

**Bridlington Town Centre Area Action Plan
ERYC Notes of Examination Hearing - Matter 1
Monday 5 December 2011, 1:00pm**

Present

Inspectorate team in attendance:

Siân Worden, Inspector; Jane Strachan, Programme Officer

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

Graeme Keen (GK), Counsel

Nora Galley (NG), Partner, Roger Tym & Partners

John Lister (JL), Head of Bridlington Renaissance, ERYC

Alan Menzies (AM), Director of Planning & Economic Regeneration, ERYC

Stephen Hunt (SH), Housing & Spatial Strategy Manager, ERYC

Main Participants in attendance:

Richard Humphreys QC (RH), Counsel for Bridlington Harbour Commissioners (BHC)

Adrian James (AJ), Partner, Barton Willmore, for BHC and The Lords Feoffees (TLF)

Michael Charlesworth (MC), Councillor, Bridlington Town Council (BTC)

Gordon Gresham (GG)

Barry Guildford (BG)

Geoff Pickering (GP)

Introduction & Opening Statement

- 1.1 Siân Worden, the Inspector, opened the proceedings introducing herself and the Programme Officer, Jane Strachan. Housekeeping arrangements for the meeting were then covered.
- 1.2 The Inspector noted the Core Documents List, Schedule of Matters & Issues for Examination, Hearings Programme/Agendas and Guidance Notes for Participants, copies of which were available from the Programme Officer or the examination website.
- 1.3 The Inspector described her role, which is to assess the soundness and legal compliance of the AAP, by considering whether it is clear, reasonable and justified, likely to achieve its objectives and complies with national and regional policy.
- 1.4 The Inspector noted that she was not looking for ways to improve the plan in general, but to consider elements of the plan that might be unsound and how it can be amended to make it sound.
- 1.5 Following the hearings the Examination will remain open, however no further evidence would be accepted unless specifically requested by the Inspector.
- 1.6 GK raised an objection on behalf of ERYC to the acceptance of BHC's written statement submitted on 2/12/11. GK noted the lateness of the submission, contrary to the Inspector's instructions at the Pre-Hearing Meeting and the Programme Officer's email to BHC dated 18/11/11 which asked for their further written statement as soon as possible. ERYC were not made aware that a further written statement was likely to be submitted.

- 1.7 GK noted BHC's 2/12/11 written statement commented substantially on the Interim Draft Harbour Business Plan, which was not currently in the public domain, but awaiting comments from BHC prior to production of a final draft.
- 1.8 GK suggested if the Inspector allowed BHC's written statement, ERYC would need to submit a detailed response.
- 1.9 RH noted his concern at the Pre-Hearing Meeting regarding the late timeline for production of the Business Plan. BHC wrote to the Programme Officer on 4/11/11 with a request to submit a further written statement and received a response on 18/11/11. BHC did not know ERYC were unaware of this and never intended for ERYC to be unable to respond.
- 1.10 GK reiterated objection to the lateness of the submission and noted that ERYC believe the Business Plan is not necessary to determine the soundness of the AAP.
- 1.11 The Inspector noted she had accepted BHC's further written statement as RH had raised the matter at the Pre-Hearing Meeting.
- 1.12 The Inspector asked ERYC if it would be necessary to postpone discussion of marina elements of the Hearings to allow production of a detailed response. GK suggested the Hearings proceed as scheduled, with the caveat that a written response would be forthcoming.
- 1.13 The Inspector invited ERYC to make an opening statement.
- 1.14 GK circulated copies to participants and read ERYC's opening statement. (document ED34 in the Examination Library)
- 1.15 The Inspector noted it had been planned to deal with Mr Seymour's submission as a written representation, but Mr Seymour has now requested to attend the Hearings to discuss his legal submission and this would be covered in the session on Matter 3.

Legal Requirements

- 1.16 '*In accordance with the LDS*' - The Inspector referred to p.26 of the East Riding LDS 2009–2012 (CD16) and noted the proposed date of submission was April 2010. The Inspector asked ERYC to explain the delay in submission.
- 1.17 NG noted there was a delay in preparation of the marina evidence base, in particular, allowing for completion of the Hydrodynamic Modelling Study (SD04 & SD05). Also, PINS offered ERYC a front-loading visit by a Planning Inspector, which ERYC took advantage of. The recommendations from this (CD09) led to some changes in the AAP.
- 1.18 The Inspector asked why it was necessary to produce a second preferred options AAP. JL noted changes in planning legislation necessitated further amendments which resulted in the need to re-consult at preferred options

stage. Also, the second preferred options AAP contained a revised marina footprint which had been agreed with key stakeholders and relevant statutory consultees.

- 1.19 RH asked for clarification of the consultation milestones. GK referred to the table of dates on p.1 of Matter 2 in ERYC's written statement (ED19).
- 1.20 SH noted the 2009–2012 LDS had been superseded by the 2011–2014 LDS (LD18).
- 1.21 *'In compliance with the SCI and consultation requirements'* - The Inspector referred to the proposed post-publication changes to the AAP (CD18.2) and subsequent addenda. The Inspector confirmed she was satisfied that they were necessary and agreed the proposed changes would not require the AAP to undergo further consultation.
- 1.22 The Inspector then referred to the post-publication changes to reinstate RSS (CD18.1) and asked if ERYC still proposed to make those changes. GK noted RSS has not yet been revoked however ERYC is mindful that it possibly will be in the future. NG noted advice from PINS was to put references to RSS back in the AAP whilst it is still in effect.
- 1.23 The Inspector referred to the proposed changes to the Sustainability Appraisal Report (CD18.3) and noted these are unchanged since submission. The Inspector asked if recent discussion with RSPB would require further amendments to the SAR. NG referred to a letter from RSPB dated 15/11/11 (ED20) which resulted in proposed amendment no.93 (CD18.2d) and subject to this, RSPB had withdrawn their objection. This amendment to the AAP did not require a proposed amendment to the SAR.
- 1.24 The Inspector confirmed she had no other issues on the Statement of Community Involvement (CD15) and invited the other participants to comment on the SCI.
- 1.25 GP acknowledged that ERYC had met the statutory requirements regarding consultation, however noted that during his time as an East Riding councillor for Bridlington South ward, a number of members of the public had complained to him about the difficulty in understanding the AAP. GP suggested that the indicative images used at consultation events were misleading and that it was not clear until late in the process what type of developments would take place on the harbour/marina land.
- 1.26 BG also noted that he believed the images used in the AAP and during consultation were inadequate and did not show what the harbour/marina is likely to look like when developed. BG referred to photo.1 in his written statement (ED19) which he considered gave an indication of the likely obstruction of view due to the type of development proposed by the AAP on the harbour. BG also raised an objection to the public having not been given the opportunity to be consulted on the additional detail contained in ERYC's written statements.

- 1.27 GK emphasised that all required consultation processes had been followed. NG referred to the Statement of Consultation (CD19) which summarises the consultation process at each stage of preparation of the AAP, with details of exhibitions, correspondence, advertisements and discussions with stakeholders. NG noted the plans and graphics were purely illustrative, to aid understanding of the type of developments likely to result from the proposed policies. JL noted the footprint of the marina shown in the AAP was agreed with BHC prior to publication.
- 1.28 GG noted he believes local people do not understand the scope of the AAP and that the public have not been fully informed.
- 1.29 JL provided details of the consultation letters sent out and exhibition events. The most recent event for the Publication AAP lasted 5 days at The Spa, which exceeded the requirements of the SCI.
- 1.30 The Inspector referred to BG's comments re additional written material supplied by ERYC and noted that she did not believe it materially changed the AAP and therefore did not necessitate further consultation.
- 1.31 NG emphasised that further consultation will be undertaken as specific development proposals come forward within the AAP area.
- 1.32 GP noted he believes ERYC's consultation materials were leading and designed to encourage a desired response. GP also suggested that ERYC Officers present at the consultation events imposed their own opinions on members of the public rather than allowing unbiased comments to be made.
- 1.33 '*Subject to Sustainability Appraisal*' – The Inspector had no concerns regarding the SAR but noted that matters re sustainability might be raised later in the Hearings.
- 1.34 '*Regard to national policy*' – The Inspector had no particular concerns re Planning Policy Guidance and Planning Policy Statements but mentioned specific PPG's might be discussed later in the Hearings. The Inspector asked ERYC if it considered whether anything in the Planning for Growth statement and Draft NPPF could affect the soundness of the AAP and how much weight should be given to those documents.
- 1.35 NG noted ERYC believe the AAP to be in conformity with PPG's and PPS's and that the Draft NPPF was relevant but not determinate. The Planning for Growth statement was helpful to the objectives of the AAP to improve growth in the town centre.
- 1.36 GG asked ERYC to provide a definition of what it considers to be the town centre boundary. The Inspector suggested it be discussed in the Hearing session on Matter 2.
- 1.37 '*Conformity with RSS*' – The Inspector asked ERYC if any of the consultation responses from Government Office for Yorkshire and the Humber had confirmed that the AAP was in conformity with the Regional Spatial Strategy.

- 1.38 The Inspector referred to para.14 of Matter 1 in ERYC's written statement (ED19) and the 'Appendix 2' amendment on p.4 of the proposed Post-publication Changes to Reinstate RSS (CD18.1) and asked ERYC if that was the proposed statement of conformity for the AAP. GK referred to the first three paragraphs on p.1 of CD18.1.
- 1.39 The inspector confirmed she was satisfied with ERYC's responses in their written statement on agenda items 6: '*Regard to Sustainable Community Strategies*' and 7: '*Screened for effects on any European Wildlife*'.
- 1.40 GP referred to the Draft NPPF and suggested that the quantity of documentation involved in production of the AAP was contrary to the aims of the NPPF in simplifying and reducing planning documents.
- 1.41 The Inspector referred to consultation comments made by GOYH regarding the repetitiveness of the AAP, however some of these had now been addressed and the Inspector believed it was not a matter that affected the soundness of the AAP. JL noted that much of the repetitiveness was removed following the PINS front-loading visit.
- 1.42 '*Proposals map*' – The Inspector asked ERYC if the existing Local Plan proposals map (LD16) would be amended to reflect removal of the AAP area. NG confirmed that it would need to be amended. The Inspector suggested it would be helpful to have a draft mock-up of the Local Plan map showing how it would be amended. NG said it would be provided as soon as possible.
- 1.43 The Inspector referred to the AAP Proposals Map (CD02) and noted her appreciation of the difficulty in achieving clarity with so much overlapping information however it was important that it be as clear as possible. The Inspector referred in particular to the readability of the Strategic Public Realm and Flood Zone areas.
- 1.44 NG noted an A1 version has now been produced which is easier to read, however further consideration would be given to the colours used. JL also noted a PDF version of the proposals map was being developed, whereby clicking on an item in the key would reveal a new map showing only that selected item. GK confirmed the final published AAP would include an A1 folded proposals map.
- 1.45 The Inspector suggested she would consider the Proposals Map further and possibly recommend some amendments for clarity.
- 1.46 '*Schedule of replaced policies*' – The Inspector noted that a number of the Local Plan policies being replaced by the AAP are not site-specific and would therefore still apply outside the AAP boundary. The Inspector asked how this could be made clear in the AAP and the Local Plan. NG said ERYC would give this issue further thought.
- 1.47 The Inspector confirmed she had no further issues on compliance with regulations re publication of prescribed documents, local advertisements and notification of DPD bodies.

- 1.48 Since there were no further comments from participants in relation to Matter 1 the Inspector adjourned the Hearing at 3:00pm.

**Bridlington Town Centre Area Action Plan
ERYC Notes of Examination Hearing - Matter 2
Monday 5 December 2011, 3:15pm**

Present

Inspectorate team in attendance:

Siân Worden, Inspector; Jane Strachan, Programme Officer

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

Graeme Keen (GK), Counsel

Nora Galley (NG), Partner, Roger Tym & Partners

John Lister (JL), Head of Bridlington Renaissance, ERYC

Alan Menzies (AM), Director of Planning & Economic Regeneration, ERYC

Stephen Hunt (SH), Housing & Spatial Strategy Manager, ERYC

Main Participants in attendance:

Richard Humphreys QC (RH), Counsel for Bridlington Harbour Commissioners (BHC)

Adrian James (AJ), Partner, Barton Willmore, for BHC and The Lords Feoffees (TLF)

Michael Charlesworth (MC), Councillor, Bridlington Town Council (BTC)

Gordon Gresham (GG)

Barry Guildford (BG)

Geoff Pickering (GP)

- 2.1 Siân Worden, the Inspector, welcomed participants back to the meeting and resumed the Hearing, referring to the agenda for Matter 2.

Preparation

- 2.2 The Inspector asked ERYC what the drivers were to the preparation of the AAP in advance of the Core Strategy.
- 2.3 NG suggested there was a pressing need to address market failure in the town centre and the high levels of multiple-deprivation. A plan-led basis was needed and the AAP was progressed in line with the JSP/RSS and provisions in PPS12.
- 2.4 The Inspector asked ERYC to provide a basic chronology.
- 2.5 NG referred to para.1 of Matter 2 in ERYC's written statement (ED19). Also, para.6 in the Executive Summary of the Second Preferred Options AAP (CD10) set out why a Second Preferred Options document was needed.
- 2.6 The Inspector asked how the relationship between the AAP and the existing Local Plan will work.
- 2.7 SH noted the advice from Government Office for Yorkshire and the Humber in 2004 was that the Joint Structure Plan could act as a Core Strategy under the new planning legislation, however following several Examinations where core strategies were found unsound, in 2007 ERYC began preparation of a new core strategy. ERYC has continued to use housing figures in the RSS until the Core Strategy is adopted. SH noted the Site Allocations DPD is running one consultation stage behind the Core Strategy.

- 2.8 BG referred to the Secretary of State's refusal of the 2003 marina scheme and suggested this was primarily due to the adverse effect on the environment / listed piers and not due to lack of a plan-led basis.
- 2.9 AJ noted as the AAP precedes the Core Strategy, the CS will have to be in conformity with the AAP. AJ referred to p.41 of the CS Further Consultation document (LD19a) and compared the number of housing units proposed for the whole of Bridlington (3,570) with the number proposed by the AAP (c.800). AJ suggested the number of dwellings in the AAP seemed disproportionately high. AJ also noted some of the AAP allocations for housing were within areas of flood risk and suggested there were other sites in Bridlington outside the AAP area that would be more suitable and sequentially-preferable in terms of flood risk.
- 2.10 NG noted the AAP is a plan for regeneration, within which housing is an important element of the proposed use mix and although it contributes significantly to Bridlington's housing requirement in the CS, it is not disproportionate. The evidenced market failure within the defined AAP boundary would satisfy exception tests consistent with PPS25, which states that regeneration is a material consideration.
- 2.11 NG also noted the Environment Agency has made clear it is happy with the AAP's approach and that the proposals will not adversely affect the flood risk of the town centre or elsewhere. Also, since it is proposed to further open up the Gypsy Race, the flood capacity of the town centre will be improved.
- 2.12 AJ disagreed that regeneration is a material consideration within PPS25.
- 2.13 GK referred to the 4th bullet in para.7 of PPS25 which states 'flood risk should be considered alongside other spatial planning issues such as regeneration'.
- 2.14 AJ referred to para.6 of PPS25 which states 'LPA's should prepare and implement planning strategies that help to deliver sustainable development by only permitting development in areas of flood risk when there are no reasonably available sites in areas of lower flood risk and benefits of the development outweigh the risks from flooding.
- 2.15 NG confirmed ERYC do not believe there are any other 'reasonably available' sites that would create the economic benefits to the town centre that the AAP seeks to achieve.
- 2.16 GP referred to a report of the ERYC Flood Review Panel, May 2008 (ED30) and asked if the AAP reflected the findings and recommendations of that report.
- 2.17 JL noted ERYC took account of EA's Flood Risk maps for Bridlington and have been in regular contact with the EA throughout preparation of the AAP.
- 2.18 BG suggested there is increased difficulty in obtaining buildings insurance for dwellings in close proximity to a water course, therefore ERYC could be building houses that are unsalable.

- 2.19 RH referred to PPS25 and suggested the consideration should be whether regeneration was more important than the potential for flooding? RH questioned to what extent the harbour needed regeneration.
- 2.20 MC asked if the town centre boundary would be decided at the Hearing. The Inspector noted she would take all comments into consideration.
- 2.21 GK referred to paras.1.39-1.45 in the AAP which further explain the reasons for development proposed within flood risk areas, including the Harbour Top, and reasons why it is likely that the exception tests will be passed.
- 2.22 The Inspector referred to the agenda item 'Changes made during process' and noted she had no further issues.

Area and Boundary

- 2.23 The Inspector noted she had no major issues regarding PPS12. The inspector asked ERYC if alternative AAP boundaries had been considered.
- 2.24 NG said the AAP boundary resulted from seeking to remove Brid20 from the existing Local Plan. NG noted BridTC15 included change of use policies within the AAP area which are not site-specific.
- 2.25 The Inspector asked if there was any evidence to support the selection of the boundary. NG referred to Appendix 2.1 of ERYC's 7/11/11 written statement (ED19).
- 2.26 GP referred to the AAP boundary and noted the proposed policies for removal of protection of guest houses and hotels. GP said he was concerned as they are often replaced by homes of multiple-occupation, which can sometimes lead to social issues. GP suggested the AAP's proposal to change the primary shopping area will undermine investment in the town centre defined by the existing local plan and that it would have a negative impact on the tourism offer of the town. GP noted the Issues & Options AAP in 2006 included the Old Town which he felt at that time was positive, however the AAP now focuses specifically on the town centre area which could be to the detriment of other nearby areas. The Inspector suggested this could be discussed in more detail in the Hearing session on Matter 3.
- 2.27 BG noted he believes the AAP concentrates its efforts out of the town centre and questioned how increased spending in the town centre could improve it.
- 2.28 NG acknowledged the AAP does alter the primary shopping area however it does not significantly shift the town centre. NG noted as ERYC licences HMO's there is some control over their location. NG emphasised the AAP is a plan that required choices to be made based on evidence. The AAP seeks to create the conditions that will lead to increased footfall in the town centre, which can only help to serve existing traders.

- 2.29 MC noted ERYC recently renewed long-term leases to fun fairs on the sea front and suggested this appeared to be ERYC's true position, however it was contrary to the Town Charter and the AAP.
- 2.30 GP suggested the Tesco and retail units end of the town centre scheme would be a greater anchor than the Harbour Top end of the scheme due to the large number of parking spaces at the western end. This would therefore not create the pedestrian flow between the two ends.
- 2.31 BG noted he believes the town centre shopping area ends at the war memorial.
- 2.32 NG reiterated that the AAP seeks to benefit existing town centre shops by increasing footfall.

Spatial Vision and Objectives

- 2.33 The Inspector asked ERYC where the 'regeneration strategy' that the AAP refers to could be found?
- 2.34 NG noted the AAP as a whole is the proposed strategy, and the developments that make up the majority of the strategy are contained in policies BridTC3 to BridTC8.
- 2.35 The Inspector referred to the structure of the AAP and noted she proposes to leave policy BridTC1 as it is, however the Inspector still had some concerns regarding BridTC2, similar to those indicated at the Exploratory Meeting.
- 2.36 The Inspector asked ERYC if it was an oversight that BridTC2 did not refer to the Strategic Public Realm. NG agreed BridTC2 ought to contain references to the SPR. GK suggested if it could be added as a minor amendment, ERYC would draft a further addendum to the Post-Publication Changes document. NG noted ERYC believes the inclusion of policy BridTC2 is necessary and justified.
- 2.37 The Inspector referred to the consultation process and noted LPA's must show that public comments have been taken into account. The Inspector asked ERYC to demonstrate how comments have been taken into consideration during preparation of the AAP.
- 2.38 NG noted ERYC has responded to each individual comment in a Report on Consultation produced at each stage (CD08, CD11 & CD13), incorporating some comments into subsequent versions of the AAP or explaining why other comments have not been incorporated.
- 2.39 AJ said BHC and TLF have responded at each stage of consultation and noted in the Report on Consultation for the Preferred Options AAP the response simply says that discussions are on-going.
- 2.40 BG suggested the option of 'do nothing' has not been considered by ERYC.
- 2.41 AJ noted PPS12 states that an AAP should be the result of a consensus.

- 2.42 GP noted he believes comments in the reports on consultation have been portrayed in a sympathetic way towards ERYC.
- 2.43 JL referred to AJ's comment regarding consensus and noted the 2004 regeneration strategy consultation analysis report (LD02).
- 2.44 The Inspector asked ERYC for evidence of consideration of sustainability issues such as the proposed size of buildings on the Harbour Top.
- 2.45 NG noted the Sustainability Appraisal (CD03) takes into account the proposed scale and mix of development.
- 2.46 Since there were no further comments from participants in relation to Matter 2 the Inspector adjourned the Hearing at 5:10pm.

**Bridlington Town Centre Area Action Plan
ERYC Notes of Examination Hearing - Matter 3
Tuesday 6 & Wednesday 7 December 2011, 9:30am**

Present

Inspectorate team in attendance:

Siân Worden, Inspector; Jane Strachan, Programme Officer

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

David Elvin QC (DE), Counsel

Nora Galley (NG), Partner, Roger Tym & Partners

John Lister (JL), Head of Bridlington Renaissance, ERYC

Stephen Hunt (SH), Housing & Spatial Strategy Manager, ERYC

Main Participants in attendance:

Richard Humphreys QC (RH), Counsel for Bridlington Harbour Commissioners (BHC)

Adrian James (AJ), Partner, Barton Willmore, for BHC and The Lords Feoffees (TLF)

Michael Charlesworth (MC), Councillor, Bridlington Town Council (BTC)

Michelle Bath (MB), DPP, for Tesco Stores Ltd

Collette Tyler (CT), Collette Tyler School of Dance

Gordon Gresham (GG)

Anthony Western (AW)

Barry Guildford (BG)

Geoff Pickering (GP)

Colin Seymour (CS)

- 3.1 Siân Worden, the Inspector, welcomed participants to the meeting and resumed the Hearing, referring to the agenda for Matter 3.
- 3.2 The Inspector noted it was suggested at the Exploratory Meeting that an accompanied site visit and boat trip would be beneficial to the Inspector's understanding of the issues. The Inspector said she was happy to do this and asked the PO to liaise with BHC and ERYC to make the necessary arrangements. RH suggested the harbour tour and boat trip could take place on the afternoon of 9th December.

Burlington Parade

Consistency with National Policy and AAP objectives

- 3.3 The Inspector asked ERYC if it considered the AAP to be in conformity with PPS4 and in particular, EC3.1. NG confirmed ERYC believes the AAP to be consistent with EC3.1 and PPS4 in general.
- 3.4 The Inspector asked ERYC if it considered Burlington Parade to be an extension of the town centre. NG confirmed that it would be, for the reasons discussed at the previous Hearing session.
- 3.5 The Inspector asked ERYC if consolidation had been fully considered. NG said it had been considered and noted in particular the circuit to direct and concentrate pedestrian flows.

- 3.6 DE suggested a useful comparison could be made between Plan 3.2 (the Burlington Parade masterplan) on page 41 of the AAP with Plan 4.1 (the Primary Shopping Area) on page 76. DE noted the point of the AAP is to create a viable retail circuit. Bridlington is losing retail spend to other towns, in particular from its own residents. An environment needs to be created where Bridlington town centre can retain that spending.
- 3.7 BG noted ERYC says that the AAP will benefit small traders however BG suggested that people will only make use of the new larger shops.
- 3.8 AJ referred to PPS4 and in particular the points on flexible policies. AJ noted TLF are concerned re the flexibility of the Burlington Parade proposals. AJ referred to a recent planning application for a multi-storey car park submitted by TLF. AJ suggested it would represent a significant investment in the town centre however the plans as submitted were for more spaces than those proposed in the AAP. AJ noted it was refused at Planning Committee. AJ suggested this demonstrated the detrimentally inflexible nature of the AAP.
- 3.9 GP noted Bridlington's residents have been asking for a multi-storey car park for a long time and suggested it would bring about significant regeneration. GP noted he had not seen any justification or research to validate the planning refusal.
- 3.10 MC noted he could not understand how the Gypsy Race could be made to become a pedestrian thoroughfare as proposed.
- 3.11 MC asked the Inspector for permission to submit some relevant local press cuttings to the Examination Library (ED31).
- 3.12 MB suggested the AAP's lack of flexibility meant that it would not be able to adapt to changes in economic climate. MB referred to Tesco's proposed re-wording of policies and noted she had not seen a response from ERYC. DE noted ERYC addressed this in para 3.2 of its response to Participants' responses (ED22).
- 3.13 AJ referred to PPS4 and noted a particular concern of TLF is that they own significant property in the town centre (approx 50 commercial and 28 residential lets). AJ noted he is not convinced that the AAP won't dilute the existing town centre.
- 3.14 The Inspector asked ERYC to respond to the various points.
- 3.15 DE referred to the point on consistency with EC3.1 and noted that the AAP seeks to address matters at a local level. In 2003 the Inspector acknowledged the decline in the town centre. The further history of decline is evidenced in LD01 and LD09. DE noted the idea was not to segregate tourism uses but to improve commercial uses for year-round spend.
- 3.16 NG referred to the AAP's flexibility and noted ERYC does not wish to prevent TLF from investing in a car park. NG suggested that, had TLF sought to invest in a car park before the AAP had been progressed, it would have likely

proceeded, however it now needed to take account of the proposals, particularly regarding the re-alignment of Beck Hill and the Gypsy Race and it must also comply with the recently introduced Bridlington Quay Conservation Area.

- 3.17 DE suggested the recent planning refusal for the multi-storey car park was not a soundness issue for the AAP.
- 3.18 NG suggested that, in order to improve the level of retail spend, new retailers needed to be attracted to the town, however many of those new retailers are looking for larger retail areas than Bridlington is currently able to offer.
- 3.19 DE referred to the tables of figures on pages 12 – 13 of the Bridlington Town Centre Retail Capacity Update (SD09).
- 3.20 JL referred to the proposal for a new bridge at Beck Hill and noted the initial estimated cost of between £1.5m - £1.6m which is included in the Council's proposed works on the town centre.
- 3.21 NG noted the costs of infrastructure are summarised in the 'Approach to the Development Appraisals of Burlington Parade' (ED06).
- 3.22 GP suggested that no one was disagreeing that market forces were to blame for Bridlington town centre's decline, however GP noted he did not agree with the scale of intervention proposed by the AAP. GP said he would prefer to see inward investment in the existing town centre.
- 3.23 BG noted ERYC had used the word 'evidence' approx.150 times throughout the examination documents and suggested that this inferred that the details were factual, however BG noted that he believed that in many cases the information contained in the AAP and its supporting documents were based only on professional opinion.
- 3.24 MC suggested the figure of £1.5m for a new bridge at Beck Hill had been underestimated and that a new bridge was not necessary.
- 3.25 AJ suggested lack of flexibility in the AAP would impair investment in the town centre.
- 3.26 RH asked ERYC to indicate where in the evidence base it was shown that private investment would not take place in Burlington Parade if the Harbour Top development did not happen.
- 3.27 GP noted he had heard a lot about the twin-anchor concept, whereby both ends of the scheme are equally weighted, creating a pedestrian draw between the two. GP suggested the new retail units at the West end of the scheme would be a larger draw than the harbour top development at the other end, therefore a balanced pedestrian flow would not be achieved.
- 3.28 DE suggested the purpose of the Harbour Top development was to create the proposed circuit. NG noted that despite current times of austerity,

investment is continuing and ERYC wishes to create an environment that will encourage investment in the places that will be most beneficial to the town centre.

- 3.29 BG suggested the plans did not show the retail circuit incorporating the harbour top. NG noted the Harbour Top is included in the Primary Shopping Area on Plan 4.1 in the AAP.
- 3.30 GP suggested the proposed Flemingate development in Beverley could affect the retail catchment for Bridlington.
- 3.31 MC noted ERYC Cabinet has declared the Coach Park as surplus to requirement. MC asked ERYC to explain where the coaches will park in future. The Inspector noted this issue would be addressed later in the Hearing.
- 3.32 GG noted he believed the AAP's evidence base could not be relied upon as it was based on 2006 expenditure.

Mix of Uses and Evidence

- 3.33 The Inspector asked ERYC to respond to the claims made that the retail data was out-of-date.
- 3.34 NG noted the data had been updated within the defined catchment. Industry standard methods had been observed in preparing the market data evidence. NG referred to AAP paras 1.22, 3.11 and Appendix 1.
- 3.35 RH asked ERYC for details of any evidence that shows Burlington Parade would not work without development on the Harbour Top.
- 3.36 NG noted the harbour top is included because of its physical proximity to the existing town centre core, with the harbour itself being a much under-utilised asset for the town's appeal as a place to live and visit. The AAP asks the harbour to play a greater role in the town centre, with the harbour top functioning as part of it and one of the 3 principal anchors in restructuring the town centre explained in paragraphs 1.39-1.44 of the AAP, and ED19 Paras 12-14. The harbour top will attract new footfall in its own right and its location will help to direct it so that it also benefits the existing town centre core. The delivery of the harbour top development signals a new future for the town that is essential to giving developers the confidence needed to make the rest of Burlington Parade deliverable.
- 3.37 DE referred to pages 12, 23 & 24 of the Bridlington Urban Renaissance Town Charter (LD09) and para 4.16 of the 'Approach to the Development Appraisals of Burlington Parade' (ED06).
- 3.38 MB noted the difference between how the PSA is shown on AAP plan 4.1 and the Proposals Map and asked how this would be rectified. DE noted Plan 4.1 and the text in the AAP are correct however the proposals map is incorrect and will be amended to reflect Plan 4.1.

- 3.39 MB noted the dotted boundary on the West end of the PSA shown on the Proposals Map and suggested it was not necessary to differentiate this area from the rest of the PSA.
- 3.40 The Inspector asked MB to explain what she considered to be the dis-benefits. MB suggested it was not consistent with the other end of Burlington Parade and that both the retail development and the harbour top development should be dotted, or both fully included in the PSA.
- 3.41 DE provided further explanation by referring to AAP paras 4.9 – 4.12.
- 3.42 MC asked for clarification on the status of the Town Charter (LD09) and who approved it. DE noted pages 2 – 3 of the Town Charter which contained signatures of the representatives that endorsed the document in 2005, which included Chris Smith on behalf of the Town Council. DE also referred to paras 1.7, 1.41 & 1.43 of the Issues & Options Draft AAP (CD14) which explained the context of the Town Charter in relation to the AAP.
- 3.43 BG suggested that the housing units proposed on the harbour top were not necessary for the benefit of the town but instead were included simply to make money. BG also suggested the Coach Park should be made available to competitive bids instead of a closed deal.
- 3.44 RH quoted AAP paras 1.39 – 1.41 and suggested there was no evidence that Tesco would not invest in Bridlington without the Harbour Top development.
- 3.45 NG noted ERYC has committed to improving the Harbour's facilities as a consequence of the regeneration investment. The harbour top development would be carefully phased and would not put BHC at risk.
- 3.46 AJ noted the harbour is a working harbour, with 25% of UK lobster supply coming from Bridlington. AJ suggested Bridlington town centre could be improved but it would not require the harbour to do so.
- 3.47 The Inspector noted the difference quoted by BHC and ERYC in the approx number employed in connection with the harbour. AJ noted approx 400 people are employed as a result of the harbour. NG suggested that was an indirect number and that the number actually employed by the harbour was approx 80. DE asked AJ to provide his method of calculation. AJ agreed to come back on that point.
- 3.48 The Inspector referred to AAP para 1.13 and asked ERYC to explain where the evidence could be found that too many of the town centre's uses depend on seasonal activities.
- 3.49 DE referred to analysis shown on p.17-25 of the Bridlington AAP Retail Study (SD06). NG referred to the Strategy for Regenerating Bridlington (LD01) which contained statistics of comparison which showed retail as a suffering sector. Chapter 2 provided the context and chapter 3 gave performance measures. DE referred to table 3.11 on p.43 of LD01.

- 3.50 MC suggested any new development would overload the sewage system. JL noted Yorkshire Water (YW) is seeking to install improved sewage drains and storm water facilities. YW is aware of the AAP and Burlington Parade scheme proposals and is planning for those with additional measures.
- 3.51 GP asked for clarification re the retention of spending in the town and the number of tourists. NG noted the town centre is no longer sustainable with seasonal spending and the AAP contained a package of measures to address this.
- 3.52 The Inspector noted the proposals for a full-service hotel located near The Spa and referred to the evidence quoted in para 77 – 82 of Appendix 1 of the AAP. The Inspector asked ERYC to provide further justification.
- 3.53 NG suggested The Spa is doing well but would do much better with a nearby branded hotel. DE referred to chapter 13 of the Bridlington Destination Benchmarking and Visitor Survey (LD13). NG noted the Inspector in 2003 did not doubt that a major hotel would serve to improve The Spa and the town as a whole.
- 3.54 AJ noted the AAP recommends a hotel development located on the harbour top. AJ suggested this would adversely impact harbour operations.
- 3.55 GP suggested the inclusion of proposals for a new hotel development is one of the reasons for removal of the protection of guesthouses. GP expressed concern that existing businesses could be negatively affected.
- 3.56 BG noted he believed there was nothing in the AAP that demonstrated how the town centre would become all-year-round use.
- 3.57 CT noted she was the owner of a dance school within the proposed scheme area and that ERYC would not confirm where she would be required to move to. DE noted it was ERYC's intention to provide equivalent freehold reinstatement, but the exact location could not be determined at that time.
- 3.58 CT said she was concerned that a new location would not be as prominent as the existing location on Springfield Ave, particularly re taking advantage of passing trade. NG said that ERYC were well aware of importance of the need a location that has the same benefits as the present one. The exact details cannot be available yet. ERYC does not want to lose this valuable service and important business, and 'equivalent reinstatement' would be offered.

Feasibility and Deliverability

- 3.59 MB noted there had been an exchange of correspondence between Tesco and ERYC, with draft Heads of Terms currently in circulation. MB said she would check with her client if the correspondence could be submitted to the examination library. MB suggested that Tesco would be unduly constrained on their existing site by the AAP if they are unable to reach an agreement with ERYC on the coach park site.

- 3.60 DE noted the AAP does not and should not seek to improve the commercial operations of Tesco.
- 3.61 JL confirmed ERYC's commitment to proceed with Burlington Parade by referring to the Sept.2010 Cabinet Report (LD14) and the town centre properties acquired to date.
- 3.62 RH referred to para 4.16 of ERYC's 'Approach to the Development Appraisals of Burlington Parade' (ED06) and suggested re the harbour top that the purpose of the note was to reassure the Inspector that the proposals are viable and up-to-date. RH asked if any non-commercially-sensitive statements could be provided as evidence that investors would not invest in Burlington Parade without the harbour top development. RH noted TLF and Tesco are prepared to invest irrespective of the harbour top development.
- 3.63 DE emphasised the need for the harbour top as part of Burlington Parade to redress the evidenced economic decline and enhance the harbour's position as one of the town's main assets. DE noted the Town Charter also recommends development of the harbour.
- 3.64 GG noted there was already a hotel on the harbour top, which he suggested was currently underused.
- 3.65 RH noted BHC did not accept that there was currently a lack of connection between the harbour and the town centre.
- 3.66 BG suggested the proposals as shown would potentially eliminate disabled access to the harbour.
- 3.67 MC noted the Inspector for the 2003 Yorkshire Marina did not agree with the inclusion of offices and residential use on the harbour.
- 3.68 The Inspector asked ERYC to explain the 'free-riding' principle referred to in its written statements. NG explained that the free-riding principle means that other developers 'ride' on the back of the value created by a first developer without having to share that developer's costs or risks. Tesco is an important investment lever but is far from the only type, quality and scale of development that is required to deliver the whole of Burlington Parade. The Harbour Top is the prime site overlooking the sea and delivery could proceed in a reasonably short timescale. Competition for the Harbour Top site will create developer confidence which will spill over into the benefits and values of the other developments. The role of the Harbour Top is therefore critical. Also, in its current state it is not helpful in attracting the sorts of investment needed in the town. The investment challenge is not the LTF car park or the supermarket – instead it is all of the other development, and it is that which provides the justification for the Council's investment in the infrastructure.
- 3.69 The Inspector noted any other comments re harbour top would be addressed during the Marina section of the Hearing.

- 3.70 The Inspector asked ERYC if an alternative site had been identified for provision of coach parking. JL noted that when permission was sought from Cabinet to dispose of the site it was with the condition that an alternative site would be identified in due course.
- 3.71 The Inspector asked if it was envisaged that a replacement site would be coach-parking specific. JL confirmed that it would be.
- 3.72 MC suggested a coach park on the edge of town would be too far for people to walk. DE explained the proposed improved drop-off and pick-up locations in the town centre scheme.
- 3.73 The Inspector asked participants if there were any further issues regarding flood risk. None were given however DE noted that the AAP makes it clear that developers must comply with the sequential tests in PPS25.
- 3.74 The Inspector referred to the grade II listed South pier and noted that she was aware that English Heritage's issues had been overcome by HE9 in PPS5.
- 3.75 NG said that it is possible to develop the Harbour Top and preserve and enhance the character and appearance of the conservation area. The Harbour Top is covered by the Conservation Area Character Assessment that is underway and which will involve still further consultation with English Heritage. Some of the present harbour buildings have a detrimental impact on the conservation area and setting of the listed buildings, and the new development provides an opportunity to redress this and enhance the character and setting. NG noted that English Heritage do not object and consider that PPS5 provides a set of tests that, once applied, will provide the protection required. NG referred to Appendix 3.10 of ERYC's written statement which showed the reduced impact on the listed piers compared with the 2003 Yorkshire Marina. NG confirmed that the SPD would also be revised following the completion of the Conservation Area Character Assessment, and that too will involve close work with English Heritage. The benefits set out in the detailed CACA and modified SPD would need to adhere to PPS5 and respond to the tests.
- 3.76 BG suggested the loss of view from South Cliff Gardens would have a detrimental impact to visitors.
- 3.77 AJ acknowledged the difficulty in the presently unavoidable lack of development detail.
- 3.78 GP suggested there was an imbalance of detail in the AAP by referring to the prescriptiveness of proposals at the west end of Burlington Parade vs the lack of development detail on the harbour.
- 3.79 BG noted the Inspector in 2003 disagreed with filling against or over the listed South pier and noted this was being proposed again.

- 3.80 CS noted he could not find the reports of the listed buildings and environmental assessors from 2003 in the Examination Library. DE noted they were documents LD15b and LD15c.
- 3.81 DE referred to English Heritage's response in the Report on Consultation of the 2nd Preferred Options Draft AAP (CD08) and noted they are satisfied in principle. DE said ERYC would discuss in more detail with English Heritage at the appropriate time as and when development proposals come forward.
- 3.82 GP suggested the level of detail available at the consultation events was not the same as the details now available and therefore the consultation materials were misleading.
- 3.83 BG suggested that a low objection rate did not constitute overall support from the town. BG agreed with GP that the plans circulated during consultation were unclear as to the proposed developments. BG referred to his copy of ERYC plan 'S222' of the town centre scheme. JL noted that plan had been drawn by West8 some time between 2007–2009 and had since been superseded.
- 3.84 The Inspector asked participants to describe what they believed would be the likely effect on the existing town centre shopping area.
- 3.85 GP referred to the sea front area and noted concern that shopping could be displaced to the new larger retailers. GP suggested that many of Bridlington's town centre buildings are owned by local landlords and that if more multi-national retailers are brought into Bridlington there could be a reduction in rental income retained within the town.
- 3.86 MC suggested the bank of the Gypsy Race would not be able to support the kind of developments proposed and that erosion would occur if the flow is increased as proposed.
- 3.87 JL noted any necessary engineering works to protect the re-aligned Gypsy Race would be undertaken.
- 3.88 The Inspector noted she was happy with written responses as to how the scheme was proposed to be funded.

Detailed Requirements

- 3.89 The Inspector asked MB if her client had any more concerns regarding soundness. MB had no further comments relating to soundness but noted her client's proposed policy re-wording to allow more flexibility as it was her client's belief that the AAP was too prescriptive. In particular, MB recommended removal of the first three paragraphs of BridTC3. MB noted most of the other proposed amendments address repetition within the policies.
- 3.90 NG noted ERYC believes the first part of BridTC3 to be helpful, particularly to avoid the cost of a competitive bids process. NG noted BridTC3.10 should say 'SPD' not 'AAP'.

- 3.91 MB asked ERYC to clarify if BridTC3 was the 'masterplan' for the area. NG explained that BridTC3 fixes only parts of the Burlington Parade masterplan, and these fixes are also in the Proposals Map, and referred to Appendix 3.2 of ERYC's written statement (ED19).

The Marina

Consistency with National Policy and AAP objectives

- 3.92 The Inspector noted that PPS5 had already been covered.
- 3.93 The Inspector asked ERYC if it considered that the assessment requirements in PPG20 Coastal Planning had been satisfied. DE noted a Habitats Regulations Assessment Stage 1 Screening and Stage 2 Appropriate Assessment had been undertaken (CD05 and CD22) and that Natural England was satisfied.
- 3.94 BG noted he believed that the developments proposed on the land shown as 'fill' on the harbour/marina were still unknown and very vague. NG referred to figure 'H' on p.128 of the Supplementary Planning Document (CD06) which provided an indicative cross-section of building positions and heights.
- 3.95 BG said he had not seen English Heritage's full response anywhere in the Examination Library. DE noted it could be found in the Regulation 28 Consultation Representations document (CD17).
- 3.96 The Inspector asked CS if it would be possible to discuss his legal submission at the Hearing session on the following day. CS agreed and noted that he had prepared a summary in response to ERYC's rebuttal of his 1-Dec-2011 further written statement in ERYC's opening statement.

Evidence

- 3.97 The Inspector referred to Table 12 on p.24 of the Bridlington Harbour Supply and Demand Study (SD03) and asked ERYC for clarification. DE noted 7.3% of the total UK population participate in some form of boating activity.
- 3.98 The Inspector asked BHC if there was currently a waiting list for harbour berths. BHC Harbour Master, Chris Wright (CW) confirmed that there was a waiting list of approx 30 small boats and 7 large boats and noted there were currently 80 berths in the harbour.
- 3.99 The harbour surveyor, Mark Trevitt (MT) noted that most of PLB's research was undertaken in autumn 2007 and suggested that the number of recommended berths were reliant upon the economic climate at that time, which had subsequently worsened.
- 3.100 DE noted that ERYC believes the report speaks for itself and that PLB regard the recommended number of berths as a robust projection. JL added that there was no objection to BHC installing new pontoons as it could only help to increase demand.

- 3.101 MT noted that Scarborough and Whitby are both currently increasing their number of berths, which would further affect the projected demand for Bridlington.
- 3.102 BG asked ERYC to confirm if it was aware of anyone who would actually fund and build the marina. NG noted that a number of funding sources had been identified in ERYC's written statements.
- 3.103 DE circulated a draft copy of the current local plan proposals map incorporating the AAP proposals map, to demonstrate how it would be amended.
- 3.104 The Inspector adjourned the Hearing at 5:15pm on 6/12/11.
- 3.105 The Inspector resumed the Hearing at 9:30am on 7/12/11.

Feasibility and Deliverability

- 3.106 The Inspector asked ERYC to explain if it considered the AAP would be sound if the marina was taken away or reduced or the harbour top land was removed from the Burlington Parade scheme and also to explain how the AAP relates to paragraph 2.9 of PPG20-Coastal Planning .
- 3.107 DE noted that Bridlington is the only designated coastal town not to have coastal zone policies and that the proposals were compliant with the saved local plan policies.
- 3.108 The Inspector asked CS to provide a summary of his written statements.
- 3.109 CS circulated two additional written statements – the first was a summary of his case and the second was a rebuttal to ERYC's 5/12/11 opening statement.
- 3.110 CS noted that ERYC intends to take the plan into an area of open sea beyond low water and suggested that this part of the plan was not lawful. CS noted that a Local Authority can only act within the law.
- 3.111 CS covered some of the points made in his representation (R46).
- 3.112 RH noted that Section 34 of the Harbour Act confirmed that it would be unlawful for BHC to sell land and property.
- 3.113 DE noted statutory authority is given to the Secretary of State, as evidenced by the 1996 and 2004 Harbour Revision Orders. Also, the Transport & Works Act extended SoS powers to include leisure uses. DE suggested that the public interest issue is not one for the AAP examination, but for a future stage of proceedings in the progression of development schemes. DE noted that there are statutory powers which overrule the 1837 Harbour Act referred to by CS.

- 3.114 DE referred to CS's point on jurisdiction and noted ERYC was not proposing any free-standing structures in the sea. The AAP harbour/marina indicative plan proposes to extend existing harbour structures, not build other free-standing structures. DE noted that CS's points did not change anything in ERYC's opening statement.
- 3.115 CS accepted that Compulsory Purchase Orders and Transport and Works Act Orders could be made and that 'accretions from the sea' would become part of the parish. CS noted that the area included land beyond the low-water mark and that everything would be acceptable once the relevant applications are approved, but until then, the proposals would be unlawful and the AAP should not be approved on that basis.
- 3.116 DE noted ERYC had nothing further to add re the issues raised by CS.
- 3.117 The Inspector noted that the previous Hearing session included discussion on the type of development that might be built on the harbour top land. The Inspector asked for the following discussion to be focused more on the harbour top's function as operational land, as it would affect the delivery of the marina and therefore the plan as a whole.
- 3.118 AJ referred to Table 8.3 'Summary of Assessment of Strategic Options' on p.93 of the Sustainability Appraisal Report (CD03) and noted that what the table sought to do was to measure the impact of the proposals against the strategic objectives. AJ suggested the appraisal did not consider costs or feasibility. The scoring against the strategic objectives was either positive or negative. AJ noted that the AAP harbour/marina scheme was assessed overall as 'neutral', scoring well on employment but with negative impacts re flooding and sustainability.
- 3.119 AJ suggested that when you look at the impact of both the AAP and BHC preferred schemes on heritage assets, the scores are the same despite the fact that there is significant difference in size of the two developments. AJ noted he would have expected BHC's scheme to have a smaller impact than the AAP scheme. AJ noted that the difference in scoring between the two schemes wasn't much and suggested it would not take much to make BHC's scheme the preferred option.
- 3.120 DE asked AJ to clarify what he was referring to as BHC's alternative scheme. AJ referred to Appendix A of their Regulation 28 consultation representation (CD17). DE noted it was different to the drawing submitted with BHC's written statement.
- 3.121 AJ noted the marina plan in the AAP had been agreed as an outline plan subject to discussion on details and phasing. AJ suggested that until recently, it had been assumed that the marina would precede the town centre scheme. BHC were ok with the AAP marina plan as it showed an area of fill to the south of the south pier and the provision of this land would have allowed BHC to relocate their present activities to that new land. AJ noted that due to the delays to the marina scheme, BHC were being asked to give up land on the harbour top ahead of availability of new land to the south, and to relocate their facilities by other means. AJ suggested this would make it

impossible for BHC to carry out their statutory duties, as the proposed land for relocation was not large enough to accommodate BHC's requirements.

- 3.122 AJ noted that, as discussions progressed on the revised approach and more details were made available to BHC, it became apparent there were a number of issues to be resolved. AJ suggested that the development platform was not large enough to accommodate the range of uses and vehicle movements proposed by ERYC. The 'fill' land would also include part of the existing harbour, with the loss of approx 30 berths. AJ suggested this would also have a significant effect on how the harbour operated. During harsh weather, the harbour experiences significant swell and making the harbour smaller could lead to increased swell. AJ suggested that the 'Clough Hole' infill scheme was an example of this.
- 3.123 AJ noted the most important consideration for BHC was that if they gave up the harbour top land they would no longer be in control of their own destiny. If the rest of the marina scheme south of the south pier did not come forward, BHC would be left without adequate operational land and reduced income.
- 3.124 AJ referred to the 2nd para on p.56 of the Draft Harbour Business Plan (ED29) which stated "Proposals which would restrict harbour operations until such time as the new development to the south of the existing site was ready to be occupied could have a disastrous effect on the ongoing operation of the harbour leaving current projections for future growth and development following the creation of the new facilities, unlikely to materialise".
- 3.125 DE suggested that, in order to understand the context in which Jacobs had made that statement, the Inspector would need to read more of the Draft Business Plan and Technical Study, especially regarding mitigation measures.
- 3.126 AJ referred to the final para on p.61 of ED29 which stated "It is acknowledged that this initial phase of the development is intended to be a temporary stage towards the creation of the overall vision for the new harbour at Bridlington. However, acknowledging that there may be a gap of several years between the initial land reconfiguration phase at the West End of the harbour and the completion of the overall harbour scheme, it is believed that the fragile balance which currently exists between the wet and dry sides of the harbour needs to be preserved until such time that the new harbour is completed".
- 3.127 AJ reiterated his comment from the previous Hearing session that BHC believe the harbour already has a good connection with the town centre.
- 3.128 AJ suggested that, had the business plan been progressed earlier and some of the issues it highlighted been resolved, a memorandum of understanding could have been reached by now. However, BHC believe the resolution of these issues are vital ahead of approval of the AAP.
- 3.129 AJ noted that, although agreement had been reached re the outline footprint of the marina, phasing and construction had not been agreed. Construction

works on the harbour top, without the marina land to the south, would make BHC's operations untenable.

- 3.130 MT noted the loss of berths would result in an unacceptable loss of income for BHC and there was currently no agreement between ERYC and BHC as to what land would be transferred between the two parties.
- 3.131 MC noted BTC's objections to ERYC's marina scheme and support of BHC's in-harbour scheme were published on the Town Council's website some time ago and since then, no opposing views had been received by BTC from their electorate of approx 31,000.
- 3.132 DE suggested the issues were not with the proposals but with careful phasing of the proposals so as not to prejudice BHC's position. DE referred to the second to last para on p.61 of ED29 which stated "Although some of the issues may have the potential to have a significant impact on the success of the development none of them are considered to be insurmountable".
- 3.133 DE suggested the role of the harbour top was not simply an issue of physical connection with the town centre, but about how its link could be improved functionally to help reverse the economic decline of the town centre. The AAP identifies the harbour top as a critical element of a newly functioning town centre. DE suggested that neither a new supermarket nor multi-storey car park alone would be enough to address the failing town centre economy.
- 3.134 DE noted that compensation against any loss of BHC income would be included in any agreed scheme.
- 3.135 JL referred to MT's comment on the unacceptable loss of berths. JL noted part of the proposed 'fill' land is currently a slip-way that does not accommodate berths and suggested the proposed wall would result in improved provision of berths.
- 3.136 JL noted issues regarding the Draft Business Plan being published prematurely and suggested it should not be relied upon in evidence as there was still much to discuss and agree between the parties.
- 3.137 JL referred to AJ's comment on harbour swell and noted the Jacobs report stated there were no insurmountable issues.
- 3.138 DE referred to plan "ip15/202 revB" in BHC's Oct.2009 representation and noted that the harbour/marina scheme being promoted by BHC at that time included development on the harbour top land.
- 3.139 DE noted the Sustainability Appraisal Report only deals with impact issues and not detailed design. DE suggested the fact that the scores are similar between the AAP marina scheme and the in-harbour scheme was not a surprise as there were various positive and negative elements for each scheme which balanced out.

- 3.140 RH referred to MT's capacity as the Harbour Surveyor and suggested that if MT had concerns about the marina scheme then, as the harbour surveyor, they should be given serious consideration.
- 3.141 RH noted BHC's issue was not simply a question of financial safeguarding and compensation, but of viability of the future operation of the harbour and the employment it supports. RH also noted BHC's concern that the Jacobs and Leigh Fisher reports were being produced at speed to coincide with examination of the AAP.
- 3.142 RH referred to ERYC's statement that the business plan was not necessary to determine soundness of the AAP. RH stated that, without the level of detail provided by a business plan upon which all parties are agreed, BHC are unable to support the proposals contained in the AAP, which affects the deliverability of the plan and is therefore a soundness issue.
- 3.143 RH noted BHC's position was not based only on their opinion, but on the recommendations from MT and Barton Wilmore. RH referred to comments on the harbour's connection with the town centre and suggested it would be better demonstrated during the Inspector's site visit.
- 3.144 DE suggested the relevant issue was not about physical connectivity but about improving the function of the town centre. DE also referred to the issues re development phasing and noted that no particular harbour top phasing option had been set in stone and that it would be entirely possible to reach a satisfactory outcome for all parties.
- 3.145 MT suggested it's possible for engineers to solve any problem but at an indeterminable cost, which was why the issue affected deliverability.
- 3.146 DE noted the level of experience and expertise employed in preparing the business plan, evidenced in the CVs attached from p.95 of ED29.
- 3.147 DE suggested RH was focusing attention on matters of detail, however the business plan stated that no issues were insurmountable.
- 3.148 DE noted para 3.43 of the AAP states "The Council undertakes to ensure that the works to the Harbour and to create the Marina will not compromise the ability of the Harbour Commissioners, operationally or financially, to satisfy their obligations as a Trust Port".
- 3.149 DE noted the AAP's policies recognise the importance of BHC and the harbour and afford the necessary protection. DE suggested the level of detail being raised by BHC did not affect the soundness of the plan. ERYC believes that the findings of the business plan - that none of the issues identified are insurmountable, is sufficient for the plan making stage.
- 3.150 The Inspector referred to the effect on the listed buildings and conservation area. The Inspector noted BHC's opinion on the importance of the reclaimed land to the south of the south pier. NG said that the evidence demonstrated that the benefits of regeneration would outweigh any harm and in any case that work was underway on a detailed Conservation Area Character

Appraisal. The Appraisal will provide the detailed information needed to ensure the proposed developments will be designed to take the opportunities needed to enhance the character and setting and limit any unavoidable detrimental impact

- 3.151 The Inspector suggested that summaries be given at the final hearing session.
- 3.152 It was agreed by the Inspector and all participants that the following day would provide enough time to sufficiently cover the remaining Matters, therefore it was proposed to make 8/12/11 the final Hearing session.
- 3.153 Since there were no further comments from participants in relation to Matter 3 the Inspector moved to the agenda for Matter 4.

Bridlington Town Centre Area Action Plan
ERYC Notes of Examination Hearing - Matter 4
Wednesday 7 December 2011, 9:30am

Present

Inspectorate team in attendance:

Siân Worden, Inspector; Jane Strachan, Programme Officer

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

David Elvin QC (DE), Counsel

Nora Galley (NG), Partner, Roger Tym & Partners

John Lister (JL), Head of Bridlington Renaissance, ERYC

Stephen Hunt (SH), Housing & Spatial Strategy Manager, ERYC

Main Participants in attendance:

Richard Humphreys QC (RH), Counsel for Bridlington Harbour Commissioners (BHC)

Adrian James (AJ), Partner, Barton Willmore, for BHC and The Lords Feoffees (TLF)

Michael Charlesworth (MC), Councillor, Bridlington Town Council (BTC)

Michelle Bath (MB), DPP, for Tesco Stores Ltd

Gordon Gresham (GG)

Anthony Western (AW)

Barry Guildford (BG)

Phyllis Foster (PF)

- 4.1 Siân Worden, the Inspector, continued the Hearing, referring to the agenda for Matter 4.
- 4.2 The Inspector proposed that ERYC respond to BHC's further written statement by 22/12/11, followed by a response from BHC by 13/1/12. ERYC would then be given a final opportunity to respond.
- 4.3 NG noted an error in BridTC3.10, where 'Marina and Town Centre AAP' should read 'Town Centre and Marina SPD'.
- 4.4 DE noted the report of the 'ERYC Flood Review Panel' referred to by GP had been taken into consideration in preparation of the AAP. The Inspector asked for the report to be added to the examination library. (ED30)
- 4.5 The Inspector referred to the proposed harbour tour and boat trip and noted that it would be dependant on fair weather, however if it was not possible the Inspector suggested it would not be essential to her determination of the AAP and it was unlikely that she would seek to re-arrange it.
- 4.6 NG referred to comments on the use of Section 106 funds and noted Appendix 6 of the Second Preferred Options AAP (CD10) and Table 3 of the 'Approach to the Development Appraisals of Burlington Parade' (ED06) provided further detail of costs and uses.
- 4.7 AJ noted the Strategic Public Realm shown on Image 3.4 in the AAP did not match the Proposals Map. DE agreed that the two plans were inconsistent and noted the Proposals Map would be amended to match Image 3.4 in both areas and numbering.

- 4.8 RH asked ERYC why the proposed 'Harbour Square' was not identified in the AAP or on the Proposals Map. NG noted the AAP did not seek to determine a specific area and that it was instead a matter of design detail.
- 4.9 MC suggested it would not be possible to achieve the proposals for Bridge Street due to the services installed beneath the road.
- 4.10 DE noted a precise scheme was not prescribed by the AAP and that engineering matters would be considered in due course. NG noted the anticipated engineering works had been considered in the cost estimations.
- 4.11 AJ suggested the Gypsy Race Park would require significant engineering works which would be costly and time consuming, the implications of which for TLF would be that it would unfairly delay investment in TLF's proposed multi-storey car park development. AJ suggested the AAP needed more flexibility.
- 4.12 DE noted development appropriate to the plan is welcomed. However, if a development proposal puts the proposed outcomes of the AAP and the greater public interest at risk, ERYC must consider this when making planning decisions.
- 4.13 MC referred to the restrictive covenant on sea-front land and noted that it states nothing must be constructed above road level adjacent the Spa. The Inspector noted she believed that details of covenants would not affect the soundness of the AAP.
- 4.14 DE noted there was nothing in BridTC6 that would be in conflict with any restrictive covenants.
- 4.15 The Inspector asked ERYC if it believed the AAP would prevent the funfair from relocating. NG referred to paras 3.66 – 3.69 of the AAP which considers the possible relocation of the funfair.
- 4.16 BG asked ERYC to confirm if English Heritage (EH) supported the reclaimed land adjacent to the listed south pier. DE referred to EH's representation in the report on consultation of the Second Preferred Options AAP (CD08).
- 4.17 BG asked for details on proposed building heights of the reclamation land developments. DE referred to the illustrative sections in chapter 9 of the Town Centre and Marina Supplementary Planning Document (CD06) and noted the SPD had been consulted on.
- 4.18 The Inspector asked if the AAP took the local transport strategy into account. JL confirmed that it did and referred to the Bridlington Integrated Transport Plan, which was Annex H of the East Riding LTP2 (LD03) and noted that the traffic model would soon be updated.
- 4.19 The Inspector asked ERYC why the re-alignment of Beck Hill would be necessary. JL referred to the proposal to make Beck Hill a primary route to

- facilitate the proposed town centre restrictions. The current alignment was considered to be unsuitable for use as a major route.
- 4.20 The Inspector asked ERYC if traffic volume increased significantly during the summer months. JL noted that it did and referred to the Park & Ride which currently operates April - October and helps to absorb some of the seasonal surge.
- 4.21 MC asked if the proposed changes to town centre traffic routes included King Street. JL noted that it was not proposed to open King Street to traffic however discussions have been held with the local bus operator on the possibility of creating a bus/coach drop-off and collection area on King Street, however ERYC believed this level of detail was not necessary for the AAP. MC noted BTC would like to see the reinstatement of car parking on King Street.
- 4.22 PF asked ERYC to provide evidence to support the further removal of parking in the town centre. AJ noted TLF are concerned about the removal of on-street parking which serves their properties.
- 4.23 NG noted the AAP was needed to reverse the economic decline of the town centre by creating a year-round shopping and leisure destination. The evidence demonstrated that the quality of the trading environment was less than desirable for a town of Bridlington's size. The proposals to address this included changes to traffic circulation and parking. The primary shopping streets needed to be given over to pedestrian priority and to locate principal parking in areas with easy access to the centre, thereby making the town centre more desirable to shoppers by creating more pedestrian space and less conflict with traffic movement.
- 4.24 DE referred to Bridlington Chamber of Trade's representation (CD17) and noted their support of the AAP proposals. Also, the list of consultees in the Statement of Consultation (CD19) showed a significant range of consultees, of which very few had objected.
- 4.25 PF suggested that, since pedestrianisation of King Street, many of its businesses had closed due to reduction in customers from lack of nearby on-street parking. NG pointed out that the connection between pedestrianisation and the closing of businesses is not factually correct.
- 4.26 MC asked where the market would be relocated to if King Street was opened to buses and coaches.
- 4.27 BG noted he'd not seen any evidence to support the further pedestrianisation of streets in the town centre.
- 4.28 DE directed BG to evidence set out in the Retail Study, the Survey of Businesses, the Atkins Report and the Transport Summary set out at SD10.
- 4.29 JL referred to the Access and Movement Strategy on p.66 of the AAP which highlighted routes into and through the town. JL pointed out that the AAP

explains that there would be further public consultation with any traffic regulation orders.

- 4.30 BG asked where buses would travel to and from. JL noted this had been discussed with the local bus provider and the Burlington Parade indicative proposals included new bus parking provision adjacent the train station.
- 4.31 BG asked ERYC to indicate the principal parking locations for the town centre sea-front area.
- 4.32 MC suggested that the market be relocated to Prince Street.
- 4.33 NG referred to the new and replacement public car parks shown on Plan 3.10 in the AAP. NG noted that the wealth of evidence suggested that it is advantageous to pedestrians to reduce traffic in the town centre. JL noted some of the traffic restrictions would only apply during trading hours.
- 4.34 RH asked ERYC why the proposed hotel location could not be on the boating pool site. NG referred to BridTC9.3 and noted the sequential preference was the harbour top or the marina or the town centre seafront. NG noted the AAP sought to locate the hotel to the best advantage of the town centre as a whole. The boating pool site was not identified as sequentially preferable as it lacked the necessary connection with the town centre.
- 4.35 Since there were no further comments from participants in relation to Matter 4 the Inspector adjourned the Hearing at 3:15pm.

Bridlington Town Centre Area Action Plan
ERYC Notes of Examination Hearing - Matter 5
Thursday 8 December 2011, 9:30am

Present

Inspectorate team in attendance:

Siân Worden, Inspector; Jane Strachan, Programme Officer

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

David Elvin QC (DE), Counsel

Nora Galley (NG), Partner, Roger Tym & Partners

John Lister (JL), Head of Bridlington Renaissance, ERYC

Stephen Hunt (SH), Housing & Spatial Strategy Manager, ERYC

Main Participants in attendance:

Richard Humphreys QC (RH), Counsel for Bridlington Harbour Commissioners (BHC)

Adrian James (AJ), Partner, Barton Willmore, for BHC and The Lords Feoffees (TLF)

Michael Charlesworth (MC), Councillor, Bridlington Town Council (BTC)

Barry Guildford (BG)

- 5.1 Siân Worden, the Inspector, welcomed participants to the meeting and resumed the Hearing, referring to the agenda for Matter 5.
- 5.2 The Inspector noted arrangements had been made for a site visit on 9/12/2011, 10:30am commencing at the harbour office.
- 5.3 JL submitted a document which contained 'before & after' photos of some of the completed regeneration projects and private investments in Bridlington between 2005 – 2010, as further background information for the Inspector (ED33).

BridTC9 – Sequential approach for major development

- 5.4 The Inspector referred to para.4 within policy BridTC9 where it states that schemes 'will not pose an unacceptable risk to the regeneration strategy for the AAP area'. The Inspector noted that the relevant risks are set out in BridTC10 and suggested a minor amendment to cross-refer to that policy within para.4 of BridTC9.
- 5.5 The Inspector asked participants if they had any other comments regarding BridTC9. None were given.

BridTC11 – Design for the built and natural environment

- 5.6 MC suggested the design of any new developments should reflect the existing architecture of the town centre. MC noted he believed the new retail development on Chapel Street was not in keeping with nearby Edwardian and Victorian style buildings.
- 5.7 BG supported MC's statement regarding architecture and suggested that Pembroke Gardens was also unsympathetic to its surroundings.

- 5.8 NG suggested style of architecture was not an issue of soundness. NG referred to paras.7 & 8 in policy BridTC11 which make assurances that proposals must be designed to relate well to adjacent or surrounding buildings. The policy also makes it necessary to comply with the Town Centre & Marina Supplementary Planning Document (CD06) which provides design guidance that is sympathetic to the historic features and character of existing town centre architecture. NG noted the SPD will be revised and re-consulted following examination of the AAP.

BridTC12 – Development statements in the town centre

- 5.9 AJ said he was unsure how development statements would work in practice, in terms of assisting planning applications to be made. AJ suggested pre-application discussion with the LPA seemed to be more beneficial than preparation of a development statement. AJ said it would only duplicate work which is already a required element of Design & Access statements.
- 5.10 NG noted the requirement for development statements is to help achieve good quality of design. The town centre is small and any major development would have an impact on its surroundings. NG suggested that once a planning application is submitted there is little opportunity for amendment, therefore the development statements are intended to assist the pre-application process.
- 5.11 The Inspector asked ERYC to explain what would be included in the proposed development statements that would not normally be covered by a Design & Access statement. NG referred to para.4.69 in the AAP and noted that development statements will be a key tool to ensure the high standards of design and sustainability necessary to achieve the regeneration objectives. DE noted development statements will help to front-load the resolution of any likely issues of conflict with the regeneration strategy.
- 5.12 The Inspector asked AJ if he believed Development Statements would affect the deliverability of development schemes. AJ suggested it would have an adverse effect as it would further delay the planning process.
- 5.13 MC noted the AAP proposed c.800 new housing units and suggested it would be beyond the sewage capacity of the town centre.
- 5.14 DE referred to AJ's suggestion that the inclusion of Development Statements affected the soundness of the plan and stated ERYC does not believe it is an issue of soundness.

BridTC13 – Shopping, leisure and hotel development

- 5.15 The Inspector asked participants if they had any comments regarding BridTC13. None were given.

BridTC15 – Housing

- 5.16 The Inspector asked ERYC to explain why it considered policy BridTC15 to be necessary.

- 5.17 NG stated that it was necessary to have a policy which encourages housing generally in the AAP area, not just Burlington Parade, and goes beyond the conversion of bed and breakfast and Houses in Multiple Occupation.
- 5.18 BG suggested there would not be a demand for c.800 new houses as there was, he believed, approx 900 houses in Bridlington currently on the market.
- 5.19 NG noted regeneration activity is closely linked to improved housing occupation with new population increasing demand and stimulating businesses and jobs. Due to the changes in tourism and the contraction of the seaside market B&B/guesthouses need somewhere to turn. The market needs to find an alternative use, which is one of the reasons why the AAP promotes the change of use back to housing. The other reasons are set out in the objectives for BridTC15. NG noted these types of change of use are also promoted in the emerging NPPF.
- 5.20 BG said he believed very few jobs had been created in Bridlington in recent years and could not see where approx 1900 new jobs would come from.
- 5.21 DE noted the aim of the AAP is to improve the job market and the economy in Bridlington. NG referred to sources of evidence on employment figures in the Strategy for Regenerating Bridlington (LD01).
- 5.22 BG noted the strategy was last updated in 2007 and suggested this could not be relied upon as the economic data was now out-of-date. NG stated that the economic and employment data have been kept up to date, as set out in Appendix 1 to the AAP.
- 5.23 MC suggested people would only use the 3hrs free parking at Tesco and the adjacent shops, which would therefore have a detrimental effect on the existing town centre traders. The Inspector noted that issues regarding Burlington Parade had been discussed in detail at a previous Hearing session.
- 5.24 RH noted BHC had provided a copy of their calculations on harbour employment to ERYC. DE suggested further discussion was needed as ERYC was not currently in a position to agree the figures.
- 5.25 RH referred to the issue raised by DE regarding the harbour plan attached to BHC's 2009 AAP consultation response. RH circulated copies to participants (Appendix 1 of ED32). AJ said the plan sought to demonstrate BHC's proposals to develop a marina facility within the existing harbour. AJ noted that the harbour/marina layout had been superimposed on an earlier plan produced by ERYC's urban designers, West8, which showed blocks of development on the harbour top. AJ noted that the plan was not suggesting that BHC were in agreement with the West8 elements of the plan. DE asked if that was confirmed anywhere within the consultation response. AJ referred to para.2.17 which states "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".

- 5.26 DE referred to para.2.21(iii) which states that BHC's proposal "provides adequate space for the top side development". RH noted this statement was not in support of the West8 indicative harbour top developments.
- 5.27 DE noted the document does not directly object to the indicative blocks of development shown on the Appendix 1 plan and suggested it would have been straightforward to remove those buildings from the plan if the Commissioners did not agree with them, or at least to have added a disclaimer that the buildings as shown on the harbour top land did not form part of the proposals.
- 5.28 BG suggested BHC's plan seemed sensible and achievable.
- 5.29 MC noted BTC also support BHC's in-harbour scheme.
- 5.30 RH re-affirmed that the West8 development blocks were included on the Appendix 1 plan in error. RH suggested the document be disregarded as it had been superseded by BHC's subsequent representation on the Publication AAP.
- 5.31 The Inspector noted Gordon Gresham was unable to attend the Hearing session and asked ERYC on his behalf for information on the likely funding gap. NG referred to the fact that the information he seeks is set out in 'Approach to the Development Appraisals of Burlington Parade' (ED06) and the ERYC Cabinet report 21-Sep-2010 (LD14).
- 5.32 DE asked the Inspector when she would like to receive an amended AAP Proposals Map. The Inspector suggested it be included with the response to BHC's further written statement.
- 5.33 Since there were no further comments from participants in relation to Matter 5 the Inspector adjourned the Hearing at 10:40am.

Bridlington Town Centre Area Action Plan
ERYC Notes of Examination Hearing - Matter 6
Thursday 8 December 2011, 11:00am

Present

Inspectorate team in attendance:

Siân Worden, Inspector; Jane Strachan, Programme Officer

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

David Elvin QC (DE), Counsel

Nora Galley (NG), Partner, Roger Tym & Partners

John Lister (JL), Head of Bridlington Renaissance, ERYC

Alan Menzies (AM), Director of Planning & Economic Regeneration, ERYC

Stephen Hunt (SH), Housing & Spatial Strategy Manager, ERYC

Main Participants in attendance:

Richard Humphreys QC (RH), Counsel for Bridlington Harbour Commissioners (BHC)

Adrian James (AJ), Partner, Barton Willmore, for BHC and The Lords Feoffees (TLF)

Michael Charlesworth (MC), Councillor, Bridlington Town Council (BTC)

Michelle Bath (MB), DPP, for Tesco Stores Ltd

Barry Guildford (BG)

- 6.1 Siân Worden, the Inspector, welcomed participants back to the meeting and resumed the Hearing, referring to the agenda for Matter 6.
- 6.2 The Inspector asked if agreement had been reached between ERYC and BHC on harbour employment figures.
- 6.3 AJ noted he had discussed with BHC and put together a list of those who are employed by, or dependent upon, the harbour for jobs. AJ provided a copy of the list to NG.
- 6.4 NG noted the AAP aims to preserve jobs and increase their number. ERYC has used the actual business register data and some variation in the figures remains. ERYC suggested it would provide further written commentary.

Managing Delivery

- 6.5 The Inspector asked participants for any comments regarding management mechanisms. None were given.

Flexibility / BridTC10

- 6.6 MB suggested BridTC10 was unnecessary as it was mostly duplication of provisions already made in BridTC3. MB also suggested that item '3a' in policy BridTC10 was contrary to PPS4. The key test in 'EC16.1a' of PPS4 would provide suitable assessment of any major developments coming forward in the Burlington Parade scheme area. MB suggested 'need' is not a test that applicants should have to demonstrate when making an application.

- 6.7 The Inspector asked MB if there were any other elements that would affect soundness. MB suggested lack of flexibility was a soundness issue due to the prescriptiveness of the plan.
- 6.8 DE disagreed, stating that BridTC10 was not contrary to PPS4. DE suggested MB's proposed amendments sought to improve the position for her client and not for the greater good of the town.
- 6.9 NG proposed a minor amendment to the wording of policy BridTC10 to make clear that it applies to the whole of the AAP area and not just to the BridTC3 area.
- 6.10 MB noted her particular concern with '3a' of the policy was the wording "sufficient occupier demand or expenditure", and suggested it would be better to reference EC16.1 of PPS4.
- 6.11 DE noted ERYC believed it would not be wise to refer to a national policy that the DCLG has stated will be replaced by the NPPF.
- 6.12 NG referred to para.41 in the Matter 6 section of ERYC's Nov.2011 written statement (ED19) and noted that BridTC10 seeks to protect the regeneration strategy as, until ERYC and its development partners own all of the necessary land, there is a risk that a proposal could come forward that would undermine the strategy.
- 6.13 The Inspector asked ERYC if it had considered and was able to comment on the alternatives discussed at a previous Hearing session regarding the removal of, or reduction of the marina scheme and/or Harbour Top development.
- 6.14 NG noted the evidence submitted to the Examination shows that the marina scheme as proposed is technically feasible and deliverable. There is no evidence that a reduced in-harbour marina scheme would work for the commercial fishing fleet and there is no evidence that removal of the Harbour Top development would achieve the integration needed with the Burlington Parade scheme to achieve the economic benefits for the town centre. The evidence shows that it will be possible to phase the introduction of developments on the Harbour Top to protect the interests and duties of BHC and the harbour users. NG noted the relevant statutory agencies are satisfied that the marina scheme as proposed is deliverable.
- 6.15 NG referred to the suggestion of removal of development on the harbour top and explained that the harbour top is an essential component both to restructure the town centre and to create the conditions required to increase investment in the established town centre core. It is an anchor use and connects with the opposite end of Burlington Parade whilst improving the connection of the harbour and the Spa with the town centre.
- 6.16 The Inspector asked ERYC to elaborate on why those particular options were essential to the soundness of the plan.

- 6.17 NG noted they were justified by the evidence and effective in that their delivery would achieve the social economic and environmental improvements sought by the AAP. DE added that there was no assessment put forward by any of the objectors to demonstrate how the alternative proposals would work to improve Bridlington's economy.
- 6.18 BG suggested none of the objectors had the resources necessary to prepare a viable alternative proposal for the town centre and that this should not be a reason for accepting ERYC's proposals.

Developer Contributions

- 6.19 The Inspector asked participants for any comments regarding developer contributions.
- 6.20 MB noted concern regarding the wording of policy BridTC3 and suggested ODPM circular 05/2005 would allow for any necessary infrastructure contributions in conjunction with the new CIL regulations.
- 6.21 DE asked MB to explain which part of circular 05/2005 the AAP did not meet. MB suggested the AAP did not meet the list of requirements in general.
- 6.22 MB asked how developer contributions would be calculated. NG noted full details are included in policy BridTC20 and Appendix 5 of the AAP.
- 6.23 MB asked when a charging schedule would be drafted and how it would sit alongside BridTC20 and Appendix 5 and whether these would be superseded. NG confirmed this would be the case at some point in the future and noted ERYC proposes to produce a draft schedule in April 2012. NG also referred to proposed minor change no.91. MB suggested para.9 of BridTC3 be amended to reflect this.

Monitoring

- 6.24 The Inspector asked ERYC to explain what action would be taken if monitoring showed significant slippage or failure of elements of the plan to come forward as proposed.
- 6.25 NG suggested ERYC would make any necessary changes as required.
- 6.26 BG asked for clarification on who would monitor the AAP's progress.
- 6.27 NG noted ERYC is required to publish an Annual Monitoring Report.

Summaries

- 6.28 Following a break at 11:45am the Inspector resumed the Hearing at 2:00pm and invited summary statements to be given by the participants.
- 6.29 Summary statements were made by MB, MC, BG, AJ, RH and DE. Copies are available in the Examination Library at ED35 to ED41.

- 6.30 The Inspector thanked participants for their summaries and noted she would liaise with PINS on the timescale for production of her report and notify ERYC when a suitable timescale had been agreed.
- 6.31 Since there were no further comments from participants the Inspector thanked everyone for their attendance and closed the Hearing.