

AREA ACTION PLAN EXAMINATION

SUMMARY POINTS

OF THE

HARBOUR COMMISSIONERS

Introduction

- Harbour Commissioners – their role at the Harbour and for Bridlington. Statutory recognition.
- Planning is concerned to ensure that fishing fleet continues to be successful, is able to adapt to future needs for the short and long term, and thereby safeguarding employment and businesses within Bridlington. Danger that fishing fleet will transfer to another port, as highlighted by Mr Trevitt, acknowledged by Jacobs (section 6.2, page 62).
- AAP – language demonstrates the unhelpful approach of Council: reference to “quirky appeal” of harbour - contradicted by clear evidence of a historic and successful working harbour, the jewel in the Crown of Bridlington.
- As appears to be the case with numerous other objectors, HC’s concerns do not appear properly to have been taken on board by the Council. Lack of consensus of grave concern. Not enough for Council simply to say that they will not permit development until relocation etc by HC and fishermen has taken place and will compensate. Loss of jobs (as important as HC’s income) is not compensatable. These are not “commercial details” but points of planning importance.

Overview

- HT should not be part of BP; BP should therefore stop at Bridge Street.
- The marina not demonstrated to be viable and therefore deliverable (Trevitt/statement re Jacobs report including Leigh Fisher) and should not therefore be included in Plan.

- If HT and marina nevertheless to be included in AAP, then HT should not be permitted to proceed until southern area has been filled along with construction of new commercial tidal basin to enable efficient and effective commercial operations.
- HT and harbour should be covered, if at all, by a single policy, or excluded.
- Plan would only be sound without them.

Matter 2

- Core Strategy should have preceded AAP
 - Council somewhat surprisingly only realised that Joint Structure Plan was not a Core Strategy in circa 2007 (Mr Hunt).
 - In any event the 2 references to a marina appear only in the explanatory memorandum which does not, of course, form part of the Structure Plan. The SP provided no support moreover for a major mixed use proposal at the harbour.
 - The RSS is the only present potential policy basis for the ~~marina~~. ^{AAP} There is nothing specific in the RSS about a marina (let alone a material change to a mixed-use harbour). It is not a 'given'. Present LP policy seeks to protect the harbour.
 - In terms of national policy, PPG 20 paragraph 2.9 underlines the importance of not permitting development that does not need a coastal zone location (cz includes HT).
 - Core Strategy should have provided (if at all) a strategic policy basis for marina and for AAP.
 - Ms Galley said that there was a "pressing need" for AAP to come forward first; (1) in fact the pressing need, 7 years after the enactment of the Planning and Compulsory Purchase Act 2004, is for the Core Strategy to be brought forward first; (2) the Council in fact accept that the marina will not come forward in the current market.
- AAP has been brought forward in advance of District-wide sequential testing of flood risk (whether as part of Core Strategy or Site Allocations DPD) required by PPS25 (and see Companion Document, paragraph 4.17), let alone a Bridlington-wide sequential test (Mr James).
 - Very important – no suggestion that no housing sites in FZ1 or FZ2 whether District-wide or Bridlington – so an exception is being made

even before the “exceptions test” of PPS 25 is applied. Additional exception re PPG 20 policy (above).

- Will be much easier to pass exceptions test once AAP in place yet, by omitting the proper sequential testing, too great a risk is being taken with flood risk to achieve regeneration.
- The point was made that the AAP area is the area where regeneration must take place. NB:

(1) this requires careful scrutiny of the area drawn: if the area could be wider, that would provide more non-FZ3 land. Indeed Ms Galley accepted that previously the Council had itself drawn the boundary more widely;

(2) there is no robust evidence that private investment will not take place unless HT is developed for housing and/or retail and/or a hotel. HT is in FZ3 where “more vulnerable uses” (including residential and hotel) should not be sited; so not needed for regeneration.

- Quite apart from the unnecessary risks being taken, quite why the insurance/mortgage market can be assumed to be content to underwrite the risk/quite why prospective developers/owners will be prepared to take on the risk, is not explained. The Council of course will not bear that risk.
- The AAP will already have allocated up to 800, or approximately ¼ of Bridlington’s presently proposed (but untested) housing requirement, 200 on Harbour Top, in advance of CS/SA DPD.

Matters 3, 4 and 6

- HT should not be included within BP
 - No evidence produced to demonstrate that investment would not otherwise take place in Bridlington. ED06 (4.16) does not so state. Not a question of requiring disclosure of confidential material on this point. Can only assume does not exist. “Predication” (DE QC Thursday morning) does not meet the point.
 - Contrast the evidence before this inquiry that Tesco and others (including school of dance, HC and fishermen (see RY04/Matter 2, para.s 6 and 8) are prepared to invest – Tesco have sufficient confidence in town centre to wish to increase investment in Bridlington.

- Existing physical connections are good and can be improved without need for HT development – e.g. opening up views from proposed new Town Square.
- Moreover proposed ‘functional need’ very dubious:
 - (1) HT not proposed as part of primary retail circuit (Plan 3.4, page 55).
 - (2) The Council are not proposing significant retail at HT (even assuming that it could be a draw for shoppers from Tesco or elsewhere in town centre): inclusion within Primary Shopping Area (Plan 4.1, page 76) incoherent. No anchor at all. Moreover will not help existing town centre traders.
 - (3) HT and harbour already tourist route and attraction/drop off for coaches etc, with good connections to town centre (e.g. Garden Walk or several points along Harbour Road).
 - (4) Car park – can already park at harbour.
 - (5) Already substantial footfall.
 - (6) Hotel - “may or may not” go ahead at HT (AAP Appx 1, page 14) (moreover policy Brid TC 9 (4) anticipates hotel may go to seafront): sits ill with claim that HT vital “catalyst” (1.41 of AAP) for investment. Moreover, AAP envisages that hotel may go ahead on southern fill area rather than Harbour Top. ‘Need’ for proximity to Spa, town centre and sea views: e.g. Mr Gresham’s boating pool suggestion rejected yet accords with these requirements: is there a fundamental difference in location?
- Jacobs report/deliverability
 - Ex post facto evidence base yet only draft and incomplete (though presumably Jacobs authorised the release by the Council (Mr Lister) of excerpts of their report in ED 22 Matter 2, Appendices 2.1, 2.3 and 2.5). NB not jointly commissioned.
 - AAP brought to inquiry before Technical and Business Case. Therefore no robust evidence at time of consultation to support AAP. The indications now are, moreover, to the contrary.

- Jacobs report is essential to demonstration of deliverability yet Mr Lister claims AAP not dependent upon it (pre-hearing meeting and Monday) – incoherent.
 - Significant viability concerns (Mr Trevitt) obviously go to deliverability. Analysis of the detail leads the HC to question whether the February 2010 scheme (which was, in any event always subject to that detail including phasing), is viable and deliverable. JL dredging – (i) HC (ii) substantial additional costs have to be paid for by HC (NB may need to find alternative environmentally satisfactory location for additional deposit, with inevitable increase in costs).
 - Reference in draft report to matters potentially not being “insurmountable” (p.61) does not demonstrate that solutions are affordable. Engineering solutions are always at a cost. Further: “issues which are still to be resolved ...” (5 are specified) – yet all issues still to be fully discussed and agreed. Indeed although HC had always understood that southern area etc would come first, there is no commitment to this (and the evidence – see below – now clearly suggests the opposite).
 - Sufficient detail is highly relevant to demonstration of likely viability and no sound basis for supporting marina/harbour proposals in absence.
- Phasing – Wednesday – assertion was that southern area of fill *may* be undertaken first but assertion is contrary to all evidence:
 - “finance ... to permit the delivery of Burlington Parade in advance of the Marina” (ED19 The Marina - page 8 paragraph 36)
 - “deliver very substantial regeneration benefits in advance of the Marina” (ED19 Matter 3, Burlington Parade, page 4, para.12 (iv)).
 - “essential ... develop the Harbour Top in advance of the Marina” (ibid, para.13).
 - Phasing Note (July 2011) page 2 “do now require ... early release of the Harbour Top”; and page 3 (6) “the Harbour/Marina Works beyond the initial Harbour Top scheme can now be phased ...”
 - EDO2 page 14, para. 2.4.2 “development will be phased to deliver the highest value opportunities first (...Harbour Top).”
 - June ED02 Council’s responses: page 6 “the funding mix for the Marina will be: Disposals of the development opportunities ...

residential and commercial uses .. associated with the Marina”; page 7, para. 1.4.4: “not ... be funded under current market circumstances”.

- Funding re marina is only to provide further studies (ED06 para. 1.3(a)).
- AAP 3.28 “if developers are to be enjoined to invest .. they will need to be confident ... that the ...[HT works] will be delivered”. See, too, para. 3.29.
- Councillor Parnaby (leader of Council) September 2010 press statement that Council not able to fund marina (paragraph 2.9, page 7 of December 2010 HC/BW representations). ED 22 Matter 2, page 8, paragraph 29: this does not suggest that the capital presently exists.
- HT is said to be the essential catalyst for BP – this suggests that the Council fully intend to develop HT before southern area of fill/new tidal basin.
- Phasing proposals not costed (indeed proposals have not been determined). May be additional reason why Leigh Fisher were asked to identify funding sources.
- “Quart into a pint pot”

Unless southern area etc in place early, real potential for conflict of uses (hotel, residential, retail including parking, general public car parking, harbour office, fishermen’s needs (stores, vehicular parking (cars, vans and lorry) and transfer of equipment), commercial deliveries, substantial boat hoist, vessel maintenance building, tourists/recreational walkers, “grand harbour entrance”, possible harbour square, possible gypsy race water feature.

- Marina

- Even if PLB report (2008), properly interpreted, was that 250 berth projection was not based upon the continued strength of the economy, in respect of that figure of 250:
 - The 2006 participation survey upon which it was in part based is now out-of-date (latest survey referable at least in part presumably to present state of economy);
 - Since the PLB report, Whitby and Scarborough have each increased their number of berths.

- The figure of 250 is therefore no longer sound.
- In respect of the economy-based figure of 70 berths, clearly the healthy economy no longer pertains.
- At a time of very great economic difficulties which may well worsen and/or persist throughout the whole (or a very substantial part of the) plan period (even the Council in Opening referred to next 5-6 years as “bleak” (and are we even at the “bottom of economic cycle”)? (ED22 Matter 2, page 10) – is it sensible to proceed with a 320 berth marina? See, further, the changes that were not anticipated at time of front-loading visit (ED02, page 9, paragraph 2.1.3. Note too the changes even since ED22: “[the economy] has returned to growth”. We can understand why the Council are wishing to delay the marina. That should lead to the removal of the proposal.
- The HC have introduced pontoons and will introduce more in the New Year. The RYYC support the HC’s proposals and understand the risks to the harbour. This is contrary to the assertion of the Council as to the RYYC’s position.
- The HC’s in-harbour-marina has not been compared and contrasted in terms of a cost/benefit analysis; and there is dispute between the Council and the HC as to the SA work/comparative scoring. Marina access same whichever option; and less dredging for in-harbour marina. A reasonable alternative which has not been considered properly.

Soundness

- Lack of justification for HT as part of BP
 - Not accord with national policy (PPS25, PPS4 – fishing, jobs, PPG20)
 - Evidence not robust and credible
 - Reasonable alternative not considered properly
- Plan not effective – proposed marina not deliverable, nor is the Plan flexible to cater for changes in circumstances.

Changes sought (to make sound)

- See overview above and suggested changes set out in December 2010 representations.

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