

The Consistency of the AAP with the National Planning Policy Framework

14 May 2012

Introduction

1. This paper provides the Council's statement of the consistency of the Bridlington Town Centre Area Action Plan (the AAP) with the National Planning Policy Framework (NPPF). The statement includes the Council's proposal (Appendix 1 to this statement) for changes to the AAP to provide an appropriate policy on the presumption in favour of sustainable development.
2. The Council has already set out its assessment of the consistency of the AAP's provisions for the Harbour Top with NPPF in ED50, paras 13-18, specifically:
 - i. the positive approach to the Harbour Top, the justification in evidence for its inclusion as part of Burlington Parade as the most appropriate option having regard for the AAP's objectives and the reasonable alternatives, and the effectiveness of the Harbour Top proposals, both their deliverability and in leading to the outcomes the AAP seeks (NPPF, para 182);
 - ii. the AAP's provisions for conserving and enhancing the significance of the designated heritage assets in and adjoining the Harbour Top (NPPF, paras 126-134); and
 - iii. the approach to meeting the challenge of climate change and flooding (NPPF, paras 99-102 and the Technical Annex).
3. The Council also explained (ED50, para 13.iii.b) that English Heritage is content that the AAP's provisions for the Harbour Top are consistent with the relevant provisions of the NPPF; and (CD20.2, RO15) that the Environment Agency (EA) is content that the AAP complies with the provisions of PPS25. The NPPF (paras 99-102) and its technical annex do not make substantial changes to these requirements, and therefore the replacement of PPS25 with the NPPF should not affect the EA's position.

The Starting Point for the Assessment of the AAP's Consistency

4. There are three starting points for this statement:
 - i. the regeneration purposes of the AAP (ED02, introduction; the AAP, paras 20-26) and the evidence base that justifies its strategy, including the market conditions in the town centre for which the AAP has regard (the 'signals' these send in the terminology of the NPPF, para 17, third bullet); and

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- ii. the town centre's 'objectively assessed needs' (NPPF, paras 14 bullet 2 and 182 bullet 1) for new and regenerating development in town centre uses in light of the AAP's regeneration purposes, and the evidence on the reasons why the market has been unwilling, and market forces alone have unable, to satisfy these needs. The evidence is summarised in CD01, Appendix 1; and ED19 explains what 'market failure' means and why the AAP's strategy must focus on removing these if it is to be effective (ED19, Matter 3: Key Issues, paras 5-6 and Appendix 3.1; Matter 4: Supporting Initiatives, paras 3-4; and Matter 5, Appendix 5.1 paras 5-11).
 - iii. The fact that part of the local development plan (LD16 - the East Yorkshire Borough Wide Local Plan) was adopted in 1997 means that the 'weight' that decision-takers can accord the relevant policies of that plan is dependent on their consistency with the NPPF (NPPF, para 215). The situation is similar in respect of the LD17 (the Joint Structure Plan for Hull and the East Riding) which was prepared prior to the 2004 Act and adopted in mid-2005 in full recognition that its role in the local development plan would be superseded by RSS and the new system. Decision takers can continue to give full weight to RD01 (The Yorkshire and Humber Plan) which was adopted in May 2008 in accordance with the PCPA 2004 (NPPF, para 214 and footnote 39).
5. The purpose of the AAP is to put in place an effective strategy for regenerating the town centre because market forces alone have proved unable to do so. The fundamental fact is that the town centre has been unable to attract the investment and spending that it requires; the needs of its businesses and communities for town centre uses are not being met; and its vitality and viability are at risk. The explanation for the town centre's underperformance does not lie in barriers to sustainable development that have been erected by the planning system, either in general or because of a restrictive approach taken by the local development plan.
6. The explanation for the town centre's underperformance, and why its land and property markets are not working, are set out in the AAP's evidence base. The consequence is that 'demand' for town centre uses and services that might otherwise be considered Bridlington town centre's – having regard for the size of its catchment, its steady population growth and the town's distance from competing centres – is being captured less sustainably elsewhere or is being frustrated altogether (ED02, Introduction). The whole purpose of the AAP is to rebalance the sustainability of the core activities and uses of the town centre. The core task of the AAP's regeneration strategy must be to tackle the reasons for the town centre's serious underperformance and put in place the conditions that will allow the market to respond and realise this demand to the benefit of the town and in a manner which is more sustainable.

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7. The AAP's evidence base, in line with NPPF para 21, recognises and identifies the barriers to investment in the town centre and the AAP's strategy addresses these, including the town centre's poor environment (where this is the case), the lack of needed infrastructure and, critically, the absence of sites of the size, quality and location capable of attracting the investment required to meet the town's objectively assessed needs. The AAP's strategy does this by assembling the sites (NPPF para 22 bullet 2) and endowing the infrastructure and public realm required to restructure the way the town centre functions, put in place the conditions required to attract investors and deliver competitive returns, and claw back the customers Bridlington town centre loses to competing alternatives (para 22 bullets 2, 4 and 5). The strategy for growth set out by the AAP is rooted in sustainability (see below) and in promoting the town centre as the heart of the community (NPPF para 23).
8. The AAP takes a positive approach to planning for the town centre by allocating land where the evidence shows that:
 - i. the proposed developments will be effective in restructuring the town centre and delivering, in a timely manner, the town centre's objectively assessed needs for new shops, leisure uses, small business space and high density housing; *and*
 - ii. the Council can justify the use of its powers to assemble the types, quality and location of sites the market will take up, and the use of public money to deliver the infrastructure and public realm the town's businesses need and its communities want.
9. The AAP does not rely to any material extent on the saved policies of LD16. CD01, Appendix 4 (with minor changes CD18.2, nos 80-86) sets out the saved policies that will be replaced by the AAP's policies and the saved policies that will remain until the Council's Core Strategy and Site Allocations DPD are adopted. The AAP's Proposals Map contains no references to the saved policies of the Local Plan.

The new presumption in favour of sustainable development

10. The NPPF (para 14, bullets 1 and 2) explains what the 'new presumption' means for plan-making (for the meaning of 'sustainable development' see NPPF para 6). The Council considers the AAP's provisions to be consistent with this presumption:
 - i. The AAP has positively sought, and puts forward, opportunities to meet the objectively assessed development needs of the town centre's businesses and

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communities (NPPF, para 14, bullet 1); has had regard for market signals for proposing these opportunities; and it sets out a clear strategy for the development of specified sites which are suitable (will generate competitive returns for willing developers) for meeting these needs sustainably (NPPF, para 17, bullet 3).

- ii. BridTC1 positively encourages development that contributes to the delivery of the AAP's strategy for meeting these needs, and sets out the core principles of the strategy. The plan's other policies:
 - a) positively encourage the developments that will deliver the strategy (BridTC2-BridTC8) or will have no unacceptable adverse impact on it (BridTC13-BridTC18);
 - b) inform developers and landowners of the plan's design quality and environmental sustainability criteria (BridTC9-BridTC11) and explains that all developments will be assessed against these in determining whether they can be permitted; and
 - c) BridTC12 provides the Council and developers with a positive tool for improving the effectiveness of discussions at pre-application stage and increasing the likelihood of timely planning permissions that accord with the plan's provisions (which are consistent with those of the NPPF).
- iii. The AAP builds in sufficient flexibility to adapt to 'rapid change', having regard for the AAP's particular purposes and the qualifying circumstances set out in the NPPF (NPPF, para 14, second bullet):
 - a) The flexibility built into the AAP's policies is explained in:
 - ED19, Matter 3, Appendix 3.1 para 4;
 - ED19, Matter 5, paras 4-8, 44 and 58;
 - ED19, Matter 6, paras 28-39;
 - ED02, paras 3.6.1-3.6.4; and
 - ED50, paras 14-18.
 - b) BridTC10 sets out clearly how decisions will be made where a proposed development, in the terms of the NPPF (para 14, second bullet), poses a risk of adverse impacts that could, in the words of the NPPF, 'significantly and demonstrably' outweigh the benefits. These benefits must, of course, have reference to the specific benefits sought by the AAP itself (i.e., the economic,

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environmental and community benefits to follow from, and only achievable by, restructuring the town centre and removing the obstacles to the market's function), having regard for the NPPF's policies taken as a whole.

- c) BridTC3, BridTC4, BridTC7 and BridTC11 set out, in the terms of the NPPF (para 14, second bullet, second sub-bullet), where development must be restricted on heritage, flood risk, habitat and flood risk grounds.
11. BridTC19 states that the Council will work with regional and local partners, landowners and other stakeholders to ensure the benefits of delivery are captured for local businesses and communities, and that it will use its powers and resources to do so. BridTC20 sets out how the Council will use its s106 powers to enter into agreements with developers to ensure the delivery of the AAP's proposals and capture the benefits that will follow; as the AAP states, the expectation is that contributions to the costs of BridTC5 will be secured through the Council's CIL charge once the Council has prepared and adopted a CIL schedule.

The 'Model Policy' on the Presumption in Favour of Sustainable Development

12. NPPF para 15 states that all local plans should be based on and reflect the 'presumption', with clear policies to guide how the presumption should be applied locally. The Planning Inspectorate (PINS) published, on 19 April, a 'model policy' which it states, if incorporated in a draft local plan that is submitted for examination, will be an appropriate way of meeting the NPPF's (para 15) expectation.¹
13. Notwithstanding the Council's view on the consistency of the AAP with the 'presumption', the Council considers there is merit in clarifying the intention of the AAP's policies in this respect. The Council puts forward two options should the Inspector be minded to recommend a main modification on this matter:
- i. Option 1– the inclusion of a new policy, BridTC0, that adopts the PINS model policy to the purposes of the AAP and its strategy, together with additional explanatory text; or
 - ii. Option 2 – amendments to BridTC19 to clarify the AAP's presumption in favour of sustainable development in the terms of the plan, supported by the additional explanatory text suggested for Option 1.
14. The Council sets out both options in Appendix 1 to this statement.

¹ *Planning* electronic bulletin, 19 April 2012

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The NPPF's Core Planning Principles

15. The NPPF para 17 sets out 12 principles that should underpin plan-making (though they do not form part of the definition of sustainability set out in para 6). These same principles underpin the AAP as follows:

i. *be genuinely plan-led, empowering local people to shape their surroundings and plans should set out a positive vision for the future of their area and provide a practical framework within which decisions on planning applications can be made 'with a high degree of predictability and efficiency'.*

16. The AAP (paras 2.2-2.6) sets out a positive vision for the town centre's future, and the process of preparing it empowered local people to shape this vision (LD09, CD08, CD11, CD13 and CD19). The AAP's policies – BridTC1-BridTC20 – provide a clear, precise and practical framework for making predictable and efficient planning decisions.

ii. *not be simply about 'scrutiny' but instead a 'creative exercise in finding ways to enhance and improve the places in which people live their lives'.*

17. The AAP's preparation was a creative exercise – involving from the outset rigorous economic, property market, tourism and urban design analyses of a complex, long-underperforming, town centre – in finding, in collaboration with Bridlington's communities and stakeholders, effective solutions to Bridlington's challenging problems and commercially deliverable ways of realising its considerable opportunities.

18. The AAP's strategy is the product of this creative and collaborative process. The evidence shows that the strategy is effective in that it is deliverable and will lead to the outcomes sought (improvements in people's lives and the quality of the place in which they live, work and investment). The benefits are summarised in the AAP (CD01, paras 5.42-5.56) and in ED53 and ED55.

iii. *proactively drive and support sustainable economic development to deliver the objectively assessed development and infrastructure needs of the area's residential and business communities and the thriving local places the country needs; take account of market signals; and set out a clear strategy for allocating sufficient land that is suitable to meet the development needs of the area.*

19. The 'driving' purpose of the AAP is economic development (CD01, paras 20-21, 1.8; ED02, Introduction); it responds to the objectively assessed needs of local businesses

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and residential communities (CD01, Appendix 1); and it aims to deliver the thriving place that the town is capable of becoming (CD01, paras 2.1-2.6); it takes account of market signals (CD01, Appendix 1; SD06; SD09; and sources cited above at para 4.ii). It allocates, with regard for the objectively assessed needs for development and the evidence on market signals, sufficient suitable land in the locations required to achieve the AAP's purposes (ED19, Matter 1 para 12 and Matter 5 paras 4-8).

iv. always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

20. The AAP provides for high quality design, both as a strategic objective (no 6, CD)1, para 2.23) and its policies – most particularly BridTC1.f, BridTC3.8, BridTC4.5 and BridTC11.

21. The AAP is supported by a draft SPD (CD06) which sets out design guidance that all development proposals in the town centre are to observe. The SPD will be revised in response to the provisions of the draft Bridlington Quay Conservation Areas Character Appraisal (ED54) and consulted on a final time alongside the consultation on ED54 and the draft Heritage Impact Assessment (ED55). The Council will then adopt a final version alongside the AAP.

22. The SPD itself satisfies the criterion for SPDs set by the NPPF, para 153: it is essential to help applicants make successful applications.

23. The AAP endows the town centre with infrastructure and amenities that would not otherwise be deliverable; in the absence of the comprehensive strategy for the town centre the AAP sets out and the transformational role of the Burlington Parade and Marina schemes, the Council could not justify the investments that will regenerate the Harbour, deliver Gypsy Race Park and endow the town with the Marina.

v. take account of the different roles and character of different areas and promote the vitality of the our main urban areas.

24. The AAP's vision and strategy are responses to the dual roles of the town centre – i.e., a visitor destination (because Bridlington will remain a seaside resort, notwithstanding the need to expand and diversify its visitor economy) and a thriving place that meets the needs and aspirations of its residential and business communities (CD01, paras 2.2-2.6). It focuses development on the town centre because the evidence on how best to unlock the town's potential for economic growth points to the role of the town centre (CD01, para 23).

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vi. support the transition to a low carbon future and climate change, taking full account of flood risk and coastal change and reusing existing resources.

25. BridTC11 makes the needed provisions for the whole of the AAP area; and BridTC3, BridTC4 and BridTC6 make provisions for the specific developments the policies promote (Burlington Parade, the Marina and the Town Centre Seafront respectively). BridTC3 additionally, in recognition of the public investment in the development, sets higher than national average standards for energy conservation in housing (CSH Level 4) and for renewable energy generation (informed by SD02).

vii. contribute to conserving and enhancing the natural environment, and prefer land of lesser environmental value where consistent with the other policies of the NPPF.

26. BridTC11 makes the needed provisions for the whole of the AAP area; BridTC3 and BridTC4 make the needed provisions for Burlington Parade and the Marina. Natural England is content with the provisions (CD20.2, RO4).

27. While the AAP's proposals for the Marina will have an impact on the natural environment, the evidence is that significant adverse effects can be avoided and that the benefits sought from the Marina for the town's sustainable regeneration and economic growth could not be achieved otherwise. Therefore, the exception is consistent with the other policies of the NPPF.

viii. encourage the effective use of land by reusing land that has been previously developed (etc).

28. The AAP's site allocations use previously developed land, including land that has long been under-used, ineffectively used and damaged (LD16, para 14.58). The sole exception is the reclaimed land required to develop the Marina, the area of which is kept to the minimum necessary for the commercial viability and operational efficiency of the development.

viii. promote mixed use developments and [amongst other things] encourage multiple benefits from the use of land in urban areas.

29. The AAP's proposals are all mixed use, and all aim to secure multiple benefits from the use of the land: the correction of market failures; the delivery of sites the market will respond to and develop to meet the town centre's objectively assessed needs; the delivery of needed parking and public realm infrastructure; the conservation and

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enhancement of significant heritage assets; and, overall, the creation of a thriving place where people will want to shop, invest, run businesses and visit.

ix. conserve heritage assets in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of this and future generations.

30. The AAP's proposals conserve and enhance designated heritage assets so that they will be capable of being enjoyed by future generations as well as contribute optimally to the quality of life of present residents and visitors. ED50 explains fully.

x. actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are, or can be made, sustainable.

31. In addition to the AAP's focus of development on the town centre, wider benefits will be created. BridTC3 will create a new bus, rail and coach interchange that will make it more convenient and attractive for public transport uses. It will deliver a new pedestrian and cycle route along the new Gypsy Race park; and create Burlington Pavement – the section of the new Primary Retail Circuit along the western side of the site that will connect the new unit shop scheme to the established shopping core. BridTC5 will very significantly improve the pedestrian environment in the town centre, and BridTC8 will make it feasible. BridTC7.g will provide new cycle routes that will link with established routes through the town.

xi. take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

32. The AAP's strategy, most particularly BridTC3 and BridTC4, adds value to the Spa, a major cultural facility in the town in two key ways: by providing a commercially attractive site for a hotel in close proximity to the Spa on the Harbour Top, helping to capture the expenditure in bed nights that the Spa programme is capable of generating; and by integrating the Spa more closely into the established core of the town centre (via the development frontage to be created along South Cliff Road/South Marine Drive).
33. BridTC5 creates a new 'heart' for the town centre – a new, principal, town centre community space for civic and community events, festivals and the like that the town needs but which is currently missing; and BridTC3 creates a new park for the town centre to encourage healthy outdoor activities, including cycling, sheltered from the seafront.

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34. The AAP (BridTC1, BridTC13) also allows for other health, social and cultural provision, including the redevelopment of the Leisure World swimming pool site (e.g., CD01 paras 3.71, 3.77-3.79, 4.119 and Appendix 1, paras 135-136), and BridTC19 sets out the Council's undertakings for capturing the benefits of the AAP's developments for local communities and businesses.

The NPPF's provisions for plan-making (paras 150-185)

35. The AAP complies with the NPPF's provisions for plan-making as follows:
- i. The AAP is an additional development plan document justified by the urgency of the town centre's regeneration and the need for detailed policies and site allocations to tackle the complex interplay between the market failures and other obstacles that explain its decline, its failure to attract renewal investment and the challenges entailed in capturing the town's distinctive opportunities. The SPD is needed to significantly improve design quality in the town centre and to guide the investment required to conserve and enhance its heritage assets. (NPPF, para 153)
 - ii. The AAP is aspirational but realistic; addresses the spatial implications of change within the AAP area; sets out the needs and opportunities for development; and provides clear policies on what will and will not be permitted and where. (NPPF, para 154)
 - iii. The AAP was prepared with early and meaningful collaboration with neighbourhoods, local organisations and business (CD19). As far as has proved possible, the AAP reflects a collective vision and agreed priorities. (NPPF, para 155)
 - iv. The AAP's strategic priorities provide for (NPPF, para 156):
 - a) the jobs and homes needed in the AAP area;
 - b) retail, leisure and other commercial development;
 - c) the infrastructure needed in the town centre;
 - d) the community, cultural and other facilities needed in the town centre; and
 - e) climate change adaptation.
 - v. The AAP, crucially (NPPF, para 157):
 - a) plans positively to meet the objectives, principles and policies of the NPPF;

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- b) covers an appropriate time frame given the objectives of the plan;
 - c) is based on cooperation with the appropriate public, voluntary and private organisations [having as far as possible achieved agreement with these on shared objectives and priorities];
 - d) allocates sites to promote development and, within the limits imposed by the purposes and deliverability of the AAP, provides for the flexible development of these sites, providing details of the form, scale, access and quantum of development where this is appropriate; and
 - e) contains a clear strategy for enhancing the natural, built and historic environment in the AAP area.
- vi. The AAP is based on a proportionate evidence base that is relevant to and comprehensive of its purposes, including the following (NPPF, para 158):
- a) housing proposals that are consistent with the Council's evidence base on the needs for housing in the AAP area (LD04, LD04a, LD05, LD05a) and with the housing trajectory in the emerging Core Strategy; (NPPF, para 159)
 - b) a clear understanding of the needs of business within the economic markets operating in the AAP area, summarised in CD01, Appendix 1 and SD03, SD04 and SD05 (NPPF, para 160), that has used this evidence to assess the land and infrastructure needs of the AAP area (NPPF, para 161);
 - c) up-to-date information about the natural environment of the AAP area, including LD06, ED30, CD05 and CD22 (NPPF, para 165);
 - d) up-to-date evidence on the historic environment that has been used to assess the significance of the heritage assets, including ED54 and ED55 (NPPF, para 169); and
 - e) careful attention to viability in the preparation of the plan, ensuring it is deliverable and that the AAP's obligations on developers do not threaten the viability of the allocated developments, including CD01 paras 5.3-5.45, ED06 and ED53. (NPPF, para 173).

The NPPF's provisions for delivering sustainable development (paras 18-149)

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36. The AAP is consistent with the NPPF's provisions for delivering sustainable development. None of these policy statements differ significantly from the former national planning policies that were relevant to the AAP and that the NPPF now replaces. Appendix 2 of the AAP sets out a full account of the AAP's consistency with the (relevant) national planning policies that preceded the NPPF; and the Council has addressed the Inspector's questions on these in ED19 (Matter 1, paras 9-12 and Matter 2); and further in ED50 in respect of the Harbour Top and the NPPF's provisions for the conservation and enhancement of the heritage assets (ED50 para 12). This consistency is not restated here. The Council also notes that once the AAP's examination is complete, there will be no reason for the adoption version of the AAP to retain Appendix 2 and the Council proposes to delete it (and probably also Appendix 1).
37. The NPPF's only significant amendments to the provisions of the national planning policy statements and guidance that preceded it (that are relevant to the AAP) are:²
- i. the emphases on sustainable economic growth at paras 18-21; and
 - ii. the recognition that housing can play an important role in ensuring the vitality of town centres – which is a role that the AAP gives it on appropriate sites (NPPF para 23, ninth bullet); and
38. The AAP is consistent with these additional and modified provisions as set out below.

The NPPF's emphases on economic growth

39. The AAP makes use of the planning system – most particularly s.38(6) of the PCPA 2004 – to put in place the conditions required in the town centre to deliver the economic growth and jobs that have, for the last two decades at least, eluded it. The planning system has plainly not itself been a barrier to the town centre's economic competitiveness. Instead, the planning has not done what it is capable of doing – through the plan-led system – to reverse the town centre's fortunes, in line with the aspirations and objectively assessed needs of its businesses and communities, and recover its vitality and viability. (NPPF, para 19)

² The extant practice guidance, where it exists (e.g., for PPS4), remains. As ED19 (Matter 3, Appendix 3.3, para 7) explains, the AAP provisions for BridTC9 and BridTC10, follows the principle of a sequential approach and impact test within the town centre (para 7.14 of the PPS4 Practice Guidance); and does so in order that the AAP will be effective in achieving the restructuring that is fundamental to the success of the regeneration strategy. The NPPF, paras 14 and 21, also provide a basis for applying, locally, this same principle. Very specific changes in the way the town centre is laid out and functions if the sustainable development required to meet the objectively assessed needs of the town's business and communities is to be delivered, and the evidenced obstacles to the market's ability to deliver the needed development are to be removed.

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40. The evidence base for the AAP sets out the town's considerable growth potential and its opportunities. The AAP plans proactively for the developments and market interventions needed, on the evidence, to realise both. (NPPF, paras 20-21)
41. The evidence base also shows that in the absence of the AAP's strategy, its focus on removing the barriers to the market's willingness and ability to invest in the town centre (NPPF, para 21) and the delivery of its proposals (and the interventions needed to secure them – the proactive planning the NPPF promotes at para 20), the AAP's objectives will not be met and otherwise achievable growth and jobs will continue to be lost. (NPPF para 19)
42. The AAP consistently with NPPF para 21:
- i. sets out a clear economic vision and strategy which positively encourages sustainable economic growth;
 - ii. sets criteria for the development of sites, for local and inward investment, to match the strategy and meet anticipated needs over the plan period;
 - iii. supports existing business sectors and takes account of their current performance and needs, and the policies are flexible enough (having regard for the AAP's purposes and the long-standing obstacles to investment that require removal) to accommodate needs not anticipated in the plan and to respond to rapid change;
 - iv. makes clear what the priorities are for regeneration, infrastructure provision and environmental enhancement.

The role of housing in the vitality of town centres

43. The AAP includes housing – and a range of housing choices within its provisions – as part of the mix of uses required to regenerate the town centre, ensure each development opportunity is commercially viable and take advantage of the town's particular opportunities (including the opportunities to live in housing with views over the sea). The objectives for housing in the AAP area are set out in CD01, para 4.105; and the specific opportunities in conjunction with the major projects are set out in BridTC3, BridTC4 and BridTC6.

The AAP satisfies the NPPF's additional soundness test

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44. The NPPF (para 182) adds a further soundness test to those which had been set out in PPS12 which the NPPF supersedes: the AAP should be 'positively prepared', meaning that it should be based on a strategy that seeks to meet objectively assessed development and infrastructure requirements for the area it covers.
45. The Council has already submitted evidence to explain that there are no 'wider than local' effects of the AAP's proposals that indicate cooperation is required with adjoining local authorities. Neither the Bridlington travel to work area, nor its housing market, extend beyond the boundaries of the East Riding administrative area; and the AAP proposes no strategic transport infrastructure that requires cross-boundary planning. The Marina will be regionally significant, and ED19, Appendix 3.9 sets out the basis in the strategic parts of the local development plan for it. There are also no competing proposals for additional marinas on Yorkshire's east coast.
46. The Council considers, in respect of the additional soundness test, that the AAP has been positively prepared in the terms of the NPPF. The AAP seeks to deliver a strategy that is rooted in, and justified by, the evidence on the town centre's objectively assessed needs, and opportunities, for new development, infrastructure and environmental improvements. These needs include, critically, interventions to address the obstacles – i.e., interventions to overcome these obstacles that the market has not and cannot deliver unaided – that explain why the town centre has failed to attract the regenerating investment it requires during the longest period of economic growth and increase in property values the country has experienced in recent decades.
47. The AAP proactively plans both to remove the obstacles to the market's function and its ability to deliver the sustainable development the AAP promotes and to put in place the conditions – including the sites, infrastructure and environmental improvements – that will restore the market's ability to function sustainably and efficiently in the town centre.

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Appendix 1: Clarification of the AAP's Presumption in Favour of Sustainable Development

Introduction

1. The Council suggests two, alternative, options for clarifying the AAP's presumption in favour of sustainable development. The aim is to leave no doubt that the AAP's purpose is to provide the local framework needed to restore market confidence in the town centre. The key to doing so, and a central tenet of the AAP's strategy, is to provide the market with the certainty that it requires that proposals which are sustainable in the terms of the provisions both of the AAP and the NPPF will be permitted without delay.
2. The two options are set out below.

Option 1: A New 'Presumption' Policy

3. The draft of a new 'presumption' policy that takes account of the purposes of the AAP and the provisions for securing its delivery in BridTC10 is set out in the text box on pg 3 of this Appendix, numbered as BridTC0.
4. The new policy would need a new sub-heading in Section 2 of the AAP and additional explanatory text (inserted after AAP para 2.28). The sub-heading and draft of that text is as follows:

The Presumption in Favour of Sustainable Development

- 2.28 The Council, in line with the provisions of the National Planning Policy Framework and the East Riding Core Strategy, will take a positive approach to development proposals in the AAP area on the presumption that sustainable development proposals will be permitted. The Council will always work with applicants to find solutions that will make it possible to permit proposals that accord with the principles of sustainable development and support, or have no adverse effect on, the delivery of the AAP's regeneration strategy. The Council's undertaking is set out in policy in BridTC0.
- 2.29 Although the general aim of the AAP is to transform the economic, social and environmental conditions in the AAP area, it provides for a very specific strategy for achieving the transformation needed by the town's businesses and communities. The evidence base for the AAP identifies the reasons why the town centre has failed to attract any significant investment in the last 20 or so years – despite the property boom of 1998-2007 that elsewhere saw a great deal of town centre development.

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Appendix 1: Clarification of the AAP's Presumption in Favour of Sustainable Development

These reasons – the obstacles to the market's willingness to invest in the town centre and its ability to secure a competitive return – cannot be solved by market forces alone. If they could, they would have been during that period.

- 2.30 The AAP's strategy tackles the obstacles to sustainable development in the town centre by restructuring the way it works. The AAP's proposals assemble sites the market will develop; conserve and enhance its heritage assets; realise its distinctive opportunities as a place to live and visit; and put in place the operating conditions and infrastructure – the new and improved public realm, the additional well-designed parking and the Marina – that will enable existing businesses to become more competitive and put the town to attract the additional investment and jobs it needs to prosper.
- 2.31 It is, therefore, critical that the AAP's strategy is delivered:
- i. The strategy is the means of returning the town centre to a position where the private market will function again, and respond with the new and renewal investment required for the town centre's vitality and viability.
 - ii. Private investors need to be clear as to the strategy for the town centre and be confident that it will be delivered. This confidence is essential to their willingness to take investment risks.
- 2.32 There is, however, only so much 'demand' (resident and visitor spending, take-up of development opportunities, new house purchases, new retail and leisure businesses, new service businesses) that the local economy can support. The AAP, using the best evidence available, forecasts how much of each Bridlington can expect to attract and 'direct' to the AAP area. The AAP's strategy is to accommodate most of this with the Burlington Parade site, the Marina and in changes of use within the area of the Town Centre Seafront.
- 2.33 Capturing this 'demand' for Burlington Parade, the Marina and the other AAP proposals is what makes the developments deliverable (i.e., enables them to provide the competitive returns developers require and the attractive location retail, leisure and service businesses, as well as new households, will want). If this limited 'demand' is diverted to other locations instead, there is a risk that the AAP's strategy will not be delivered. The risk, as a consequence, is that all of the benefits that follow for the recovery of the town centre's vitality and viability will not be achievable, perhaps not at all and certainly not within the AAP's time frame (to 2021).
- 2.34 Therefore, while the Council's presumption is in favour of permitting all sustainable development within the AAP area, its duty in the wider public interest is to ensure

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that all developments contribute to, or cause no significant harm to, the delivery of the AAP's strategy.

BridTC0: The Presumption in Favour of Sustainable Development

When considering development proposals in the AAP area, the Council will take a positive approach that reflects both the presumption in favour of sustainable development in the National Planning Policy Framework and the AAP's strategy for the town centre's regeneration set out in BridTC1.

The Council encourages all sustainable development that positively contributes to or has no unacceptable impact on the delivery of the AAP's strategy. BridTC10 sets out the AAP's provisions for considering development proposals that the plan has not foreseen or that could have, because of its adverse effects on the deliverability of the AAP's strategy, significant adverse effects on the sustainable development of the town centre.

The Council will always work proactively with applicants jointly to find solutions which will mean that proposals can be approved wherever possible.

Planning applications that accord with the policies of the AAP will be approved without delay unless material considerations dictate otherwise.

Where there are no policies relevant to an application, either within the AAP or the other parts of the Council's Local Plan, the Council will grant permission unless:

.i. The proposal, in accordance with the provisions of BridTC10, should be refused because:

- a) the proposal would have significant adverse effects on the deliverability of Burlington Parade, the Marina or the function of the Primary Retail Circuit; and
- b) the benefits of the proposal for the sustainable development of the AAP area, measured by net job generation, net additional expenditure, conservation and/or environmental enhancement, are insufficient to compensate for the harm.

ii. Specific policies in the Council's Core Strategy or other parts of the Local Plan or the National Planning Policy Framework indicate that development should be restricted.

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Option 2: Change to BridTC19

5. An alternative option is to amend BridTC19 to make the presumption clear, and to add in Chapter 5 (following para 5.2) of the AAP the same (amended to reflect its position in Chapter 5) explanatory text that is proposed following para 4 above. A suggested draft of the amended text of BridTC19 is set out in the text box below.

BridTC19 – The Presumption in Favour of Sustainable Development: Delivering the Regeneration Strategy

When considering development proposals in the AAP area, the Council will take a positive approach that reflects the presumption in favour of sustainable development.

The Council will always work closely with applicants, regional and local partners, local landowners and other stakeholders to deliver both the Regeneration Strategy and all other sustainable development proposals that will improve the economic, social and environmental conditions of the AAP area.

The Council will also work closely with partners, stakeholders and applicants to ensure that the benefits of delivery the sustainable development of the AAP area are captured to the advantage of the local communities and businesses and in the catchment that Bridlington serves as a Principal Town. The benefits to be captured include: more jobs and higher incomes; a larger, more dynamic and growing small business base; a wider choice of more appealing shops, services and things to do and see; a more competitive visitor economy; and a safer, more accessible and more beautiful Town Centre for everyone.

(continue BridTC19 as drafted through BridTC19.1 and Brid19.2)

Add a new BridTC19.3.

3. Planning applications that accord with the policies of the AAP will be approved without delay unless material considerations dictate otherwise. Where there are no policies relevant to the application, either within the AAP or the other parts of the Council's Local Plan, the Council will grant permission unless:
- i. The proposal, in accordance with the provisions of BridTC10, should be refused because:
 - a) the proposal would have significant adverse effects on the deliverability of Burlington Parade, the Marina or the function of the Primary Retail Circuit; and
 - b) the benefits of the proposal for the sustainable development of the AAP area, measured by net job generation, net additional expenditure, conservation and/or environmental enhancement, are insufficient to compensate for the harm.
 - ii. Specific policies in the Council's Core Strategy or other parts of the Local Plan or the National Planning Policy Framework indicate that development should be restricted.