

Bridgend Local Development Plan 2018-2033

Statement of Common Ground

Between

Bridgend County Borough Council

And

Welsh Government

And

Natural Resources Wales

Statement Date: 19th January 2024

**Statement of Common Ground, Between
Bridgend County Borough Council (BCBC), Welsh Government (WG) and
Natural Resources Wales (NRW)**

1.0 Introduction

- 1.1 This Statement of Common Ground has been prepared in relation to COM1(5), Former Cooper Standard Site, Ewenny Road, Maesteg (hereafter referred to as 'Ewenny Road'). It details those matters on which agreement has been reached between the parties and those which are still in dispute in advance of the Additional Hearing Session, scheduled for 24th January 2024.

2.0 Matters of Agreement and Dispute - Technical Advice Note (TAN) 15 and Strategic Flood Consequences Assessment Addendum (SFCAA)

- 2.1 NRW note and welcome the SFCAA has used the Flood Map for Planning (FMfP) and consider that this represents the best available information on areas at flood risk. NRW advise that the local flood model for the area has been incorporated into FMfP (November 2022) and as such the FMfP does represent best available data.

There is agreement between NRW, BCBC and WG on this point.

- 2.2 NRW note that, in addition to use of the FMfP, the SFCAA applies the latest draft version (January 2023) of the new TAN15 as the policy consideration. Whilst NRW acknowledge the Chief Planners letter dated 15 December 2021, which states '*SFCAs should be in accordance with the draft version of the new TAN15*', it NRW's understanding this direction was in relation to the September 2021 (draft) version of the TAN15, not the January 2023 (draft version). Furthermore, the Chief Planners letter only referred to Section 7 of the draft TAN and did not indicate the wider policy document should be referred to. The TAN15 policy is still being developed and has not yet been finalised and formally published.

NRW advise seeking clarification from WG over which version of the draft TAN15 can be used and whether this is restricted to Section 7 only, or the wider policy as a whole.

- 2.3 WG consider the most pragmatic way forward is to test the site against the emerging TAN15 and associated flood maps, akin to the approach undertaken for all the other allocations in the plan. This will provide consistency of approach.

- 2.4 WG note that the emerging TAN15/maps are a response to previous issues regarding flooding in Wales over recent years, which have come to light following publication of the previous TAN15 in 2004. The more recent flood maps will be more accurate and potentially more expansive, reflecting the more stringent tests. This is in effect a more precautionary approach, thereby responding more sensitively to older flood maps.
- 2.5 WG consider it inappropriate to test the site in light of the 2004 TAN15/maps (with the emerging TAN15/maps known) when an application will be tested against the emerging TAN15/maps, which is aimed for finalisation by mid-2024.

There is agreement between WG and BCBC on this point.

3.0 Matters of Agreement and Dispute – SFCAA Modelling

- 3.1 BCBC commissioned JBA to prepare the SFCAA in June 2023. This **applied the most recent local and national datasets provided by NRW** and concludes that the proposed development is very likely to be able to satisfy the acceptability of flood consequences. Even when the majority of the site (within Zone 2) floods in the extreme event, flooding remains shallow and within tolerance. BCBC considers that this clear evidence demonstrates how Ewenny Road can come forward as a large mixed-use development, capable of meeting all aspects of the Justification Tests of TAN15. This will require some aspects of site zoning and flood mitigation, but recent studies have demonstrated that this is very likely to be achievable.
- 3.2 All parties to this Statement of Common Ground agree:
- a) the SFCAA site appraisal prepared in 2023 has used the FMfP and represents the best available information on areas at flood risk. As such, it is considered robust evidence with sound conclusions, suitable for a high-level strategic assessment.
 - b) the SFCAA demonstrates that the site is capable of meeting the justification tests of draft TAN15 subject to appropriate flood mitigation measures to protect proposed development and existing development elsewhere.
 - c) As per the recommendations in the SFCAA, a detailed Flood Consequences Assessment for the site will need to be agreed with NRW prior to the approval/discharge of planning condition 35 attached to planning permission P/13/808/OUT.
 - d) the revised modelling that supports the detailed Flood Consequences Assessment has reached a level of maturity whereby all parties can have

confidence in the deliverability of a strategic approach to manage flood risks to acceptable levels at the site (for the avoidance of doubt this does not prejudice NRW's position regarding the future assessment of the FCA).

- e) Ewenny Road is considered appropriate for allocation in the Bridgend RLDP.

Signatories

Bridgend County Borough Council

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Position: Strategic Planning and Transportation Manager

Date 19 January 2024

Signature 

Welsh Government

Name: Mark Newey

Position: Head of Plans Branch

Date 19 January 2024

Signature 

Natural Resources Wales

Name: Gemma Beynon

Position: Development Planning Team Leader

Date 19 January 2024

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