

NEATH PORT TALBOT LOCAL DEVELOPMENT PLAN EXAMINATION

Hearing Session 13 (Matter 7)

Undeveloped Coast: Baglan Bay

10.00am, Thursday 16 April 2015 (Session 13)

Submissions made on behalf of
St. Modwen Developments Limited
by **Savills (Reference: 0042)**

Introduction:

This Hearing Statement is made on behalf of St Modwen Developments Limited or SMDL). SMDL's representations made for Hearing Session 6 (Economy) set out its general position on Baglan Bay and spend some time on the extent of the EN1 designation for the Undeveloped Coast (which is a key concern). This includes an important part of the previously developed Baglan Bay site and because our objection relates also to LDP Policy EN1, we have prepared a separate paper for Hearing Session 13.

Key Issues:

Do the policies and proposals on this matter achieve the relevant objectives of the LDP in a sustainable manner consistent with the WSP and national policy? Are they based on robust and credible evidence? Are they clear, reasonable and appropriate?

The Countryside and Undeveloped Coast

1. **With regard to Policy EN 2, where are the features and characteristics for which each Special Landscape Area has been designated set out? Will the landscape study be available as SPG?**

Whilst question 1 refers to Policy EN2, the key issue asks that policies relating to the environment are based on robust and credible evidence and are clear, reasonable and appropriate. SMDL made representations on Focussed Change FC19 relating to the proposed additional exception test for development proposals within the Undeveloped Coast. Some 11.7ha of previously developed and UDP allocated land is proposed in the DLDP to be designated as Undeveloped Coast. As stated in SMDL's representations on FC19, this designation is inappropriate and not justified. Whilst there is alignment with the Council in terms of Baglan Bay's overall vision, aspiration and potential and the importance of coastal management is appreciated, SMDL strongly opposes the proposed designation of a significant proportion of the site under Policy EN1 as this will limit the potential of that part of the site.

The key concern is that the proposed designation of this part of **previously-developed** land under EN1 is not based on robust evidence, and is not reasonable and appropriate. The reasons for this view are explained below.

The Council's **Environment Topic Paper** (September 2014) categorises the main coastal features and uses, ranging from developed and entirely man-made stretches to natural areas of beach and sand dunes. Baglan Bay falls in category 4 – Industry and Employment which notes that there are significant industrial and employment uses within the coastal zone. The Topic Paper goes on to include the Council's analysis of the coastline, dividing it into distinctive character areas based on their current and historic uses.

These include the Developed Coast (which includes the industrialised areas and associated areas) and the Undeveloped Coast (which includes the dune systems at Baglan Bay).

This description indicates that the previously development land at Baglan falls within the definition of the 'Developed Coast'. This is clear from its historic use and whilst the site is adjacent to the dune system it is clear on any desk based or site based analysis that its does not form part of them. The area affected also includes an operational remediation system (associated with the legacy of the past use of the site as a chemical works) and a chemical landfill site. It is therefore incorrect to define the western section of this previously developed site (as well as an operational Ragworm Farm to the south) as 'Undeveloped Coast'.

If a boundary does need to be drawn it can follow lines from maps and reality, that already exist between the sand dunes and previously developed land.

The **Shoreline Management Plan (SMP2) (2010)** is used by the Council as the base for the designation. This provides a high level assessment of the risks associated with coastal erosion and flooding at the coast. It also presents policies to help manage these risks to people and to the developed, historic and natural environment in a sustainable manner. The area of coastline within NPTCBC falls within Policy Scenario 8: Sker Point to Swansea Docks.

SMP2 shows that Baglan Bay adjoins policy unit 8.5 'Baglan Burrows', see attached extract at **Appendix 1**. This states that the draft preferred policy and approach for this area should be:

'A policy of managed realignment will enable the dune system to function naturally, with minimal interference and monitoring, with the option to construction a secondary set back defence if there is a risk of the dunes breaching. This will minimise the risk of coastal erosion and flooding to hinterland assets, including a power station, industrial area and potentially contaminated land'.

The Council has applied this in the LDP with its Undeveloped Coast policy. At Baglan Bay this sees a substantial set back (of some 300 metres) between the dune system and the start of the industrial allocations there. This creates the large area referred to above where building or erecting anything appears to be forbidden.

We have asked Atkins to review the SMP and to find any connection between what it says and the policy approach set out in the LDP. Atkins' note is attached as **Appendix 2** to this statement. The headlines from the note are as follows:

- a) the SMP provides no evidence of coastal erosion within the dune system that would justify such a substantial buffer – it may indicate that there is a risk of this happening but it is not happening at the moment and there is no recent history of erosion within the dune system¹.
- b) This is confirmed by cross referencing to other official sources of information on costal erosion. These show that costal erosion is not a main predominant risk and may be negligible (neither warrant such a larger buffer zone).

¹ SMDL has occupied the site for about seven years nad has not observed any substantial dune system in that period (which has contained some significant weather events)

- c) There are no rates of coastal erosion available and no evidence of fast rate erosion in the SMP. On this basis there is no connection, the extent of the EN1 area is not linked to the SMP.
- d) Atkins also confirms that the zone inland from the dunes (that this note is concerned with) is not subject to flood risk
- e) On this basis a more appropriate approach would be to make some allowance for a more reasonable and evidence based rate of managed re-alignment, or for some other solution.
- f) This should be quite narrow – a width more closely aligned to the existing dune fringes may be appropriate (measured from its current base) and will provide a generous buffer until the rate is defined.

From a planning perspective, an additional point is worth making.

In our most recent submission to the Council on this matter (with respect to FC19) we asked the Council to consider the potential of further PV schemes in this area. This was suggested as a way forward – namely one which would allow some productive recycling of this previously developed land in the short term, but which would not present a permanent built solution which could not be reversed (a PV array has a life of about 20 – 25 years as a maximum). This would be accompanied by a commitment that any proposals for PV in this area could be accompanied by an assessment of dune system erosion or performance. In this way and given the lack of data, a much more informed measure of the situation can be compiled.

Unfortunately this was not accepted by the Council – although the reasons given were not connected to the SMP or shoreline management (and undeveloped coast). These focused on different matters which are unlikely to be disturbed by the installation of PV arrays and which apply to the wider regeneration of the whole site².

On this basis – and on this second concern about the treatment of the western edge of the - we conclude that:

- a) The area covered (and that we are concerned with) is clearly not undeveloped coast
- b) The area has potential for productive use which will recycle land. Remediation also needs to continue which is not compatible with the drift of the dunes that EN1 implies
- c) According to the sector based masterplan this productive use will focus on renewable energy regeneration
- d) There is no justification or reasoning in the draft LDP or supporting documents for the addition of this significant buffer area.
- e) There is specifically no connection between the LDP's proposals (and policy EN1 at Baglan) and the content of the Shoreline Management Plan.

² Any references to lapwing mitigation associated with Baglan Bay are temporary only. The Council is bound by an obligation to find and deliver a permanent area for lapwings on land outside of Baglan Bay. This is a live obligation that the Council is pursuing now.

This supports the removal or redefinition of the EN1 designation as it passes by the Baglan Bay site and our proposal is attached as **appendix 3** to this note. This could be twinned with the return to the UDP's approach to Baglan Bay which we have supported previously.

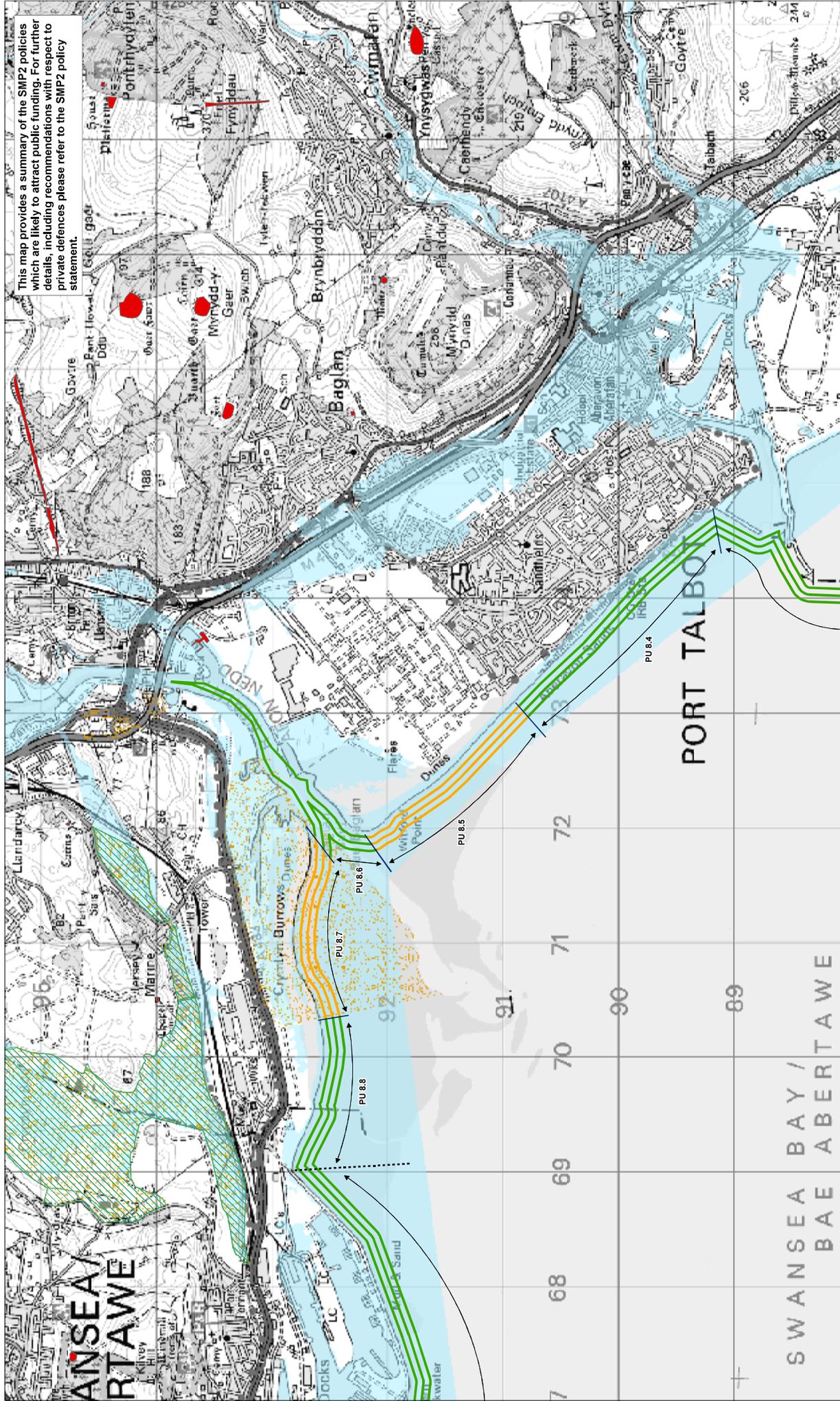
If there is any resistance to this change, we have outlined an approach which deals with any residual concern. This is based on the sector based approach proposed for the site which proposed a non permanent use – namely renewable energy in the form of PV arrays for this part of the site. If this was allowed or encouraged in this area (specifically or otherwise) then with a lifespan of 25 years it would protect medium term future options. It could also make allowance for testing of erosion rates for more permanent development (which would provide a much more reliable guide to the width of any buffer required).

The mechanics for this change would be an adjustment to the wording of Policy EN1 to allow non permanent proposals (or schemes which would demonstrably not conflict with the terms of the policy or its objectives).

A parallel or additional option – which would be an extension to the above testing approach – is to connect the extent of the designation to a monitoring measure. This could allow the extent of any coastal erosion to be defined (either by the Council directly or in response to the work of others), so that any zones could be adjusted or confirmed as the plan period progresses.

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Appendix 1
Shoreline Management Plan (SMP2) Extract



This map provides a summary of the SMP2 policies which are likely to attract public funding. For further details, including recommendations with respect to private defences please refer to the SMP2 policy statement.

Policy lines are not indicative of current shoreline position. Lines represent the preferred shoreline management policy for each location (most landward line is the first option).
 Up to 20 years
 20 to 50 years
 50 to 100 years

Shoreline management policies
 No active intervention
 Managed realignment
 Hold the line
 Advance the line

Boxes showing cliff erosion estimates represent year 0. They are only shown where there is a policy of NAM and cliff erosion is the main risk.

Area currently at risk from flooding during an extreme flood event (1 in 1000y return period) of occurrence (1 in 1000y return period). It is predicted that the probability and extent of flood risk will increase over time as a result of climate change. However, detailed assessments are outside the scope of the SMP.

Job Number: DCSSMP
 Drawn By: JSM

Legend

- Policy unit extents
- Policy units
- Scheduled Monuments
- International Nature Conservation Designations
- National Nature Conservation Designations

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Appendix 2
Atkins Technical Note

Technical note

Project:	Baglan Bay	To:	Laura Price
Subject:	Review of South Wales SMP2 preferred policy	From:	Naif Amin
Date:	20 Mar 2015	cc:	

1. Introduction

This technical note examines three connected issues:

- The content and main conclusions of the Shoreline Management Plan (Number 2) and the provisions it makes for Baglan Bay
- What this document says about at the setbacks required to deliver the managed realignment policy approach which is recommended for this area.
- What this means for local planning policy (and specifically whether the wide zone proposed is necessary and appropriate)

2. The area of interest

The area of interest (noted as EN1) is shown in Figure 1 which is an extract from the proposals maps associated with the Deposit version of the Neath Port Talbot Local Development Plan (DLDP). Savills' separate note describes the previously developed part of the Baglan Bay area which is of most concern.

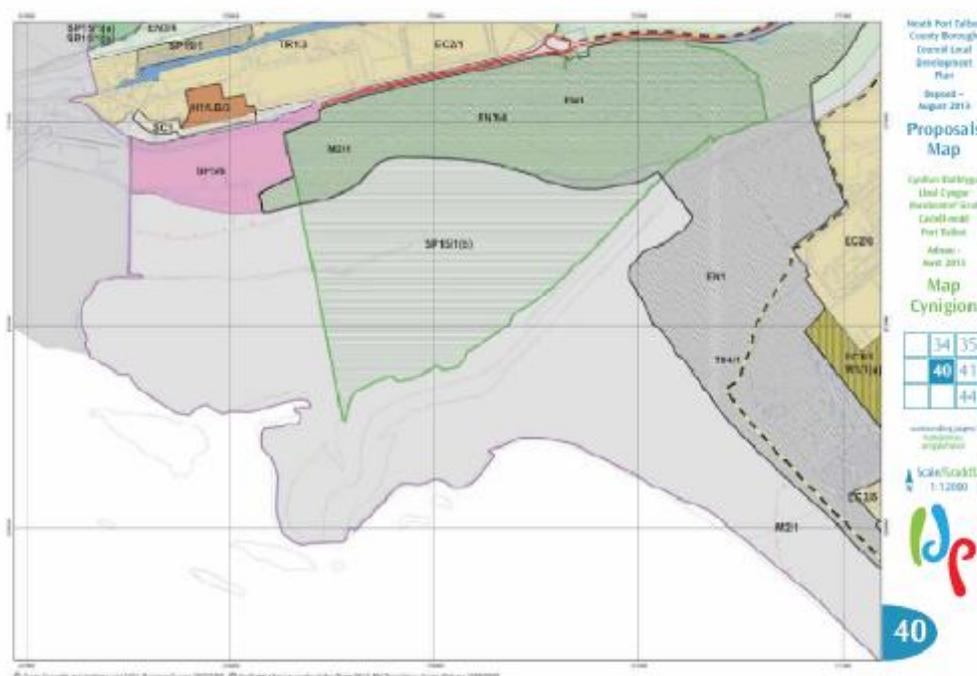


Figure 1: Relevant area of development (noted as EN1).

Savills has also explained why the proposed policy approach is of concern and what principal document the Council has used to inform its policy. This is the South Wales Shoreline Management Plan 2 (SMP2) which proposes a policy of managed realignment for the shoreline as it passes by this part of Baglan Bay. The approach is described in the SMP2 as follows:

“The policy of managed realignment will enable the dune system to function naturally, with minimal interference and monitoring, with the option to construct a secondary set back defence if there is a risk of the

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dunes breaching. This will minimise the risk of coastal erosion and flooding to hinterland assets, including a power station, industrial area and potentially contaminated land.”

The SMP2 does not define what this means in spatial terms. It includes no zones or recommendations for them - it simply shows the different treatment of stretches of coast. Neither does it describe widths (of exclusion or protection zones or general treatments).

Despite this, as the extract from the proposals map shows, the Council proposes a very wide zone and uses the policy of managed realignment to explain it. As it affects the area of interest it has a width of 300 metres which equates to a rate of erosion of the dune system of 3 metres per year (as SMP2 provides a management plan for 100 years). Savills informs us that along this stretch of coast and elsewhere in the plan, there is no similarly wide area zoned for protection as a result of coastal erosion.

3. Coastal Erosion risk at Baglan Bay

The South Wales SMP2 (Appendix C) highlights that there is a risk of coastal erosion to the site. However, it does not provide any erosion rates for this to be quantified. Inspection of the Environment Agency (EA) coastal erosion maps indicate that over the 100 year period erosion rates are either “not a predominant risk” or “Negligible (depending on the defence)” in the area considered. Other sources have been examined however, it appears that there is no information of coastal erosion rates available in the area of interest. Given the absence of direct measures or records of high rates of coastal erosion this would suggest that a very wide protection zone appears unsupportable.

On an observational basis, St Modwen Developments Limited (SMDL) has owned the site for nearly seven years and been responsible for the remediation of the site. This means that the site is subject to regular monitoring visits by qualified engineers. Whilst the purpose of these visits has not been to measure coastal erosion, no noticeable changes (such as an erosion rate of 3m/year) in the state of the dunes has been observed.

4. Flood risk at Baglan Bay

The South Wales SMP2 indicates that some of the wider area is subject to flooding during an extreme flood event of 0.1% annual probability occurrence (1 in 1000 year return period), see Figure 2 on the plan over the page. However, both this plan and the Welsh Government Tan 15 Development Advice Map show that the area of interest is not affected by flood risk.

On this basis, there is therefore no clear reason related to flood risk to support the width of the coastal protection area proposed under policy EN1 at the area of interest.

Technical note

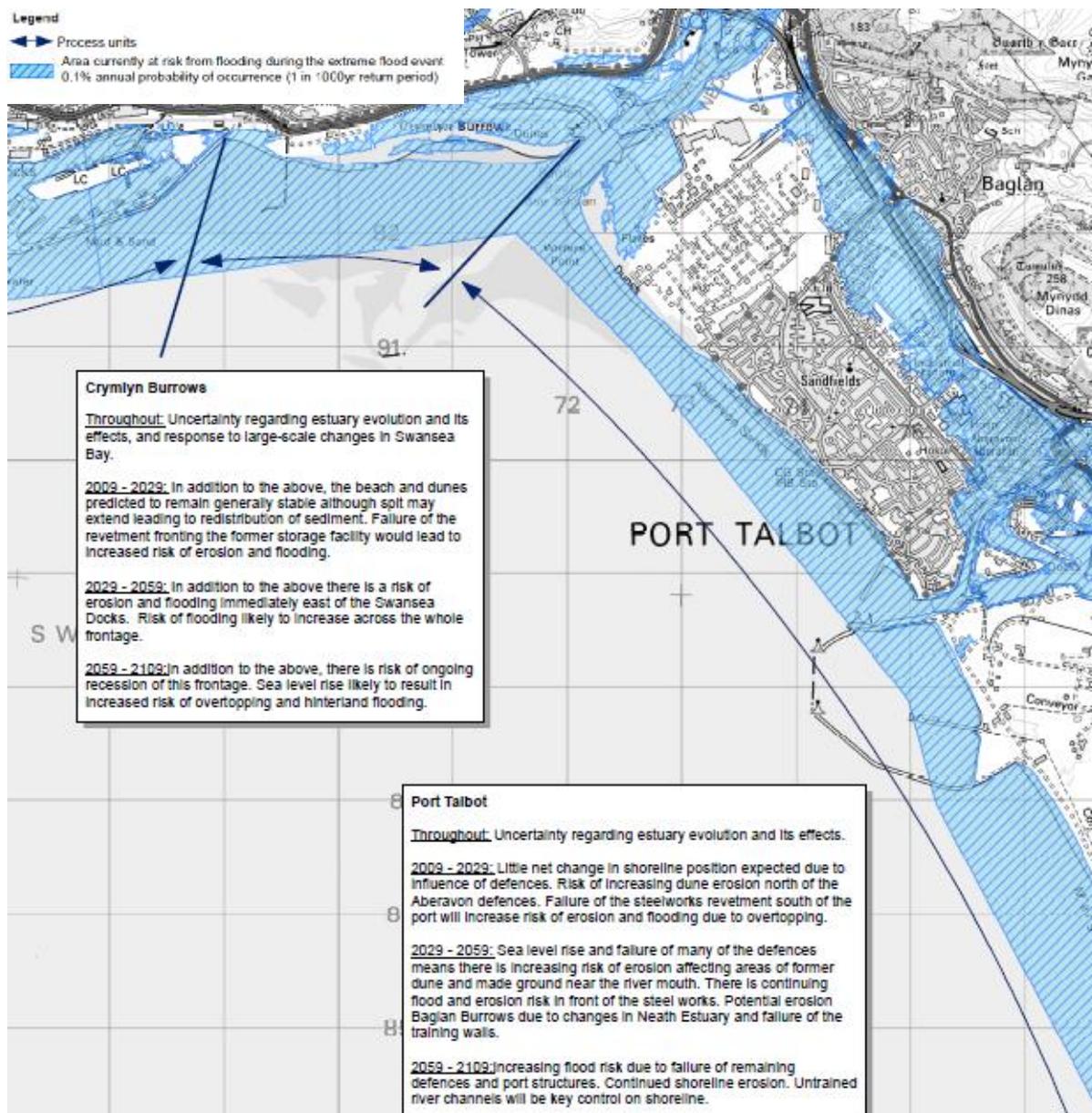


Figure 2: Extract from South Wales SMP2, Appendix C NAI figures, 2010.

Conclusions

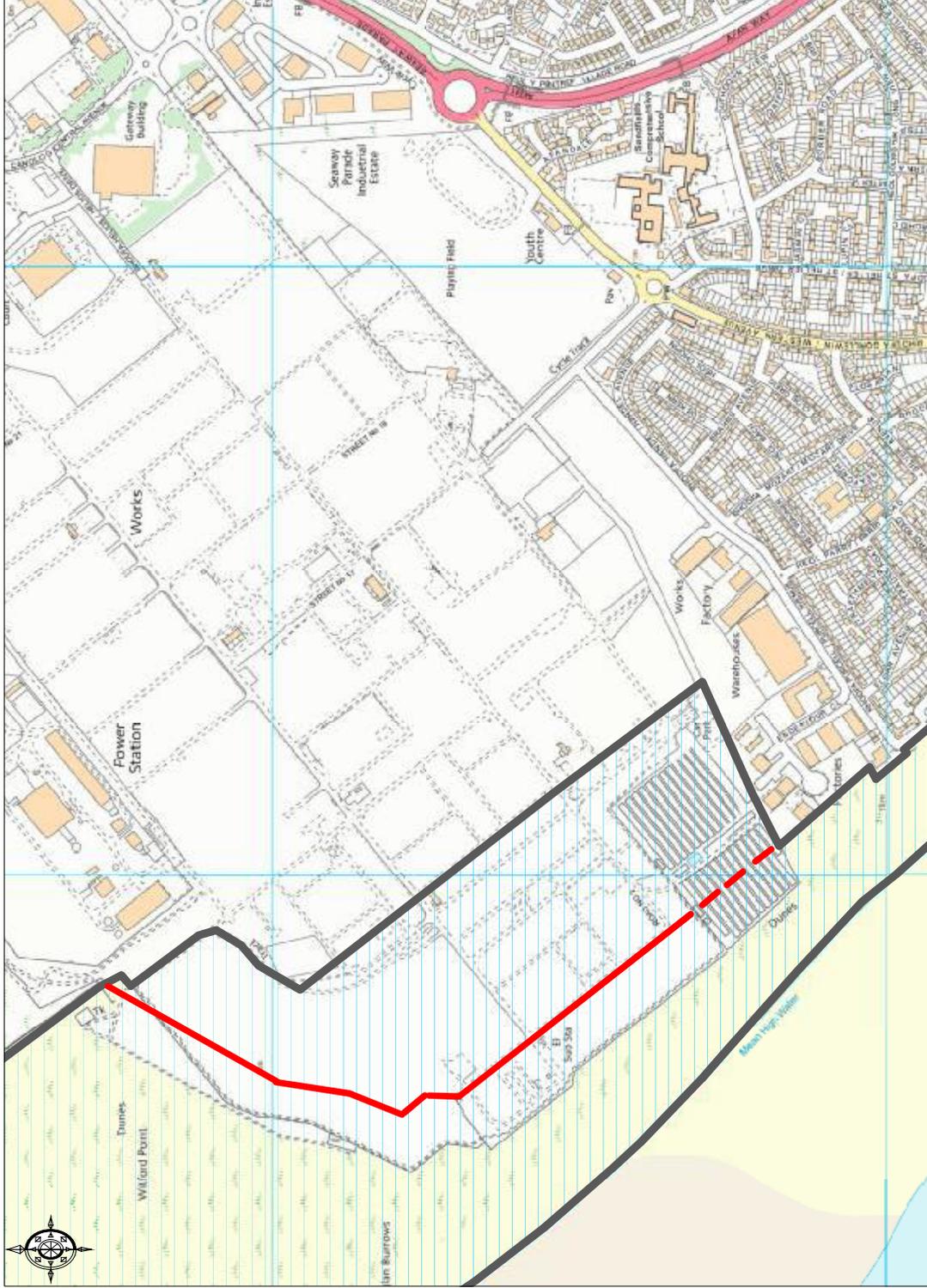
From our review of the information available:

- The Shoreline Management Plan (SMP2) recommends a policy of managed realignment for the stretch of coast that borders Baglan Bay
- SMP2 does not specify or make recommendations for protection zones or widths
- There is no clear evidence why the EN1 area would have been defined to specifically address erosion risk. There are no quantified erosion rates available, and other sources together with observation from the site indicate that the risk is very low.
- There is no evidence for the EN1 area in the area of interest being defined in response to known quantified flood risk.
- On this basis the retention of the zone as proposed is difficult to support.

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Appendix 3
Proposed Extent of EN1 Policy Area

Proposed Extent of Draft Policy EN1 Designation
Baglan Bay, Neath Port Talbot CBC



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