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Our ref: 10624/A3/AJ/MS  
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Dear John

**SECOND PREFERRED OPTIONS DRAFT BRIDLINGTON TOWN CENTRE AAP AND THE DRAFT BRIDLINGTON SPD**

You will recall that we act on behalf of the Bridlington Harbour Commissioners.

As requested, we have submitted a report setting out the representations of the Bridlington Harbour Commissioners on the AAP via the on-line consultation portal. However, as our representations also make reference to the SPD, we attach a further copy of our report for your consideration.

We trust that you find that our Report is self-explanatory but if you require any further information or clarification please do not hesitate to contact us.

We would be grateful if you would acknowledge safe receipt of our representations.

Yours sincerely



**ADRIAN JAMES**  
Partner

cc  
C Wright Esq  
B Raper Esq



**Representations to the  
Second Preferred Options  
Draft Bridlington Town Centre Area Action Plan  
and the  
Draft Bridlington Supplementary Planning Document**

**On behalf of**

**The Bridlington Harbour Commissioners**

September 2009

**Representations to the Second Preferred Options  
Draft Bridlington Town Centre Area Action Plan  
and the Draft Bridlington Supplementary Planning Document**

**on behalf of**

**The Bridlington Harbour Commissioners**

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## 1.0 INTRODUCTION

- 1.1 This Report has been prepared on behalf of the Bridlington Harbour Commissioners ('the Commissioners') to amplify their representations to the Second Preferred Options Draft Bridlington Town Centre Area Action Plan (AAP) and the draft Bridlington Supplementary Planning Document (SPD). The Report sets out in detail the Commissioners concerns about the proposals for a new Marina contained within the Plan.
- 1.2 The Commissioners were established over 300 years ago by Act of Parliament and their present powers are derived from the Bridlington Harbour Act 1837, the Bridlington Harbour Confirmation Act 1928 and the Bridlington Harbour Revision (Constitution) Order 2004. The Commissioners consist of 11 Members, whose number includes the Chief Executive and Harbour Master. The Members are appointed on the basis of their specialist knowledge, experience or skills pursuant to the management of the Harbour including the management of the fishing industry, water related leisure activities, shipping and transport, safety or personnel management, commercial marketing and I.T., environmental matters and community interest. The Commissioners also have responsibility for financial management, the laws relating to England and any other skills or attributes considered to be relevant to the efficient and economic discharge of their function. The Commissioners are responsible for ensuring the effective and efficient operation of the Harbour.
- 1.3 The Commissioners are funded at no cost to the public purse being financed from Harbour dues and rental income from businesses and car parking using the Commissioners Shoreside Estate. The proposals set out in the AAP and SPD will have an adverse impact on the Commissioners ability to fulfil their duties and to be self funded.
- 1.4 The Commissioners are actively involved in the planning process having previously submitted representations to the first 'Preferred Options Area Action Plan' and engaged in consultation with the East Riding of Yorkshire Council concerning the future of the harbour and the development of the Marina. This Report provides a context to the Commissioners representations as well as providing detailed comments on the various policies and proposals contained within the Second Preferred Option Draft AAP and the Bridlington SPD.

1.5 The Commissioners have a number of concerns regarding the content of the AAP and SPD as follows:-

1. The plans do not reflect the discussions that have been held with the Commissioners.
2. The plans will adversely affect the Commissioners ability to operate a Trust Port.
3. The plans are not costed and do not provide any flexibility or a 'fall back' position if funds are not available for implementation.

1.6 Although the Commissioners support the provision of a Marina at Bridlington, and have been working with the East Riding of Yorkshire Council and their partners to progress an acceptable scheme, the contents of the AAP and SPD do not reflect the content of these discussions. The Commissioners consider that the new Marina should meet the following requirements :-

- First, it overcomes the reasons for the rejection of the previous scheme by the Secretary of State;
- Second, it does not prejudice the ability of the Commissioners to carry out their statutory duties;
- Third, it can be funded and there is certainty that once development commences, the Marina will be completed.

1.7 This Report is divided into the following:-

Section 2 Context to the Representations

Section 3 Conclusion

## 2.0 CONTEXT TO THE REPRESENTATIONS

- 2.1 As set out in Section 1, the Commissioners do not object to the principle of a Marina at Bridlington provided it does not have an adverse impact on the Commissioners ability to fulfil their statutory and other duties. The Commissioners have been discussing the proposals for the Marina with the East Riding of Yorkshire Council but are disappointed that contents of the AAP and SPD do not have regard to the Commissioners concerns. We set out in detail these concerns below.
- 2.2 More generally, however, the Commissioners are also concerned that the Plans are not consistent and are contradictory in places. For example, the AAP states that operational land will be provided for both the Harbour and the Marina but that these uses will compete with housing development (200 units), hotel, retail development, leisure facilities and multi-storey car park. It is clearly important that the Plans are internally consistent and that the defined land uses can be satisfactorily accommodated without detriment to the operation of the Harbour and, in time, the Marina.
- 2.3 The AAP also continues to state that the existing Harbour is poorly integrated into the town. As previously set out by the Commissioners in their representations to the first 'Preferred Options' AAP, the opposite is, in fact, the case as there are three roadways and eight pedestrian routes to the Harbour from the adjoining areas.

### **Previous Marina Scheme**

- 2.4 It is obviously important that the Marina development overcomes the reasons for refusal set out by the Secretary of State following the public inquiry in 2003. The Council will be aware that in 2003, a 500 berth Marina for Bridlington at the Harbour was rejected by the Secretary of State on the basis that:-
- the proposal is contrary to the relevant planning guidelines;
  - it is excessive in scale;
  - it is in an inappropriate location;
  - it is defective in design;
  - it would not deliver the benefits claimed;

- it would cause environmental damage;
- it would adversely affect listed structures; and
- there is real doubt whether the development will be achieved, even if authorised.

2.5 Although the extent and number of berths proposed in the new Marina has been reduced to 320, the design of the Marina development as shown on the Proposals Map is similar to that which was rejected by the Secretary of State in 2003. The concerns about the delivery of the scheme, the benefits and the impact on the listed structures also remain. It is, however, for the Council rather than the Commissioners to deal with these matters in any planning application.

2.6 The Commissioners note that the AAP and the SPD are being progressed in advance of the Core Strategy DPD for the East Riding. For this reason, the plans rely on the saved policies of the Joint Structure Plan for Hull and the East Riding (2005) and the Regional Spatial Strategy for Yorkshire and the Humber (2008) for its strategic policy context. Both the saved policies of the Joint Structure Plan and the RSS designate Bridlington as a 'Principal Town' where economic and housing development should be focussed. The Regional Spatial Strategy (RSS), however, states that the coastal towns in the Eastern Sub Area, including Bridlington, 'should be the focus for smaller scale economic and housing developments' (para 4.72). The Marina proposals, particularly when considered with the other proposals for the town centre included within the AAP, do not represent small scale economic and housing development. Conversely the proposals are large scale as they include most notably:-

- the development of the new Marina including new harbour buildings, operational land associated infrastructure with an extension to the listed North Pier, a new South Pier, a new non tidal locked basin, a new tidal basin and new half tidal basin and new areas of land reclaimed from the sea;
- the Bridlington Parade Comprehensive Redevelopment Area including the realignment of the Gypsy Race, the delivery of new access routes, the delivery of the new car parking, the delivery of strategic areas of public recreation (Station Plaza, Gypsy Race Park, Burlington Pavement, Gypsy Courts, Town Square, Harbour Entrance and Harbour Plaza); and

- the relocation of the Primary Retail Area away from the Town Centre Seafront to a new shopping area.

2.7 The AAP acknowledges that it is difficult to overstate the scale of the work entailed to create the Marina. In terms of the other issues raised by the Secretary of State, the proposed Marina is in the same location as that considered to be unacceptable; its design would adversely affect the listed structures and their curtilage; its construction over a long period would cause environmental damage and there remains doubt whether the development will be achieved, even if authorised. The Commissioners take the view, therefore, that the reasons that led to the rejection of the 2003 scheme have not been overcome in the new proposals and, therefore, there must be some doubt as to whether planning permission can be obtained.

2.8 Notwithstanding these facts, the Commissioners confirm their support for the provision of a Marina at Bridlington but recognise that it is vital that the details of the scheme meet the criticism levelled by the Secretary of State. The Commissioners also need to be assured that the Marina proposals do not undermine their ability to carry out their statutory and other duties or to raise finance. To this end, the Commissioners have been working with the East Riding of Yorkshire Council and the partners to progress an acceptable scheme but remain concerned about the content of the AAP and SPD.

2.9 The AAP and, in particular, the SPD provide the opportunity for the Council to provide details of the proposals for the Harbour and the Marina. These details have not been forthcoming to the extent that the Commissioners are unsure about the Council's proposals. As the AAP makes clear, the Harbour is one of Bridlington's 'special assets' and it is, therefore, vital that its role and function is retained. The Commissioners need to be assured that the proposals for the Marina are capable of implementation without adversely affecting the operation of the Harbour and this can only be achieved through the provision of further details. The requirement of the Commissioners for all of the land within the harbour Estate in order to maintain the operation of the existing harbour was a crucial point made by the Commissioners in their representations submitted to the Council in December 2007.

### **Statutory Duties**

2.10 The Commissioners need to ensure that the Marina does not have an adverse impact on the operation of the Harbour nor the Commissioners ability to fulfil their statutory

duties. The AAP states that the Council and Yorkshire Forward are fully committed to ensuring that the Commissioners are able to fulfil their obligations as operators of the Trust Port and their duties to the Harbour's users (para 5.59). The Plan also states that the Marina will 'leave the Harbour Commissioners no worse off financially' (para 5.59). Whilst the Commissioners appreciate these supportive comments, the policies and proposals set out in the Plans do not reflect their concerns with regard to the enlarged Harbour and Marina facilities. In particular, the Council has not provided the necessary comfort that the Marina and Burlington Parade developments will not have an adverse impact on operational land within the Harbour. The Council and the Commissioners have not been able to agree a Memorandum of Understanding, let alone some form of legal agreement.

- 2.11 It is difficult to reconcile the Council's support for the duties and financial guarantee's of the Commissioners with the contents of the Plan. In particular, the Commissioners consider that the land take associated with the construction of the Marina and its phasing will prevent their ability to operate as a Trust Port.
- 2.12 The development of the Marina will take place at the existing Harbour. It is proposed to retain land within the existing Harbour (western end) and to provide new Harbour Offices and Marina based operations along with boat repair, storage and associated facilities. The Burlington Parade scheme also includes part of the existing harbour and contains proposals for hotel, retail, leisure and housing uses. Within the area proposed for the new Harbour to the south of South Pier, the Council propose to reclaim land to provide further operational and development land to provide about 200 residential units, retail and leisure facilities, hotel, public spaces and car parking – no details have been agreed with the Commissioners regarding these uses and, in particular, there has been no mention of the construction of 200 residential units.
- 2.13 The Commissioners consider that the area reserved for the 'top side' development is inadequate to meet the operational requirements of both the Harbour and Marina as well as the development of a hotel, houses, retail and leisure facilities and car parking. The land available within the existing harbour is managed by the Commissioners for its operational requirements. There is no spare or vacant land within the existing harbour available for new or extensions to meet any new operational requirements. It will, therefore, be necessary to ensure that the reclaimed land is sufficient to meet the needs of the operational requirements of the Marina as well as the significant amount of non-operational development that is being proposed.

- 2.14 Furthermore, the Commissioners require additional land in advance of any development proposals progressed by the Council. The Harbour will not be able to operate to its present standard if land is lost to development. Prior to the commencement of any development, the Commissioners will require substitute land adequate for their activities and this land would need to be transferred to the Commissioners well in advance of the commencement of the development works to allow the Commissioners time to relocate their activities. The transferred land would also need to abut the Harbour/Marina to allow for its operational requirements.
- 2.15 As the Commissioners require all of the land within the Harbour Estate to maintain the operation of the existing Harbour, and no alternative land provision is made, the Commissioners consider that the Marina and Bridlington Parade schemes cannot be implemented as shown on the Proposals Map.
- 2.16 Subject to the agreement of the Commissioners, any reclaimed land within the Marina/Harbour development will need to accommodate:-
- Additional operational land for the harbour users that is not being met at the current time;
  - Operational land associated with the new Marina facility;
  - A hotel (maximum height of 7 stories);
  - 200 dwellings;
  - Retail and Leisure Uses;
  - Car parking - The AAP identifies 159 public car parking spaces in a decked structure at the harbour (para 5.37 and Policy Brid TC17). On the basis of a requirement of 0.75 car parking spaces per berth, a 320 berth proposal will require an additional 172 spaces, requiring a total of 331 spaces to be provided.
- 2.17 Other than generalised block drawings and sections, no details are provided within the AAP or the SPD showing how the above development can be located on the existing and reclaimed land. The Commissioners strongly object to using the Harbour land for non Harbour/Marina uses as proposed in the Burlington Parade scheme until the provision, phasing and funding of the operational land is agreed.

## Funding

- 2.18 The proposals set out in the AAP are ambitious, comprehensive and represent a significant financial cost in their implementation. The AAP acknowledges that the costs of implementing the AAP will be substantial and that 'it is difficult to overstate the scale, complexity and demands on all parties of the work entailed to create the Marina'. The scale of development is such that it would need to be implemented over a period of years. The Council state that, with support from Yorkshire Forward, it proposes to assemble the whole of the Burlington Parade comprehensive redevelopment site and 'invest up front' in the infrastructure, parking and public realm'. Notwithstanding the goodwill shown by the Commissioners, the Council also makes clear that it will use its powers and exercise its rights including compulsory purchase, to ensure that the Burlington Parade and Marina are delivered in the plan period.
- 2.19 Neither the AAP nor the SPD set out how the proposals will be funded. There is no Business Plan nor is there any guarantee that funding will be available over the plan period to implement the various schemes that comprise the AAP. Due to the recession, the Council has already extended the timetable for the delivery of the AAP from 2016 to 2021. Given the substantial investment required and the current constraints on public finance, there can be no certainty that the proposals for the Marina nor the Burlington Parade will be delivered. The Commissioners are concerned that unless funding can be guaranteed at the outset, the development proposals may commence only to be delayed or abandoned due to lack of funding. A partially implemented development, particularly in respect of the works to create the Marina, would be a 'worst case' scenario adding to the decline of the town rather than enhancing its prospects. In order to avoid this outcome, the Commissioners consider that no development should take place in respect of the development of the Marina until the finance is in place for its completion.
- 2.20 In addition, the AAP and the SPD should provide for a 'fall back' proposal should funding not be available and the full extent of the Marina as proposed cannot be provided. The Commissioners have produced a number of alternative smaller and cheaper Marina proposals which make use of the existing Harbour infrastructure and do not require a new pier (other than the extension to the North Pier to reduce surge), reclaimed land or other infrastructure. By way of an example, an illustrative scheme is attached **Appendix 1** which shows:-
- the Marina within the confines of the existing Harbour;

- an area of operational land (but not the whole requirement) for the associated Marina and Harbour facilities;
- capacity for approximately 250 berths;
- an impounded water area for the Marina;
- a tidal Harbour for the fishing boats;
- an enlarged fish quay;
- a new pier and lock;
- landing area for pleasure boats;
- an extension to the North Pier;
- removal of the Chicken Run Jetty;

2.21 A Marina provided within the Harbour has a number of advantages:-

- (i) it protects the Listed Piers and their setting. As set out in the AAP, the 'Harbour is the Town Centre's single greatest asset' and a Marina within the existing Harbour would ensure the protection of its setting;
- (ii) it could provide 250 berths, making best use of the existing Harbour infrastructure,
- (iii) it provides adequate space for the 'top side' development;
- (iv) it provides impounded water adjacent to the Town Centre;
- (v) it could prevent the tidal flooding of the Harbour Road and adjacent shops;
- (vi) it is more cost effective than the 320 berth Marina proposed by the AAP as it does not require the creation of a new pier, breakwaters and associated infrastructure;

- (vii) it can be delivered through a Harbour Revision Order and avoids the need for a Transport and Works Order and widespread Compulsory Purchase of land. The cost savings actioned through the provision of a Marina as part of the Harbour would allow additional investment in the Burlington Parade proposals which should be carried out separately to any development at the Harbour; and
- (viii) with good management, the creation of the Marina could be achieved without adversely affecting the existing operation of the Harbour.

2.22 The Commissioners are also concerned that the financial viability of the Town Centre and Marina proposals is undermined by the need to provide:-

- 40% affordable housing as part of any major housing development;
- the 10% requirement for energy supply from on-site low carbon renewable technology for housing schemes of 5 dwellings or more and for other developments with a floorspace in excess of 250 sq metres;
- achieve 'silver' on the Building for Life standard for any housing development in excess of 14 units;
- a minimum of BREEAM 'very good' and/or Code for Sustainable Homes 'Level 4' for all major developments;
- financial contribution to the provision of public realm;
- contributions towards sustainability in respect of design, layout, building form, use of sustainable building materials, water capture and recycling, recovering and recycling waste, and contributions towards biodiversity and geological conservation; and
- preparation of Development Statements for all major development within the designated Town Centre.

2.23 Whilst the Council are keen to encourage inward investment the above requirements increase the costs of development and, therefore, its provision. In the Regeneration Areas of the Burlington Parade and the Marina, the Commissioners consider that the

above requirements should be relaxed so as to maximise the attractiveness for private sector investment in the town.

2.24 These requirements also undermine the financial viability of investment in the harbour in the short term, as these provisions would need to be met as part of any development proposal that the Commissioners may wish to bring forward to improve the Harbour. In advance of the completion of the Marina, new proposals by the Commissioners to improve the harbour may prove to be uneconomic by the need to meet these requirements.

2.25 Finally, the Commissioners duties and responsibilities are also adversely affected by the Council's policy not to allow any development at the Harbour unless it conforms to the provisions of the AAP. Again, the development of short term improvements to the harbour may be constrained by the implementation of this policy. The Commissioners need to be able to implement improvements to the Harbour as part of there statutory duties irrespective of whether or not the Marina and Burlington Parade schemes are coming forward.

### 3.0 CONCLUSIONS

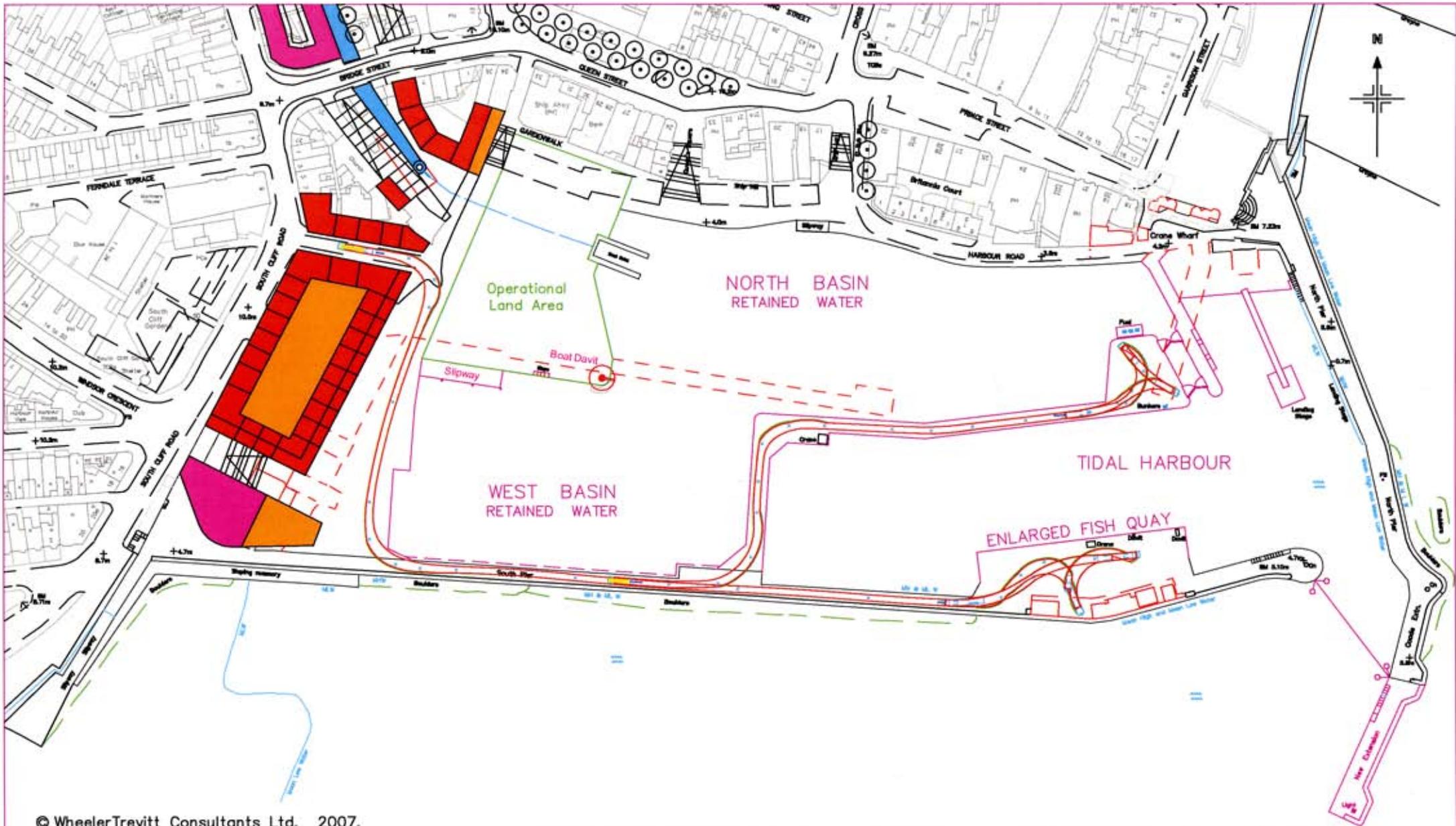
3.1 Having regard to the above, the Commissioners **OBJECT** to the Second Preferred Draft Bridlington Town Centre Area Action Plan and Bridlington Supplementary Planning Document on the basis that the Marina proposals, in terms of their phased implementation and lack of detail, will have an adverse impact on the operation of the Harbour contrary to the discussions held with the East Riding of Yorkshire Council, Yorkshire Forward and other parties. The Commissioners consider that the plans would prejudice their ability to carry out their statutory duties.

3.2 In summary, for the reasons set out in Section 2 of this Report, the Commissioners object to the following policies and their supporting text:-

- BridTC1 and BridTC2 in that it places a moratorium on any development proposal that does not meet the objectives of the Town Centre AAP and the SPD;
- BridTC2 in that it incorporates part of the Burlington Parade scheme into the harbour reducing the land available for operational purposes;
- BridTC2, BridTC3, BridTC16 and BridTC19 in that it requires a contribution to public realm;
- BridTC3 in that it requires high levels of sustainability for all major developments to the potential detriment of encouraging inward investment;
- BridTC5 requiring Development Statements in that the requirements are duplicated in Design and Access Statements;
- BridTC8, BridTC10, BridTC12 and BridTC13 concerning the extent/uses of the Burlington Parade and the apparent conflict with the operational requirements of the harbour;
- BridTC15 and the need to provide car parking to meet the operational needs of both the harbour and the Marina;
- BridTC17 and BridTC18 for the reasons set out above and in Section 2 of this Report.

- 3.3 The Commissioners also wish to see a monitoring and delivery programme to ensure that, prior to development commencing, the funding is available for the completion of the Marina development. The Commissioners are concerned that the development proposals are ambitious and may not be achievable. Indeed, development of the Marina may commence and not be completed to the detriment of the operations of the Harbour and the town as a whole.

# **APPENDIX 1**



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# BRIDLINGTON HARBOUR

## Illustrative Layout

### Showing Burlington Parade and Impounded Water for Marina.

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