney Beach areas. These again are standalone developments.
26. However, the two schemes combined will provide comprehensive redevelopment along the Porthcawl Waterfront and are able to run concurrently rather than as land at Salt Lake as phase 1 development and land at Sandy Bay / Coney Beach as phase 2 development, as previously envisaged
27. Full topographical surveys have been completed for the regeneration area which provide a robust basis for understanding the key physical characteristics, constraints and opportunities of the site. The acquiring authority's engineers have confirmed that there are no significant constraints present on the site preventing development from coming forward.
28. The wider regeneration area has been subject to a significant amount of previous site investigation work that has informed previous decision making, in addition to the current proposals to acquire the land. This previous work includes, but is not limited to, the following:

- Phase 1 Environmental Assessment prepared by Jubb in 2007; and
  - Geo Environmental & Geotechnical Assessment prepared by Earth Science Partnership in 2019
  - Quantum were commissioned in 2020 to undertake further site investigation work with a particular focus on investigating the ground conditions within Sandy Bay and their suitability for an infiltration based drainage solution.
29. The site is not subject to any known contamination that would represent a barrier to the site coming forward for the intended use.
30. The current target for the completion of the scheme is the late 2020's, with the Council seeking to achieve acquisition of the land to be acquired by early 2023 at latest. It is planned to identify the preferred developer or developers, depending upon whether a single or multiple developers are chosen via open marketing of the first phase of the site in early - mid 2022. The aim is to secure the requisite planning consents for the first phase by late 2023
31. Once acquisition is complete it is intended to dispose of the land by way of tender. This is considered to be the most advantageous way to achieve a disposal of the site to developers as this will allow for receipts to be maximised whilst also enabling the Council to control the nature, scale and quality of proposals put forward by bidders. This control will be secured through the use of a gateway test requiring bids to demonstrate deliverability, which includes the scheme being capable of achieving planning consent.
32. In order to guide the nature, scale and quality of proposals, and provide a framework to assess a bids ability to secure planning consent, a development brief will be prepared in advance of any marketing of the site. It is envisaged that this development brief will set out a series of key development and infrastructure parameters and design guidance that reflect the requirements of the Council whilst also aligning with the requirements of the landowners in terms of infrastructure and phasing.
33. The CPO is therefore being progressed prior to a grant of planning permission recognising that in this instance it is not feasible or sensible to wait until the full details of the development proposal have been worked up, and planning permission obtained. Here, the proposed acquisitions form part of a longer term strategy which needs to adapt to changing circumstances. It is therefore not possible to demonstrate with absolute clarity or certainty the precise nature of the end-use proposed.
34. However, the Council believes that there is a compelling case for compulsory acquisition to secure these remaining small areas of land required to deliver comprehensive development, in advance of resolving all the uncertainties; and there are realistic prospects of the preferred developer subsequently securing the necessary planning permission for the Scheme.
35. To achieve the Scheme it is necessary for the Council to unify all the interests in the land to be acquired. The achievement of this will enable the Council to fulfil the terms of the Agreement with the other owner of land to be used in the Scheme and will allow the joint marketing of the entire area required for the Scheme to take place.

36. To secure the ownership of the land to be acquired for its development, within a reasonable period of time, at a fair and reasonable price and to assure potential purchasers that the development is viable, it is considered that there is a compelling case in the public interest for the making and confirmation of the CPO in view of the significant public benefits that will result from the comprehensive development, redevelopment or improvement.
37. In deciding to proceed with the making of the CPO the Council has taken into account the statutory requirements in section 226(1)(a) of the Town and Country Planning Act 1990 ("the 1990 Act") which requires the Council to confirm that it concludes that the acquisition of the land to be acquired is likely to promote or improve the economic, social and environmental well-being of the Council's area.
38. The Council considers that the Scheme will promote or improve the economic and social well-being of the area through the regeneration of a derelict and rundown waterfront area for mixed uses including new leisure and recreation facilities, retail and commercial uses and residential development. The geographical location of the area to be developed is most conducive to a vibrant tourist resort that includes this mix of development.
39. Through its content, quality and size the development will be a flagship for Porthcawl that will give substantial aid to the implementation of the Council's strategic policies.
40. The development, redevelopment and improvement is supported by the statutory development plan process as necessary for the vitality and viability of Porthcawl and for its contribution to the achievement of the Council's wider regeneration priorities.
41. The scheme will facilitate the environmental well-being of the area through the redevelopment of an area within Porthcawl a large part of which has long been identified as being unoccupied, derelict, run down and in an unattractive state generally. The Scheme will have a positive impact on a substantial section of the waterfront. On the operational areas it will involve redevelopment and the demolition and clearance of a number of structures built in the 1960's and 1970's which are now effectively at the end of their useful life. Overall this will result in a substantial improvement in the environment in the immediate area of the scheme.
42. The re-creation of sustainable communities through better balanced housing markets is one regeneration objective of the Council. A greater diversity of housing provision is needed to ensure that neighbourhoods are sustainable in the long term, and improved housing quality and choice is necessary to meet demand.
43. The land to be acquired is considered to be the minimum essential to the successful implementation of the scheme and is the minimum required for the scheme to be able to proceed in a comprehensive way.
44. The benefit to be derived from making the CPO is not restricted to the area subject to the CPO, as the concept is applied to the wellbeing of the whole (or any part) of the Council's area. Accordingly the Council has taken into account all the benefits and consequences that are likely to flow from the development, redevelopment or improvement of land within the Scheme in deciding to make the CPO.



45. Here, the site has been allocated in the LDP for many years but the Scheme has not come forward on its own. The Council therefore see the Scheme as not being capable of being delivered solely or mainly through the granting or refusal of planning permission. The scheme requires a more proactive approach with the Council facilitating the assembly of land.

46. The Scheme assists in the achievement of the following corporate well-being objectives under the Well-being of Future Generations (Wales) Act 2015:-

- **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.
- **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.

In addition to the aforementioned corporate well-being objectives under the Well-being of Future Generations (Wales) Act 2015, the Council is cognisant of the seven well-being goals contained within the Act and has paid due regard to the achievement of these when formulating the Scheme.

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

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

### **Special categories of land**

48. The part of Sandy Bay Beach to be acquired is open space, which is a special category of land within section 19 of the Acquisition of Land Act 1981. This area is proposed to be acquired so that flood defences can be incorporated into the

development and it is being acquired to secure its preservation and improve its management. A certificate to that effect is being sought from the Welsh Ministers.

49. The Coney Beach substation is also being acquired from Western Power Distribution, who are a statutory undertaker pursuant to the Electricity Act 1989. The Council and its preferred developers will work with the statutory undertaker to ensure that it can be purchased and not replaced without serious detriment to the carrying on of the undertaking, or that if purchased it can be replaced by other land belonging to, or available for acquisition by, the undertakers without serious detriment to the carrying on thereof,
50. The site is within the setting but not the curtilage of Newton Primary School which is a grade II listed building.
51. There are no scheduled ancient monuments within the Land to be Acquired.
52. None of the Land to be Acquired is within a conservation area.
53. Equipment and structures of statutory undertakers and telecommunications operators will be protected, replaced, diverted, extended or improved as necessary. The Council is actively working with statutory undertakers to achieve this by agreement.
54. There are no interests within the Land to be Acquired held by the Crown.
55. Included within the Land to be Acquired is a length of adopted public highway at Mackworth Road to enable the Council to improve the highway. A part of Rhych Avenue and Sandy Lane are also to be acquired. These lengths of public highway are not adopted as highway maintainable at public expense and are to be acquired so as to facilitate an improved and enhanced adopted access to the Scheme and the surrounding locality.
56. There are no Tree Preservation Orders on the land to be acquired, although it is likely that some trees will need to be removed to enable the development to proceed. The impact on trees will be fully considered during the planning process.

### **Engagement with affected parties**

57. Some of the land that the Council requires for the Scheme is in unknown ownership, despite diligent attempts to identify the owners. The Council has not been able to negotiate with anyone in respect of voluntary acquisition of those plots as a result. The Council has carried out title searches to all of the land within the scheme and has placed site notices on site in an attempt to identify unknown owners where land is unregistered. The Council has also made contact with larger land owners in the locality to check if they claim ownership.
58. Other parts of the land are in known ownership. The Council has entered into a collaboration Agreement with one of the known owners of land within the scheme so as to ensure delivery of the Scheme.

59. The Council has also sought to negotiate with the known owner of other freehold land known as the Model Village Leisure Park within the Scheme, in order to deliver the Scheme without recourse to CPO powers. Notwithstanding provisional agreement between professional advisors on the value of the land to be acquired in this instance, the Council has been unable to agree a voluntary acquisition.
60. The regeneration area has been earmarked for mixed use development for a considerable period of time dating back to the 2004 Porthcawl Development Framework SPG and its allocation in the now superseded UDP that was previously adopted in 2005. Subsequent to the 2004 SPG the Seven Bays Project SPG was adopted in 2007 with this providing further detailed planning guidance that aligns with the sites mixed use regeneration allocation within the current adopted LDP. In formulating and adopting these SPG documents and confirming the associated allocations the Council has engaged with the public in connection with the proposed regeneration plans for Porthcawl over a number of years. This engagement has continued through the consultation on the Replacement LDP preferred strategy in 2019 and will be further continued through the planned consultation on the Porthcawl Placemaking strategy which is expected to take place during the summer of 2021.
61. The scheme has evolved considerably since it was first proposed in 2004, with a series of changes to the proposals brought about in response to a range of factors including public consultation responses, commercial factors, planning policy and technical evidence. Examples of such changes include
- the retention of The Portway compared to previous proposals that stopped this up,
  - the reduction in car parking and out of town centre retail provision,
  - the shift away from an engineered promenade along all of the Sandy Bay frontage in favour of a recreational route and a more sympathetic retention of some naturalised relic dunes along the eastern extent of the frontage, whilst retaining a more engineered solution provided by the scheme on the western development frontage. This came about as a part of the design of the flood protection works and took into account expert advice provided by Arup. The retention and restoration of the relic dunes was considered to represent the most appropriate and sensitive response for this area in accord with Natural Resource Wales (NRW) Advice on Options for Sand Dune Management for Flood and Coastal Defence (Volume 1) 2017.

## **Justification**

62. The proposed scheme represents a regionally significant regeneration opportunity that would give rise to a range of public benefits in relation to housing provision and employment opportunities associated with both the construction and operational phases of development. Additionally, the regeneration of a brownfield site is considered to offer substantial benefits from both a sustainability and environmental perspective including, but not limited to, the following:
- Creation of additional housing to meet an identified need within the existing boundaries of Porthcawl and adjacent to established infrastructure;
  - Creation of new and enhanced open space for current and future residents;

- Provision of improved connectivity across the site and to adjoining areas;
- Additional job opportunities arising from both the construction and operational phases of the development;
- The development of this brownfield 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.

63. These public benefits have been weighed against any impacts that may arise in connection with any people affected by the proposed CPO. In this instance the potential for and likely scope of such impacts are considered to be limited, given the land to be acquired is not occupied by any homes or businesses. It is also pertinent to note that the Council's partner landowner already owns an unexpired term of 29 years of a 99year lease of the former Model Village Leisure Park which reduces the nature and scale of any potential impacts on the freeholder owner of this vacant parcel of land. Given the significant range and scale of public benefits that would arise from the proposal it is considered that these would far outweigh any impact on any affected persons.

64. The Council has given consideration to the Human Rights Act 1998 and Article 1 of the First Protocol to the European Convention on Human Rights must be given prior to the making of a CPO. Although there are no domestic dwellings within the Order Land, Article 8 (as detailed below) has also been considered.

65. Article 1 protects the rights of everyone to the peaceful enjoyment of their possessions. No person can be deprived of their possessions except in the public interest and subject to the relevant national and international law.

66. Article 8 protects private and family life, the home and correspondence. This is a qualified right; no public authority can interfere with the interest except if it is in accordance with the law and is necessary and proportionate in the interests of national security, public safety or the economic wellbeing of the county.

67. The Council has balanced the above individual rights against the contribution of the Scheme to achieving the promotion or improvement of the economic, social or environmental well-being of the area in concluding that there is a compelling case in the public interest for the CPO. The view of the Council is that the balance is in favour of the CPO being made given that the interference with individual rights is both necessary and proportionate in order to deliver the public benefits deriving from the Scheme.

68. It is relevant that qualifying persons have the right to object to the making of a CPO and to representation at any local public inquiry scheduled by the Welsh Ministers to consider objections before the CPO is confirmed.

69. It is also relevant that those whose land is acquired will receive market value compensation and disturbance allowance based on the CPO compensation code principles. Consideration of the level of appropriate compensation is not a valid objection to the CPO and should this be in dispute will be a matter for the Upper Tribunal (Lands Chamber) to consider separately.

## Planning Position

70. Parts 2 and 3 of Schedule 2 to the Acquisition of Land Act 1981 are not incorporated into the CPO. The Council will deal with any mining interests by way of indemnity insurance when it seeks to dispose of the land.
71. The site is currently allocated for mixed development within the existing Local Development Plan. Policy PLA3 of the Adopted Local Plan sets out the Council's objectives for mixed use regeneration of brownfield underutilised sites and identified the Porthcawl Regeneration Area as being a significant part of this strategy through its allocation as site PLA3(8). This allocation is supported by adopted Supplementary Planning Guidance (SPG), often referred to as the "Seven Bays Project – Porthcawl Waterfront SPG".
72. In addition to the allocation in the Adopted Local Plan the site has been put forward as a candidate site for consideration as part of the replacement Local Development Plan 2018-2033 (LDP).
73. The Bridgend County Borough Local Development Plan 2018-2033 Preferred Strategy Consultation Document identifies the Porthcawl Regeneration scheme as a strategically important site. Specifically the preferred strategy recognises that the Porthcawl Waterfront Regeneration Area will provide the strategic focus of residential-led growth and opportunity for Porthcawl by maximising the benefits of the unique location that incorporates views across Sandy Bay. The provision of new residential units, including affordable dwellings, will enable the delivery of other vital regeneration requirements comprising flood defences, enhanced active travel links plus education, retail and community facility provision.
74. Subsequent to the site being identified in the County Borough Local Development Plan 2018-2033 Preferred Strategy Consultation Document the site has since been identified as a Mixed-Use Strategic Development Site within the Replacement Local Development Plan Deposit Plan Public Consultation Document.
75. Specifically, Policy PLA1 of the Replacement Local Development Plan Deposit Plan Public Consultation Document sets out that the Land at Porthcawl Waterfront, is allocated for a comprehensive, regeneration-led, mixed-use development that will deliver circa 1,115 homes (including 30% / 335 units of affordable housing), incorporating a new one form entry Welsh medium primary school, a four classroom block extension at the existing English medium primary school, a new food store, leisure facilities, a bus terminus, recreation facilities, public open space, plus appropriate community facilities and commercial uses. Policy PLA1 goes on to set out a series of placemaking and master planning principles that apply to the site.
76. To evidence the deliverability and viability of the site the major landowners have contributed to a draft land use framework and masterplan for consideration as part of the LDP process. This work is supported and informed by a suite of technical evidence that has been commissioned by the landowners. The proposed mix of land uses and quantum of development are similar to those within the existing SPG and include mixed use of residential, leisure, retail, commercial, open space, car parking

and active travel routes. In addition to the master planning completed to date the Council is actively progressing with further detailed placemaking work that builds upon the principles of the draft land use framework. This work will culminate in a comprehensive placemaking strategy for the wider Porthcawl Waterfront Regeneration Area and will be used to inform any future development brief that is adopted for the site prior to disposal.

77. In addition to the planning status of the site at a local level there is significant support for the proposed regeneration at a national policy level. Planning Policy Wales (PPW) is unequivocal in terms of its support and indeed directive towards prioritising the redevelopment of suitably located brown field sites such as this. Of particular relevance is section 3.51 which states as follows:

*“3.51 Previously developed (also referred to as brownfield) land (see definition overleaf) should, wherever possible, be used in preference to greenfield sites where it is suitable for development. In settlements, such land should generally be considered suitable for appropriate development where its re-use will promote sustainability principles and any constraints can be overcome.”*

78. In parallel to the importance placed on supporting brownfield regeneration opportunities such as the proposal, section 3.57 of PPW encourages appropriate steps to be taken to unlock sites with this including exercising compulsory purchase powers where voluntary acquisition is unsuccessful. Considerable effort has been made to voluntarily acquire the freehold interest in the former Model Village Leisure Park, although at this time these attempts remain unsuccessful. Steps are being taken to progress with a compulsory purchase as this will unlock the site so it can meet development needs in the local area and secure better development outcomes. As detailed within the preceding sections of this statement the Council is satisfied that the benefits in relation to the public interest can be will outweigh the loss of private interests.
79. In May 2007 the Council’s Cabinet resolved to make a CPO to acquire land for what was then known as the Seven Bays Project. A draft CPO was progressed but never published due to the recession following the financial crisis in 2008. The key difference in the current CPO is that the previously proposed acquisition of land to undertake coastal protection works along the frontage of the Hi-Tide Inn has been removed. These works are no longer required, as the coastal flood protection works the Council are carrying out at Eastern Prom, the Western Breakwater and Rhych Point, and the works that the Council’s development partners are carrying out in front of the Coney beach Amusement Park will provide sufficient coastal flood protection to enable the proposed development, redevelopment or improvement to proceed. In addition the Council has secured freehold title to some of the land that was required and this is therefore not included in the current CPO.
80. A resolution of the Council’s Cabinet was made on 15 September 2020 in order to authorise officers to commence work on all steps which may lead to the making of a Compulsory Purchase Order to acquire the land required and on 20 July 2021 in order to authorise officers to make the current CPO and carry out all other ancillary steps. The purchase of this land is required in order to enable comprehensive and strategic regeneration of the area, as opposed to piecemeal development.

81. In addition, the Council and the owners of the Coney Beach Amusement Park entered into a 20 year Owners Agreement in 2011 the terms of which were approved by the Council's Cabinet on 8 February 2011. This Agreement was varied in 2018 to exclude the Salt Lake car park land, when the Council acquired the Evans' long leasehold interest in this site and the variation was approved by Cabinet on 19 December 2017.

## **Funding**

82. The extent of the Scheme to be disregarded for the purposes of assessing compensation in the 'no-scheme world' includes Phase 1 consisting of the redevelopment of the harbour, the Jennings Building and the food retail store on part of Salt Lake Carpark. The justification for this is that these developments form a part of wider comprehensive development, redevelopment and improvement which would not come forward without public funding and support.

83. The acquisition costs will be funded by the Council and an earmarked reserve is available to enable the payment of compensation as land is acquired. The scheme delivery costs will be borne by the Council's preferred developer.

## **List of Documents**

84. Should it be necessary to hold a public inquiry into the CPO, the Council may refer to or put in evidence the following documents (not exclusive), in addition to the CPO and the CPO Map.

### **Planning Policy Documents**

- The Wales Spatial Plan – People, Places, Futures (November 2004)
- Planning Policy Wales (2021)
- TAN 2 – Planning and Affordable Housing
- TAN 4 – Retailing
- TAN 5 - Nature Conservation & Planning
- TAN 8 – Planning for Renewable Energy
- TAN11 – Noise
- TAN12 – Design
- TAN14 – Coastal Planning
- The Bridgend Local Development Plan 2006 -2021 (adopted September 2013)
- Supplementary Planning Guidance “Seven Bays Project – Porthcawl Waterfront” (adopted 2007)
- Supplementary Planning Guidance “Porthcawl Development Framework” (adopted 2 December 2004)
- The National Strategy for Flood and Coastal Erosion Risk Management in Wales (October 2020)

### **Technical Reports**

- Coney Beach Coastal Defence Feasibility Study Report prepared by Arup (dated August 2020)
- Transport Assessment prepared by Jacobs (dated August 2020)

- Landscape / Seascape and Visual Impact Assessment prepared Soltys Brewster Consulting (dated March 2021)
- Topographical Survey Plan prepared by Landmark (dated September 2020)
- Ground Investigation Report prepared by Quantum (dated July 2020)
- Phase 1 Environmental Assessment prepared by Jubb (dated 2007)
- Geo Environmental & Geotechnical Assessment prepared by Earth Science Partnership (dated September 2020)
- Ecology Survey prepared by David Clements Ecology (dated October 2020)
- Porthcawl Waterfront Regeneration Area LDP Drainage Strategy Report prepared by Capita Redstart (dated November 2020)
- Utilities Report prepared by SMS(dated November 2020)

### **Cabinet Authorisation**

- Report to Cabinet dated 20<sup>th</sup> July 2021
- Minutes of Cabinet Meeting dated 20<sup>th</sup> July 2021 containing resolution authorising the making of the CPO.

85. Copies of these documents have been deposited at Porthcawl Library, Church Place, Porthcawl CF36 3AG and may be seen at all reasonable hours, or may be inspected online at <https://www.bridgend.gov.uk/my-council/equalities-and-engagement/consultations/current-consultations/porthcawl-cpo/>