

Bridlington Town Centre Area Action Plan

Note of Exploratory Meeting held on Friday 17 June 2011

Present

Inspectorate team in attendance:

Siân Worden (SW), Inspector; Carmel Edwards (CE), Programme Officer;

For East Riding of Yorkshire Council (ERYC) in attendance:

David Elvin QC (DE), Counsel
John Lister (JL), Head of Bridlington Renaissance, ERYC
Nora Galley (NG), Partner, Roger Tym & Partners
Alan Menzies (AM), Director of Planning & Economic Regeneration, ERYC

Also in attendance:

Zulfiqar Ali (ZA), Environment Agency
Dan Normandale (DN), Environment Agency
Michelle Bath (MB), DPP for Tesco Stores Ltd
Adrian James (AJ), Barton Willmore for Bridlington Harbour Commissioners and Lord Feoffees.
Bruce Raper (BR), Gosschalks Solicitors for Bridlington Harbour Commissioners and Lord Feoffees.
Cllr Michael Charlesworth Bridlington Town Council
Cllr Shelagh Finlay (SF) Bridlington Town Council

1 Introduction

- 1.1 Siân Worden, the Inspector, opened the proceedings. She introduced herself and presented her professional background.
- 1.2 The Inspector then introduced Carmel Edwards the Programme Officer, explaining that she was independent of the Council and worked to the Inspector.
- 1.3 The Inspector explained that she had invited representatives of particular organisations to join this meeting because she anticipated that their input would be helpful, then invited the representatives of East Riding of Yorkshire Council (ERYC) and other participants around the table to introduce themselves.

2 Context for the meeting

- 2.1 The inspector explained that her role was to consider whether the AAP as submitted to the Secretary of State met the requirements of the 2004 Act and associated Regulations against the soundness criteria set out in Planning

Policy Statement 12. In addition the AAP must satisfy certain legal requirements.

- 2.2 The inspector's initial reading of the AAP, the representations and evidence base identified some concerns, around the delivery of the plan and particularly the two main regeneration initiatives. The Inspector emphasised that she had not found the plan unsound. This meeting is to discuss her concerns and explore how to proceed. She emphasised that she appreciated the huge amount of time and work that was behind the AAP and its importance to Bridlington. She had already visited Bridlington so had some understanding of the character of the area.

3 Process of the meeting

- 3.1 The inspector outlined the form the meeting would take. She stressed that the purpose of the meeting was to explore the matters she had identified as being of particular concern at this stage, and to furnish herself and the Council with sufficient information so that a decision could be reached on how the examination should proceed
- 3.2 At the end of the agenda there would be the opportunity for observers to comment. However this was not the forum for a detailed presentation or consideration of evidence and there would not be time for other matters to be raised; there would be ample opportunity for them to be addressed when the hearings took place and prior to those sessions those who have made representations and who wish to participate will be asked to submit further written statements.

4 Outcomes

- 4.1 The Inspector listed the possible outcomes from this exploratory meeting, which are set out in Planning Inspectorate guidance and available on the AAP website.
- 4.2 If the issues identified are resolved satisfactorily the examination could proceed to the Pre Hearing Meeting and then on to the hearing sessions.
- 4.3 If it seems that her concerns are indeed serious and unlikely to be rectified the Council could seek the Secretary of State's agreement to withdraw the plan.
- 4.4 If further work might address the issues there could be a temporary suspension in which this could be carried out. In some circumstances hearings can go ahead whilst new work is in progress but, to the inspector's mind, since the proposals which she had concerns about are fundamental to the strategy set out in the AAP that would not be possible in this case.

- 4.5 If she remains concerned and the issues are not addressed the examination would proceed with this meeting being reported to the Pre Hearing Meeting. But it follows that, the potentially fatal issues not having gone away, there would be a significant risk of the AAP being found unsound.
- 4.6 The inspector reminded the meeting that while she was flagging up concerns about these aspects of the plan, this did not mean that she had made up her mind about the soundness or otherwise of the AAP in terms of other matters and issues.

5 Issue 1 - Deliverability of the Marina

- 5.1 For the Council John Lister (JL) gave the background to the plans to develop the Marina. A planning appeal had been turned down in 2002-2003. The plan now was of a reduced scale, and there was an agreed layout with the Harbour Commissioners. (HC). David Elvin QC (DE) offered to provide a comparative plan for the Inspector which she said would be helpful. The inspector asked if it had always been proposed as part of regeneration, and Nora Galley confirmed that it was.
- 5.2 The inspector questioned the relationship with the vision. The Marina seems to be mainly for tourists, and there could be a slight conflict, given that a huge investment would be needed. The Council responded that there were a number of strands to the vision, partly to deal with decline, partly to regenerate the town as a whole, to provide employment opportunities as well as tourism. They wanted to endow the town centre with the infrastructure to move forward, including marina and harbour in this, and there were multiple beneficial impacts. In the 2002-3 inquiry the benefits of the marina to the town as a whole were never at issue, it was the impacts from those specific proposals.
- 5.3 It was generally agreed that the harbour top was the main issue in matters of dispute. Adrian James (AJ) disputed the Council's earlier assertion that there was agreement over layout. The Harbour Commissioners (HC) had only agreed the extent of the Marina, but not the layout. They were concerned that they needed the harbour top in order to fulfil their statutory duties; they use all of the harbour estate, for operational uses and for generating income which is invested back into the harbour. It wasn't clear in the Plan where any land taken would be replaced. It was a working port, and they couldn't allow any land to be taken that would have an adverse effect. The Council wanted to make clear that they understood the concerns of the HC, both land based and waterside. Reference was made to pp53-54 in the AAP, BridTC41A to back this up, and to copies of recent correspondence with the HC. Minor changes to wording had been proposed.
- 5.4 There was discussion over the proposed Harbour / Marina business plan. AJ claimed this was a core element to the AAP. He considered his client was in a difficult position not being privy to it, and hoped it would be put out to

- consultation before the hearings. The inspector agreed that it would be advisable to have the hearings once the business plan was further advanced, and asked for the timetable. It was still in the early stages, but the Council considered it was there to show how a reworked Marina could work and was not a delivery plan. It was about the operating account of the Marina, ensuring the next stage of its design optimised the operating revenues and minimised its operating costs, ensuring it was a viable operation.
- 5.5 The inspector wanted to be satisfied that all stakeholders were committed, including the HC. The Council offered to put forward a paper about how the introduction of the development platform for Burlington Parade into the Harbour Top is to work so as to allow the port operations to continue unharmed. This was welcomed.
- 5.6 The status of the business plan was questioned by AJ. Was it only for the Marina? He saw no evidence for how money was to be forthcoming for the Bridlington Parade development as well. He felt the whole AAP was dependent on substantial public money going in, and it was clearly a deliverability issue. Yorkshire Forward no longer existed. There was a concern that development could start and not be completed.
- 5.7 DE for the Council explained that the business plan under discussion was dealing with the harbour operation only. Much of the work was commercially sensitive and a formal business plan would not be produced for this reason. Money had been ring-fenced for meeting any shortfall in private finance; as of 2009-10 £15 million set aside. It was pointed out that this information was available in background documents to a Cabinet Report of 21 Sept 2010. (Core document ref. LD14). DE also referred para. 1.4.2 of the Council's Note. The inspector reminded the Council that finance was one of her concerns too. Two notes were being prepared; a paper to show continuity of harbour operations and a paper to outline the position re council funding and to explain appraisal process, issues, assumptions made etc, to demonstrate how matters been considered without publishing any sensitive commercial information . They had taken a conservative position.
- 5.8 The inspector wanted to know how this related to the AAP. Nora Galley for the Council explained that the AAP sets out the principles of the delivery strategy, explains the processes gone through. It is difficult to know how to present sensitive commercial information without prejudicing forward land acquisitions. The inspector asked if the Council considered wording needed to be changed. It was possible in Chapter 5, but they considered that it was not usual to put this sort of information in the public domain. They were confident that they could provide the necessary funding, and the scheme was not dependent on Yorkshire Forward money.
- 5.9 Flood zone issue - The inspector checked with the Environment Agency representatives that although the harbour top was mainly a zone 3A area it would be possible to put development there, particularly retail and hotel, but

housing was harder to justify. Any residential elements would be above lower levels used for parking. The EA had encouraged the Council to look at sequential test, looking at different types of development. In their view this should be done at plan level. They were satisfied that there was a clear methodology of this test being applied. There was on-going work with the Council over the town centre, to make sure any engineering work did not make the position worse.

- 5.10 The inspector asked for the effect on the conservation area. The Council considered that the development could enhance the character of the area, English Heritage had been supportive at different stages of the AAP.
- 5.11 Habitat assessment - There has been detailed consultation with Natural England. An appropriate assessment has been carried out and is available at CD 22. There were no show stoppers or indications of adverse effects, and Natural England is satisfied that the requirements have been met.

6 Issue 2 - Deliverability of Burlington Parade

- 6.1 The Council summarised the retail evidence for the inspector. Retail studies had shown a huge amount of leakage to other towns in the region, and an underperformance of the town centre. What was proposed was a restructure, not a relocation, not to generate new expenditure but to ensure some of the significant amount of trade was recaptured to the benefit of local people and businesses alike. It was considered by the Council that larger shop units were needed, but that this new site needed to be linked to the main retail streets. They had also included the harbour top to ensure the connection is made, so existing shops could take advantage of the additional footfall.
- 6.2 Michelle Bath of DPP expressed concerns on behalf of Tesco Stores Ltd, as a key landowner. Their concerns were regarding deliverability and flexibility if the Burlington Parade development did not go ahead. TC3 is a very prescriptive policy and TC10 is aligned to this. It would stop them doing anything else. They would like to offer a large store including comparison goods. There was no dispute over evidence base, and there had been dialogue but as yet there was no agreement over layout of the new site. An area of dispute was a land deal, land owned by Network Rail, and over who would pay for it.
- 6.3 Shelagh Finlay (SF) for Bridlington Town Council expressed concerns that a new Tesco store would detract from the main retail area as people would park at Tesco and not go further into the town centre. They saw it as a relocation not a restructure.
- 6.4 DE for the Council explained the reason for the restructure. The current retail area had failed to thrive. The aim was to create a 'retail circuit' to encourage people to go further in. Action was being taken on parking to make sure it

would also advantage the existing shops, and there was public realm development.

- 6.5 SF asked if the Council could have a say in control of parking prices at Tesco, and whether they would encourage the multi storey car park proposed by the Lord Feoffees? The Council acknowledged lessons learned elsewhere, and includes a policy in the AAP that says the Council will seek to agree the parking charges for public spaces in private developments. They did support a car park adjacent to Beck Hill, but not that precise version, in that precise location. Bridlington Town Council very much supported this car park proposal. AJ for Lord Feoffees pointed to the proposal as an example of the inflexibility of the AAP. The planning application kept getting deferred as it did not follow the lines of the Burlington Parade proposals. DE pointed out that the Lord Feoffees car park and the issue of car parking generally would be addressed but that the problems would not be solved by a multi storey car park alone and the scheme is designed to tackle the market failure of the whole centre.
- 6.6 The inspector took a comment from the floor. Gary Wheeler (member of the public). There have been requests for years for car parking. He felt the reduction of car parking has led to the decline in the retail sector. The shopping precinct took up 250 spaces. If car parking comes back the town has a chance to thrive. He would like it done now, not in 2016. People are attracted by cheaper parking elsewhere. The process is too complicated. The influence of the internet is a concern, with people moving to on-line shopping. Car parking is the biggest issue in this town. DE for the Council said that they appreciated errors that had been made in the past, and car parking was part of the new plan. The Council explained that the AAP proposes a net gain of 700 parking spaces, well-located for the existing as well as new shops.

(The meeting broke for lunch at 12:55pm, resuming at 1:45pm)

7 - Issue 3 – Structure of the AAP

- 7.1 In response to a request from the inspector the Council outlined the issues, objectives and the vision and how they related together. All issues were identified in consultation with the community; coupled with evidence behind them to say they were pertinent, they pointed to a wish by Bridlington's community and a need, on economic grounds, to rebalance the focus of regeneration, but not to throw out recognition that the tourism economy remained a mainstay.
- 7.2 The objectives are a precise response to issues, aiming to achieve the purposes of the vision. The vision is set out in paras 20-29 of the executive summary, (and in the AAP at paras 1.8, 1.10-1.12, 1.13 – 1.17, 1.18-29). Also at pp21-23 of the AAP in a more community based way, leading into strategic objectives, and then the 14 enabling objectives which look at each of the building blocks that are necessary to deliver the provision which is set

- out. The purpose of the executive summary is to be part of the AAP and encapsulate the purpose of the AAP. The enabling objectives supplement the strategic ones. They will also be addressed in the Plan. In the Council Note para. 3.4.1, pages 25 -26 they have linked the objectives to policies so that it can be seen how they relate one to the other.
- 7.3 The inspector sought clarification over how enabling objectives would be addressed in the plan, using nos. 11 and 12 as examples. She was referred to pp 117-118, BridTC19. She asked if the wording would make this happen, the Council considered that the wording was strong enough. BTC considered that it would have been helpful if the sections just referred to had been identified in the executive summary.
- 7.4 The inspector looked at the policies themselves, questioning whether all were necessary, e.g. TC2. What was the purpose of setting out the priorities in a policy?
- 7.5 It was so there was a sequence, of strategy then specific priorities. Para. 2.39 explained the principle, and how best to accommodate demand in order to achieve the purposes of the AAP.
- 7.6 The inspector was still slightly concerned whether policies were set out sufficiently clearly, e.g. TC1. She asked why it covered the whole strategy with lots of important elements, instead of separate simpler policies for each element. There was ample explanation in the document of the existing situation, and regeneration issues were clearly explained, so why did they need to be put in policies also? Policies were primarily for Development Control.
- 7.7 The Council considered that it was set out sufficiently clearly, subject to minor changes, if it was simpler important points may be missed out. It was a strategy of interlocking parts that added value to each other. They wanted to guide development to the principle of strategy.
- 7.8 The inspector asked how the Council considered flexibility was built in to the plan. The starting point was regeneration, it was not a general spatial plan. A considerable amount of analysis had been done to look at what is needed for this town so flexibility is by definition rather more circumscribed. It was not unusual for regeneration policies to have backup policies to prevent them being undermined.
- 7.9 Michelle Bath for Tesco Stores Ltd suggested that possibly objectives could be achieved in less prescriptive ways than set out in the Burlington Parade policy. She could see that TC10 had a 'let out clause', but considered that the reality was that development that deviated from the very prescriptive formula would be opposed. The Council's Note at 3.6.4. said that there was flexibility save for the siting of key infrastructure and anchor uses which would cover her client. She considered that triggers and milestones had found their way

- in after the frontloading visit, and was not sure they actually built in any flexibility.
- 7.10 The inspector asked the Council if they had considered outlining, with detailed boundaries, where the main regeneration proposals would be, listing perhaps the components expected but not setting out their exact locations? She was referred to Brid TC3. The harbour top too performed an anchor function. It was possible to see on the diagram on page 41 that apart from key elements there are broad areas of mixed use. To clarify, the regeneration strategy was complex, and that is one reason why it was prescriptive, they have been flexible where they didn't need to be so prescriptive.
- 7.11 The Council were asked whether triggers covered circumstances where significant elements might not happen. They considered that they would know well before if it looked likely. At pages 128-129, they set out the principles of the delivery of Burlington Parade.
- 7.12 SF for Bridlington Town Council expressed concern about essential wording, and the dependence of one part on another, yet if they looked at the triggers on page 128, the harbour top was fundamental, and if it didn't go ahead then Burlington Parade could be at risk. The Council defended that there was a longer lead-in period for the harbour top development.
- 7.13 The inspector raised the issue of whether all policies could be monitored. The Council had looked at guidance and taken a view. They made sure they had the means of being alerted if something was going awry. They considered their objectives were 'SMART', they didn't feel it necessary to monitor every single policy. They saw triggers as part of monitoring. There was some disagreement with participants whether monitoring showed difficulty over implementation, and the question of flexibility was raised again.
- 7.14 MB for Tesco sought clarification on the Proposals Map, compared with the text. How was the current site to be allocated, as primary retail? The Council responded that it was inside the primary shopping area only if the development proposed by the AAP proceeded; otherwise the existing store site did not meet the criteria for inclusion in the PSA. The Inspector considered this was a more detailed issue to be addressed at a later stage.

8 - Examination process and timetable

- 8.1 The next step would be to prepare and circulate a Note of this meeting which would include some thoughts on the most appropriate way forward, hopefully by the end of next week. The Council would then have about 2 weeks to respond. A provisional deadline was agreed of Tuesday 12th July by 5pm.
[Post – meeting note: illness prevented the notes going out at that time, all deadlines would be slightly amended.]

- 8.2 The Council's Note, responding to the meeting agenda, was now on the website, and CE confirmed she would email copies to participants round the table.
- 8.3 If hearings were to go ahead the inspector would include a rough timetable. She said that it was not necessary to set a timetable for other work being done, they could be produced as part of the Council's response to her Issues & Matters. She acknowledged they could be useful in alleviating the Harbour Commissioners' concerns. A timetable for them would be set once the main timetable had been agreed.

9 - Any other matters

- 9.1 The inspector agreed to take a few questions from the floor.
- 9.2 Martin Kirby (RSPB) - wanted to re-open the issue of habitats, which they believed should inform the text. He was directed to a proposal to amend the text in the proposed minor changes document, available on the website.
- 9.3 Barry Guildford (member of the public) - made a number of points. His definition of stakeholders included householders whose view would be blighted, and visitors. He felt 600 new homes were too many. He questioned who would be doing any monitoring, and hoped it would not be the Council themselves. There has been a lack of development in Bridlington, why would this change, because of this plan.
- 9.4 Professor Peter Masters (member of the public) - If the AAP was a dissertation he would send it back for being unreadable. The average person in Bridlington would not understand it.
- 9.5 Geoff Pickering (member of the public) - His concern was the effect of what is essentially an 'out of town' shopping complex on the town centre. He was not convinced that the circuit and anchor idea would attract people in or bring any additional footfall. The Plan did not allow for the scenario of shops choosing to move to new areas out of the town centre.
- 9.6 Gordon Gresham (member of public). In the consultants' reports there were caveats that the Council had ignored, e.g. building a new shopping centre can draw trade away. Bridlington was a deprived area with a high proportion of older people, and he was unconvinced that they could generate sufficient extra comparison shopping.
- 9.7 The inspector re-iterated that there would more opportunities for participants to express their views at the hearings.

(The meeting closed at 3:15pm).