

BRIDGEND REPLACEMENT LOCAL DEVELOPMENT PLAN (2018-2033)

ADDITIONAL MATTER 13: MAC 047 – POLICY COM1 (5) LAND AT EWENNY ROAD, MAESTEG.

Prepared on behalf of Bellway Homes Limited

Rep ID: 222

1. Boyer is instructed by our client, Bellway Homes Limited ('Bellway'), to submit a Matter Statement in respect of Matter 13: MAC 047 – Policy COM1 (5) Land at Eweny Road, Maesteg.
2. This Matter Statement should be read in conjunction with previous responses prepared by Boyer:
 - Regulation 19 Submission - July 2021
 - Matters Arising Changes (MACs) – September 2023

Issue – Is the proposed allocated housing site soundly based and capable of delivering new residential and community development over the Plan period?

Questions

2a.) What is the current use of the allocated site?

3. The current use of the proposed allocated site is a vacant brownfield site. The last occupier on the site was the Cooper Standard and Budelpack COSi which closed in 2007 and since then buildings have been demolished leaving the former factory bases and the surface car park. Whilst the site is PDL, Boyer notes that there remains several major infrastructure and remediation works which require significant remediation before any commencement of development could take place, including addressing historic mine adits and mining drains, the backfilling of several abandoned mineshafts, the removal of a significant thickness of made/disturbed ground consisting of colliery spoil, as well as general ground contamination from the historic use. Consequently, the site is not considered a short-term option which can be relied upon for delivery through the proposed housing trajectory and could be subject to significant delays when detailed works are undertaken.
4. It is Bellway's understanding that the site was proposed to be brought forward from a long-term regeneration site to a proposed allocation to ensure certainty in the Housing Trajectory and to address the proposed increase in flexibility allowance. However, Bellway do not consider that the site is capable of addressing this issue, and that alternative sites, namely land at Heol Fach, North Cornelly are much more suitable and can be delivered in the short-term.
5. Clearly, the fact that the current Outline planning application (LPA Ref. P/13/808/OUT) has remained undetermined for 10 years is a significant factor in demonstrating the ability to rely upon any early delivery as part of the Housing Trajectory.

6. In this case, Bellway have no issue with the inclusion of Ewenny Road, Maesteg being retained as a long-term regeneration site, however, it is maintained that due to the on-going technical issues and perceived unknown remediation costs and timescales remain rightly concerned about the site's deliverability.

2b) What is the proposed use of the allocated site?

7. The proposed use of the site as set out currently in MAC1 (Schedule of MACs) details under Schedule 1, Appendix 3 Implementation and Delivery Appendix MAC008 is that the proposed use of the emerging allocated site COM1(5) is for housing.
8. Whilst the Outline planning application (LPA Ref. P/13/808/OUT) sits outside of the LDP Examination process, Bellway note that amendments have been made to the layout, including the removal of the park and ride facility. Bellway question if these amendments need to be reflected in the current information as submitted under COM1(R2) for consistency.

2c) What are the constraints affecting the site, and are these constraints significant obstacles to development within the Plan period?

9. In addition to Bellway's response to the MAC consultation they maintain that there remain several technical constraints that combined constitute significant obstacles for the early delivery of the site. Whilst Bellway can only go on the publicly available information, they have sought to respond to the identified points raised by the Inspector as follows:

Transportation and the impact of the development on the public footpath level crossings

10. Bellway acknowledges a Transport Assessment Addendum (Document Ref. T22.150.TA.D1) was submitted to support the existing Outline planning application (LPA Ref. P/13/808/OUT) in June 2023. To date, no additional consultee responses from the Highways Officer or Network Rail (in respect of the level crossings) have been uploaded or made publicly available. Therefore, from a technical consultee perspective it remains unknown as to whether the Highways Officer accepts the details set out in the Transport Assessment Addendum and whether the concerns of Network Rail have been satisfied.
11. From a review of the Transport Assessment Addendum, Bellway note the calculation of the total proposed trip generation is incorrect and should be higher than the figures currently. Based on the figures provided in Tables 6.1 to 6.4 the total proposed trip generation in the AM peak should be 348 and the total trip generation in the PM peak should be 318. A knock-on consequence of this miscalculation is that the trip generation including the proposed Transport Interchange is incorrect as the AM peak trip generation should total 433 and the PM peak trip generation should total 403.
12. The proposed AM peak including the Transport Interchange would be slightly higher than the original scheme AM peak trips generation identified. It is therefore misleading for the report to not confirm the AM peaks would be slightly higher than the original proposal. If correct, the PM peak trip generation would remain lower than original scheme due to the change in uses proposed.
13. As a knock-on consequence of the trip generation totals being incorrect this then feeds through the impact assessment and raises concern over the percentage impact assessment.

14. Furthermore, there is no indication of the level of affordable housing that would come forward on the site within the Transport Assessment Addendum Note. On this basis, as a worst case, the TRICS private housing rates should have been used for robustness, which would likely have higher trip rates than those presented. This would further increase the level of trip generation associated with the site.
15. Moreover, the Transport Assessment Addendum Note demonstrates that the development would have in excess of a 5% impact at all junctions considered. On this basis, without further assessment, it cannot be reasonably concluded that the development would be “*appropriate and acceptable in traffic and transport terms*” (as per 8.2.1 of the report).
16. In terms of the Network Rail and crossings, the Transport Assessment Addendum provides no commentary on the existing public footpaths level crossings at Oakwood Drive, especially when they are indicated as forming part of the pedestrian connections to the wider areas of Maesteg
17. Whilst it was confirmed by Network Rail that the Level Crossing Manager (LCM) is in the process of working on a risk assessment to support Network Rails concerns regarding the additional risk of development, Bellway highlight that Network Rail has a level crossing risk reduction programme. “*The objective of the programme is to close and upgrade crossings across the network, which will improve safety for everyone and reduce the risk that level crossings present to the national rail network.*”
18. Network Rail are processing a risk assessment considering several important factors, such as the crossing’s locations, how much traffic (rail, road and pedestrian) it receives, and the crossing’s history of near misses and accidents. They will aim to achieve the maximum possible reduction in risk of accidents at all their level crossings.
19. Generally, Network Rail believe the most effective way of reducing level crossing risk is to eliminate the crossing completely by closing it. Where additional development comes forward, creating additional usage of the crossing, Network Rail will look to close the crossing and place conditions on the development to implement the closure and ensure the provision of new or alternative crossings.
20. Until this matter is addressed then questions are raised in relation to the pedestrian connections and suitability of the early delivery of the site.

Flood Risk

21. Within MAC4 Bellway have reviewed the response provided by Natural Resources Wales (pdf page 160- 170) (Representor 34) which enclosed their previous responses to the candidate site register, the SFCA and planning application. Unless a subsequent response has been provided to the Council from Natural Resources Wales (NRW) since MAC4 has been issued, NRW do not yet understand what affect the flood modelling may have on the viability of the site and have stated it should not be relied upon as part of the housing land supply. NRW have concluded that inclusion of the site as a housing allocation would make the Plan unsound, and reiterates the reasoning behind its retention as a long-term regeneration site, so that these matters can be appropriately addressed.
22. Whilst Bellway appreciate the SFCA Updated Site Appraisal prepared by JBA Consulting, dated June 2023 (sd267) has been prepared in support of the candidate site (referred to as Ewenny

Road) and the Flood Consequences Assessment (FCA) prepared by WSP, dated October 2022 to support the updated Outline planning application, it cannot be ignored that if a statutory consultee is not satisfied with the detailed information received as part of a planning application, then there remains major concerns regarding flood risk and viability for the proposed allocation which must be overcome before the site can be considered a sound allocation for delivery in the short-medium term.

23. Furthermore, Bellway notes that the final bullet point of the Summary and Conclusions within sd267 states:

- *As a large mixed-use development, we find that the proposed allocation and development of the Former Cooper Standard Site is 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.*

24. As detailed above, the date of publication of the sd267 is June 2023 and it is not clear from the Outline planning application webpage whether the Applicant has undertaken a further review of the Proposed Concept Masterplan and Parameter Plans to reflect the requirement for site zoning and whether there is appropriate flood mitigation to align with the conclusions of sd267 or to address NRW concerns and make the proposed allocation acceptable. No further plans have been uploaded to the application nor examination webpage and clarification on this point is welcomed.

Historic Coal Mining, Heritage and the need for an archaeological assessment, Coal Mining Risk Assessment, remediation &, biodiversity, fire safety and utilities

25. Since Bellway's submission to the MAC changes there has been no further details provided on the application webpage or the LDP examination page to address the significant remediation concerns, including addressing historic mine adits and mining drains, the backfilling of several abandoned mineshafts, the removal of a significant thickness of made/disturbed ground consisting of colliery spoil, as well as general ground contamination from the historic use. These substantial issues require the Cardiff Capital Region grant funding (£3.5m) before development can commence. Therefore, we await an update from the promoter/Applicant ahead of the proposed additional Hearing Session.

2d) Is the submitted Strategic Flood Consequences Assessment – Site Appraisal Addendum (June 2023) [SD267] based on robust evidence, consistent with national planning policy and are its conclusions sound, if not how can this be ameliorated?

26. Bellway note that as it stands NRW have publicly objected to the allocation via the MAC Consultation and confirmed in writing that they have not agreed the flood modelling for the site nor are willing to review the submitted SFCA Site Appraisal Addendum. This is a fundamental concern regarding the validity of evidence being presented through the LDP examination.

27. NRW has yet to confirm they are happy with the datasets used nor the robustness of the evidence and deliverability of the proposed housing remains in doubt. As referenced above, there is no further evidence in the public domain to confirm the required zoning and mitigation having been taken into account in working up the latest masterplan and parameters which were submitted 7 months prior to the date of sd276.

28. Bellway do not disagree that development may eventually come forward on the site and as such consider that it should be retained as a long-standing regeneration site, rather than a potential allocation. The site was identified to address the proposed increase in flexibility allowance, however Bellway raise issues with this deliverability in the short-term and again reiterate that their site at land at Heol Fach, North Cornelly is far better suited to deliver within the first few years of the plans adoption.
29. Furthermore, it is questionable whether the site is viable and as a result deliverable at the quantum proposed in light of the recent findings of sd276 and the WSP FCA. For example, are the flood mitigation costs actually known and have they been taken into account as part of a most recent viability assessment.

2e) In light of the constraints, and having regard to the need to provide affordable housing, is the allocated site economically viable?

30. Bellway understand the site benefits from Cardiff Capital Region grant funding (£3.5m) which will deliver 15% affordable housing (31 homes) in an area where the area wide affordable housing policy is 0%. Therefore, the funding enables affordable housing to be delivered in an area where it would not usually be sought via s106 Agreements. The Council have stated that the Cardiff Capital Region funding renders the site viable by tackling several major infrastructure and remediation works with the lead in times being incorporated into the housing trajectory.
31. Bellway await clarification on the extent of the funding and how far it goes to address the required infrastructure and remediation works which is understood to include the diversion of a historic mining drain and the backfilling of several mineshafts. It is highlighted that these types of constraints require significant investment, but also require extensive lead in times to undertake any meaningful works to facilitate any development. As already noted, Bellway consider that the provision of dwellings within the suggested Housing Trajectory is unrealistic and that this proposed allocation will not actively address the short-term housing requirement to accommodate the increased flexibility allowance. Transparency on these matters would provide clarification over the viability of the scheme given ongoing technical matters.
32. Again, Bellway reiterate that the reliance on funding should mean that the site is retained as a long-standing regeneration site, rather than an allocation which requires certainly of deliverability.

2f) Are the number of residential units proposed realistic and deliverable over the plan period?

33. In light of the submitted Strategic Flood Consequences Assessment – Site Appraisal Addendum (June 2023) [sd267] Bellway are not aware of revised plans that detail the zoning and flood mitigation required to deliver the scheme as required by sd267. Therefore, the number of residential units proposed is questioned.
34. From a review of the trajectory provided at Appendix 8 of MAC1 (Schedule of MACs) there is intention for delivery of 20 units being in 2024-25 with the remainder of the scheme being delivered by the end of 2030. Without clarification of the outstanding technical matters Bellway question whether the number of proposed residential units are realistic and deliverable in the short-medium term given the nature of the constraints and the necessary rumination work required.

2g) What are the mechanisms and timescales for delivering the site? This should include details of the funding arrangements and timescales for the remediation element of the scheme and the granting of planning permission.

35. Bellway note that the outline planning application was submitted (10 years ago) and is now only potentially viable as a result of Cardiff Capital Region grant funding (£3.5m). Recently the Council has stated determination of the Outline planning application will be by the end of December 2023. However as detailed above there remains a number of technical matters that need to be addressed before actual delivery of development on site and no transparent information has been provided by the Council or Applicant to setting out the funding arrangements and timescales for remediation.
36. Without such evidence demonstrating the technical matters are being addressed with a realistic timetable for delivery the issues raised cause viability concerns and Bellway remain unconvinced that the housing can be delivered in the short-term. Bellway maintain that Ewenny Road, Maesteg should be retained as a long-term regeneration site, and not a proposed allocation.

2h) Is the allocation of the SDS essential to ensure the soundness of the Plan?

37. Bellway maintain that the allocation of the SDS is not essential to ensure the soundness of the Plan. This was previously demonstrated in the Deposit RLDP where it was included as a long-term regeneration allocation and land at Heol Fach, North Cornelly was proposed as a draft allocation in the emerging draft Focussed Changes RLDP version. Bellway consider that the allocation of land at Heol Fach, North Cornelly, and the retention of Ewenny Road, Maesteg as a long-term regeneration site is a sensible solution that would ensure the soundness of the Plan.
38. Whilst the revised flexibility allowance as detailed in MAC 009 is welcomed, Bellway maintain land at Heol Fach should be retained as an allocation and is deliverable in the short term. Bellway have undertaken technical assessments that would enable a quick submission of an Outline planning application and as detailed in the submitted housing trajectory would result in the delivery of housing from 2024-25 to 2029-30.
39. Bellway have no issue with Ewenny Road, Maesteg being retained as a long-term regeneration site, however, it is maintained that due to the on-going technical issues and unknown remediation costs and timescales remain rightly concerned about the site's deliverability. Despite the Council's aspirations to issue an Outline planning permission before the end of the year (2023), it does not mean further technical work will be undertaken promptly to enable the submission and determination of Reserved Matters applications. Furthermore, the deliverability does not take account of the potential need to market the site to housebuilders in a challenging economic environment; discharge necessary pre-commencement conditions and remediate the site within the immediate/short term.
40. As a result, Bellway do not consider the allocation of the SDS essential to ensure the soundness of the Plan when there is a reasonable alternative which in the past has been accepted by the Council. Ultimately the land at Heol Fach could fill the delivery of housing in the short-term, given it is being promoted by a well established volume housebuilder, whilst the Applicant and Council continue to work together to address the outstanding technical points and ensure a legally implementable Outline planning permission is achieved for the long-awaited redevelopment of the Former Cooper Standard Site.

SUMMARY

41. In summary, Bellway consider the proposed allocation of the Former Cooper Standard Site, Ewenny Road, Maesteg to be a significant material change which risks undermining the housing trajectory for the emerging LDP for the aforementioned reasons.

42. As such, the Former Cooper Standard Site, Ewenny Road, Maesteg should remain as a long-term regeneration site maintaining the previous reference COM1 (R2) and land at Heol Fach, North Cornelly should be allocated to address the additional flexibility in the plan required by the Inspector. An alternative option would be to allocate both the Former Cooper Standard Site, Ewenny Road, Maesteg and land at Heol Fach, North Cornelly to enable flexibility and appropriate contingency provision to allow the tests of soundness set out in the Development Plans Manual to be achieved.