

BRIDLINGTON TOWN CENTRE AAP EXAMINATION

Implications of the National Planning Policy Framework

Introduction

1. This Statement is prepared by Barton Willmore LLP on behalf of the Bridlington Harbour Commissioners (BHC) and deals with the implications of the National Planning Policy Framework (NPPF), as requested by the Programme Officer in her e-mail of the 2 April 2012.

Plan-making

2. In respect of 'plan-making' para 153 requires LPAs to produce a Local Plan for its area and to prepare additional development plan documents only 'where clearly justified'. In preparing Local Plans, para 156 requires LPAs to set out 'strategic priorities' for their area to deliver homes, jobs, retail, leisure and commercial development as well as the physical and community infrastructure to make it sustainable.
3. As previously set out by the BHC, in the East Riding context the ERYC has not prepared its Core Strategy nor has it set out the strategic priorities for its area. The broad locations and the quantity of development within the whole of the East Riding have not been identified and the AAP is being progressed in advance of these priorities being set. This makes it very difficult to ascertain whether or not the proposals within the AAP are sustainable. Para 7 of the NPPF identifies three dimensions to sustainable development as follows :
 - **an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
 - **a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

- **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.
4. Policies in Local Plans should follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay. All plans should be based upon and reflect the presumption in favour of sustainable development, with clear policies that will guide how the presumption should be applied locally (para 15).
 5. In terms of sustainability, it is difficult to ascertain whether or not the policies and proposals of the AAP are sustainable in the context of the East Riding. Whilst the Sustainability Appraisal submitted in support of the AAP has regard to some local plans/programmes it cannot have regard to the 'strategic priority' policy framework as this is not in place.
 6. Para 173 of the NPPF makes clear that pursuing sustainable development requires careful attention to viability and costs in plan-making and that plans should be deliverable. In the East Riding context, the BHC have already made clear in their previous Matter Statements their concerns about the deliverability of the marina and the Harbour Top development.
 7. As well as being 'justified', 'effective' and 'consistent with national policy', the NPPF requires Local Plans to be 'positively prepared' (para 182) and flexible. Para 14 states that 'local plans should meet objectively assessed needs with sufficient flexibility to adapt to rapid change'. The BHC continues to argue that the development of the Harbour Top as part of the Burlington Parade is not justified and is not based on any objective assessment. Moreover, as previously acknowledged by the Council, the AAP has little or no flexibility to accommodate change. As such it remains contrary to the advice set out in the NPPF.

Flood Risk

8. The NPPF reiterates previous advice that development in areas at risk of flooding should be avoided and development should be directed away from areas of highest risk. The NPPF requires Local Plans to apply a sequential, risk based approach to the location of development to avoid where possible flood risk to people and property. In preparing their Local Plans, LPAs are asked to apply the Sequential and the Exception Test (para 100).
9. Para 101 makes the point that 'the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding.
10. Para 102 states that if, 'following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. For the Exception Test to be passed :
 - it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
 - a site specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking into account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible, will reduce flood risk overall.
11. Both elements of the test will have to be passed for the development to be allocated or permitted'.
12. In the context of the AAP, the ERYC has produced a Strategic Flood Risk Assessment but has not carried out either the Sequential or Exception tests. The housing and hotel development proposed for the Harbour Top has not been subject to the Sequential Test and as set out in their previous Matter Statements the BHC are aware of other sites in the town that are available for these uses which are not subject to flood risk.

13. It is important that the Sequential Test and the Exception Test (if necessary) is carried out for the development proposed for the Harbour Top before the site is allocated in the AAP for hotel and housing uses. If the Sequential Test is not carried out at the plan-making stage then it is too late to carry it out at the planning application stage. The NPPF makes clear at para 104 that if development is allocated in a plan then it is not necessary for applicants at the planning application stage to apply the Sequential Test.

Historic Environment

14. The BHC deal with the implications of the NPPF is its 'Additional Matter Statement' responding to Questions 3 and 5 raised by the Inspector and submitted to the Examination.

Barton Willmore

May 2012