

Rebuttal to Objectors' Papers: the Principle of the Further Evidence and the Effect of the Proposals on the Significance of the Heritage Assets

14 May 2012

Introduction

1. This paper sets out the Council's response to the statements for the BHC by Barton Willmore LLP that are set out in ED59, paras 2-11 and Appendices 3 and 4, as follows:
 - i. The 'additions' to the AAP's evidence base after 21 December 2011 (ED59, para 4).
 - ii. The unanimous undertaking by the Harbour's Consultative Body (ED59, para 10).
 - iii. The claim that the AAP's proposals will undermine the viability and competitiveness of the Harbour, jeopardise businesses and lead to job losses (ED59, para 5).
 - iv. The statements in response to the Inspector's questions: How would the character or appearance of the conservation area be preserved or enhanced? What would the effect of the marina be on the listed pier, slipway etc.? (ED59, paras 18-22 and Appendix 3).
2. This paper also responds to the consistent theme of Appendix 1 to ED59: the notion that evidence of the market's interest in Bridlington now is relevant to the deliverability of a regeneration plan, the central purpose of which is to transform market conditions in the town centre over the period to 2021.

The further submissions respond to the Inspector's questions (ED59, para 4)

3. The Council's further submissions (ED50-ED55) are simply an explanation of the material that forms part of the existing evidence base. They have been prepared to assist the Inspector's consideration of that evidence (ED01, ED03, ED13 and ED48).
4. Evidence on the significance of the Harbour's listed piers has been in the public domain since the Secretary of State (SoS) issued his decision (LD15a) on the 2001-2 marina applications and published the LBA's report (LD15b). The draft Bridlington Quay Conservation Area Character Assessment (ED54) provides

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further details on the significance of the heritage interest that justified the designation in 2010 of the conservation area; the decision to seek the designation itself was triggered by the work for the AAP (CD01, pg 26, Strategic Objective 6). ED54 includes the same information on the significance of the Harbour's listed buildings that is set out in LD15b (paras 2.10-2.26), and adds to it an objective analysis of the features of the Harbour that contribute to the character and historic interest of the conservation area.

5. Contrary to the statement in ED59 (Appendix 3, para 1.5), the Heritage Impact Assessment (ED55), is not 'belated' in plan-making terms. The NPPF's requirement for plan-making (NPPF, para 169) is up-to-date evidence about the historic environment in an area as part of a proportionate evidence base. The AAP is supported by that evidence: LD15b; the analyses in the draft SPD; and the conservation area designation statement. The NPPF does not require the impact of proposals to be assessed in at plan-making stage; these requirements relate to the determination of development proposals (NPPF, paras 128-134); ED55 is, however, timely – both in draft to assist the Inspector's examination of the AAP and in respect of the stage the work on the AAP's delivery has reached.
6. The officers' delegated authority to commission the specialist work needed to progress the AAP and the delivery of its major projects is set out in LD14 (4003) which has been a core document since November 2011.

The Harbour Top proposals will safeguard the Harbour's jobs *and* create many more

7. Mr James does not provide the basis for his claim that the Harbour Top proposals would 'undermine the viability and competitiveness of the Harbour and its users and will result in job losses. He does not, therefore, make clear why the BHC consider it a trade-off to be required between the AAP's proposals and the need – with which the Council wholly agrees – to safeguard the existing jobs and businesses. Nor does Mr James explain why he considers the job creation capability of the AAP's regeneration strategy to be 'theoretical jobs' that 'may or may not' come to Bridlington (ED59, para 5).
8. Jacobs, on the basis of the evidence set out in ED51 (and previously in ED19, Matter 3: the Marina, paras 30-36 and ED29), assess the situation very differently: not only will the introduction of the Harbour Top enable considerable efficiencies in

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the layout of the Harbour's operations (efficiencies that could not otherwise be secured because the Council's Langdale Wharf car park is in the way), it will deliver replacement facilities and generate an additional c £88,000 in annual income for the BHC from the added parking. The viability and competitiveness of the Harbour would be enhanced, and with the sole exception of the Lawrence complex, existing businesses and the jobs in them would be safeguarded.

9. There will also be no loss of jobs, save for the 41 jobs ED59 Appendix 4 account to the Lawrence Complex. Even these uses and jobs will be replaced by the Harbour Top development, which will additionally create many further jobs for Bridlington.
10. All of this evidence is already in front of the Inspector. ED51 adds further clarification – and makes it very clear that only the Lawrence Complex will be lost (as did the earlier evidence cited in para 7 above). The Council also stated at the December 2011 hearing session that the proposals would *not* otherwise lead to a loss of jobs. ED50 (para 13.iv.b) repeats this information.
11. The AAP's calculation of the number of jobs it will generate is not 'theoretical'; the calculation is standard industry practice, and reflects the robust assessment, set out in the AAP's evidence base, of the capacity of the local economy to grow and attract new investment. The town centre's ability to realise this capacity and create the jobs that will follow is subject to the delivery of the actions required to remove the market failures and other barriers that stand in the way of the market's performance (barriers that the NPPF, para 21, obliges planning authorities to recognise and address). Numerous evaluation studies of the type of 'ex-ante' job calculations set out in the AAP show them to be broadly accurate where the development schemes that create them are delivered.
12. The jobs in Bridlington will 'come from' capturing the spending the town centre loses from residents, as well as (a much lesser share) from visitors, who do not at present choose Bridlington over competing alternatives, as well as from growing its small business base. All of this is documented in the AAP's evidence base (.e.g., as listed in CD01, Appendix 1, para 2).
13. The Council fully accepts the importance of the Harbour and its operations to the local economy (e.g., CD01, para 119). The AAP aims to add still further to this value, and doing so is one of its central purposes.

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14. Appendix 1 to this paper explains that the approach in ED59 Appendix 4 to calculating the number of jobs in the Harbour is out of step with the industry's standard methodology. Because the count includes 'indirect jobs' (i.e., jobs that derive some fraction of the income to support them from the Harbour), it very significantly exaggerates the number of jobs in the local economy that depend on the Harbour. The AAP's aim, nonetheless, is to *increase* the Harbour's economic reach, however it is measured.

The Council agrees, and always has, with the unanimous resolution of the Harbour Consultative Body

15. The Council is very happy to go along with the resolution of the Harbour's Consultative Body that is quoted in ED59, para 10. The AAP's proposals fully acknowledge that the west end of the Harbour estate is essential to the management of the Harbour's operation, and that the first consideration must be the interest of the Harbour's users. That is precisely what the AAP proposes (CD01, para 3.42-3.43; ED50, para 20).
16. It is these interests that the AAP undertakes to protect, and it is why the Council is prepared to invest in the works that will deliver the best possible outcome for the BHC and the Harbour's users. The Council also proposes an amendment to BridTC3 to strengthen its undertakings to protect the Harbour's operations (which are for its users) and leave the BHC's finances 'no worse off' by placing the undertakings in the Burlington Parade policy (ED50, Appendix 1).

The effect of the proposals on the significance of the heritage assets

17. ED59 in its introductory section makes four statements on the heritage impact issues that are incorrect in fact and degree, although it is these statements underpin Mr James' reasoning in ED59 Appendix 3. The Council corrects these four statements below (numbered i-iv) by way of an introduction to the Council's response to ED59 Appendix 3.
- i. The Council has not said that English Heritage 'has no concerns' (ED59, para 18).**
18. The Council instead has said that English Heritage is content that the provisions of the AAP, as amended by CD18.2, provide the protection required in policy at plan-making stage. The AAP is not a planning application, but a plan. It is not

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incorrect, either in the terms of the NPPF or the PPS5 Practice Guidance, for English Heritage to rely on development plan policy, and the evidence that underpins it, to provide a suitably robust framework for the subsequent consideration by decision-makers of the effect of development proposals on the significance of affected heritage assets.

ii. It is incorrect, and without foundation, to assert that the deliverability of the Harbour Top cannot be assured on cost (or any other) grounds, having regard for the flexibility that is inherent in the proposals.(ED59, paras 16 and 18).

19. The Council has allowed for these costs, has the funds in place for Burlington Parade and the first phase of the Marina now, has explained this many times and has submitted the authority for this statement to the examination (LD14, 4003). As ED50 paras 14-17 point out, the flexibility built into the Harbour Top proposals by BridTC3 will allow, at design stage, for the scheme to minimise and mitigate the impact of the development on the heritage assets (as well as to accommodate the landside operational needs of the Harbour). This same flexibility in respect of the heritage assets exists with the Marina design (e.g., ED55, section 1.4, 1.6).

iii. The AAP proposal for the Marina is not at all like the 2001-2 marina that was subject of the TWO and listed building consent applications.

20. It is factually incorrect to assert that the chief or only difference between the two is the smaller scale of the AAP's Marina. It follows that it is also incorrect, without regard for the significant differences between the two proposals, to apply to the AAP's Marina the same conclusions on its impact on the listed structures that the LBA reached in respect of the 2001-2 proposal.

iv. Mr James claims, but without the specialist expertise or information required, that the Harbour Top and Marina proposals 'would give rise to substantial harm'. (ED59, para 19).

21. The Council is not aware that Mr James has the specialist skills required to reach this conclusion, and he lacks the design detail to do so in any case. The AAP is a plan, not a planning application. The AAP, moreover, proposes the 'optimum viable' use for the heritage assets, and that use is the outcome of an optioneering exercise that was informed by the AAP's evidence base on the town's objectively assessed needs and the most effective means of satisfying them. The in-harbour option was rejected on that basis; and nothing has changed to alter the

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conclusions on the efficacy of such an approach (ED51). In Mr James' words, the quart cannot fit into the pint pot.

22. English Heritage reached its judgment (ED57) on the likelihood that the Harbour Top and Marina can be designed to avoid substantial harm, having had regard for the factual evidence on the significance of these heritage assets (both the evidence in LD15b on the listed buildings and in ED54 on the conservation area) and the design information available now. English Heritage concurs with the Council: although the proposals will cause some harm in some cases, this harm is likely to be less than substantial; the Harbour Top and Marina proposals themselves offer the flexibility required at design stage to contain the harm, where it cannot be avoided, to 'less than substantial harm' (ED55, para 5 and Table 1; and ED57, pg 2 para 2.4, and pg 5 para 1.2); and there are balancing considerations to be taken into account in considering whether the harm is justified, including in some cases positive benefits for the enhancement of the character of the conservation area (ED55, Table 1, sections 1-10).
23. ED54 was prepared by a heritage specialist and is an objective assessment, based on the historic record, of the significance of the Harbour's heritage assets. The judgments in ED55 reflect those of the heritage specialist based on the information available on the proposals at this stage. EH advised on the approach adopted in ED55 and was consulted on the judgments in it.

ED59, Appendix 3: How would the character or appearance of the conservation area be preserved or enhanced? and the effect of the proposed Marina on the listed piers, slipway etc

24. The Council's comments on the statements in ED59 Appendix 3 are set out below.

ED59, Appendix 3, para 1.3:

25. ED59, Appendix 3 para 1.3 refers to an exchange of emails with English Heritage and Mr Guildford. The official statements by English Heritage on the AAP and its proposals have been in the public domain since the first stages of the AAP's preparation. The most recent statement is ED57, and it does not corroborate the statement in ED59 para 1.3. English Heritage has been consulted from the outset, and plainly does not object to the AAP's proposals.

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26. The Council has also consulted English Heritage on the Marina design; the layout agreed with the BHC has been conceived with the aim of avoiding the harm to the listed structures that would have been caused, particularly to the South Pier, by the 2001-2 marina proposal. The layout retains the essential character of the South Pier: it will continue to 'stick out to sea', it will be 'surrounded by water at high tide' (LD15b, para 7.55) and the impact of its 'great flank' (LD15b, para 4.2) will remain. The land reclamation at the west end of the South Pier will cover no more than about 15% of its length, the option remains to retain the exposure of the slipway and there are no proposals for developing over the root.
27. The 2001-2 marina, in stark contrast, widened the South Pier (up to 18 metres) along the whole of its length, reclaimed land up to the height of the pier on the southern side for the whole of its length, proposed to locate buildings on this land that backed up to and hid the Pier altogether from the south, and added a wholly new extension at the pier's eastern end and topped it with buildings (for a fish quay that had no support from the fishing trade). The LBA concluded that the approach destroyed the essential character of the pier.

ED59, Appendix 3, para 1.4

28. The assertion in ED 59, Appendix 3, para 1.4 is out of date; and in any case was not an assessment that English Heritage (or PPS5) required at the plan-making stage of the AAP (HE9 set tests for planning applications). This is why English Heritage was content to include a reference to the HE9 tests in the AAP as a minor change. English Heritage refer to these changes to the AAP in ED57 (para 3.3) and conclude (para 3.4) that ED54 plus the AAP's policy framework will provide the robust framework required for the design of a scheme that will, wherever possible, avoid harm to the significance of the heritage assets and where not to contain that harm to 'less than substantial'. The policies also provide the grounds for refusing applications that do not comply with the provisions.

ED59, Appendix 3, para 1.5

29. The Heritage Impact Assessment (HIA) is not belated in the terms of the plan-making requirements of the NPPF, para 169 (para 4 above). ED54 does not seek to 'justify' the AAP's proposals: it is, as it must be, an objective assessment of the significance of the heritage assets in the conservation that has been prepared by an expert to supplement the conservation area designation statement. English

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Heritage concur with the assessment, and it contains the LBA's assessment of the significance of the listed piers (LD15b).

30. ED55 was prepared to assist the Inspector with her examination of the AAP, and will be kept up to date as a working tool, informed by ED54 in line with English Heritage guidance. It articulates the thinking that has informed the AAP from the outset in respect of the listed piers (drawing on LD15b) and since the conservation area was designated in respect of the Harbour Top.

ED59, Appendix 3, para 1.6

31. ED59, Appendix 3, para 1.6 incorrectly draws parallels with English Heritage's 'restricted remit' approach to the listed building consent applications submitted with the 2001 TWO and English Heritage's contribution to the evolution of the AAP (including the proposals for the Marina and Harbour Top, ED54 and ED55 and English Heritage's statement in ED57). There are no such parallels. The AAP's proposals are not a planning application, but a plan. English Heritage is entirely correct in relying on the robust framework provided by AAP policy and the objective, factual, information in ED54.
32. In contrast, the LBA's concerns in respect of English Heritage's 'restricted remit' related to the fact that the 2001-2 applications sought deemed listed building consent for outline proposals that affected listed buildings (LD15b, paras 2.17 and 7.13) and to the fact that English Heritage had relied on the applicant's non-expert judgment (LD15b, paras 7.15 and 7.17).
33. There is no planning application in this case, so the first concern does not apply. Additionally, in contrast to the 2001-2 proposals, those for the AAP have been informed by heritage specialist, the evidence in ED54 has been prepared by a specialist and the judgments in ED55 reflect the views of the specialist. English Heritage in this case, therefore, is 'relying' on the specialist expertise required by national policy at plan-making stage (NPPF, para 128).
34. Jacobs has also involved its listed building specialist in assessing the options for designing the Marina, and it is she (Sandra Honeywell) who led the consultations with English Heritage. English Heritage has reached no more than conditional views as to the likely impact of the AAP proposals on the significance of the heritage assets at this plan-making stage, and considers it likely that substantial

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harm can be avoided. If it cannot, the balancing considerations will come into play (NPPF, para 134) and the AAP provides the grounds needed to refuse applications that cannot be justified by the public benefits. Only when the scheme has been designed and the application materials have been prepared, will English Heritage be in a position to play its full part as the statutory authority charged with the preservation and conservation of the nation's heritage assets. This is entirely appropriate and in line with national planning policy.

ED59, Appendix 3, para 1.7 (the Harbour Top)

35. It is not clear that Mr James possesses the specialist expertise required to conclude that the AAP's proposals will cause substantial harm. There is no doubt, however, that English Heritage has this expertise. Mr James and Mr Smith for English Heritage have the same information before them as to the nature of the Harbour Top proposals. Mr Smith for English Heritage, in contrast to Mr James, concludes on the evidence before him that the AAP builds in sufficient flexibility to enable the Harbour Top proposals to be designed to contain unavoidable harm so that it will be less than substantial. English Heritage also acknowledges that the proposals produce opportunities for enhancements to the conservation area (e.g., significant improvements to the setting of the Harbour along its northern side, the removal of the incongruous Lawrence Complex, the recovery of the historic fabric on the quayside etc).
36. The AAP, in contrast to the situation in 2001-2, provides a plan-led basis for the Harbour Top and Marina and provides in policy and evidence on the significance of the heritage assets the framework needed to allow decision-makers to determine the acceptability or otherwise of development proposals that affect the significance of the listed structures and conservation area. The two situations – then and now – are not comparable, and the question of relying on conditions does not arise at this stage.
37. The Council also notes that the BHC indicate that they may wish to use the Harbour Grotto (ED59, para 7), which forms part of the setting for the listed South Pier, for a lobster hatchery. The Grotto, in addition to forming part of the setting of the South Pier, is assessed by ED54 to have heritage significance in its own right. A lobster hatchery, though no doubt of value to the shellfish trade, would be a use that has no relationship to the Grotto's historic purpose and could well be at odds with the Grotto's preservation or enhancement. The hatchery would not fall within

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the permitted development rights in the Harbour, and the BHC could not be certain of securing planning or conservation area consent.

38. The AAP's Harbour Top proposals, in contrast, present an opportunity to restore the Grotto and recover its original purpose as a public vantage point and shelter that ties the landside to the quay at the mid-way point between the topside and the Harbour floor (ED55, section 3.1). As ED51 sets out, there would be room for a more suitable location for a hatchery, with less impact on the heritage asset, in another less sensitive location that is also better related to the Harbour's operations.

ED59, Appendix 3, paras 2.1-2.4 – the NPPF

39. ED59, Appendix 3 paras 2.1 and 2.3-2.4 quote the parts of the NPPF that relate to the determination of planning applications, not plan-making. These references are not relevant to the AAP, save for para 128 which refers to the need for appropriate expertise to establish the significance of heritage assets (which the Council has employed). ED55 goes as far as it can at plan-making stage. The view of the experts is that the greater likelihood is that the AAP's proposals will cause 'less than substantial harm' in the terms of the NPPF and that the provisions at para 134 will apply. If so, decision-makers will be able to determine the application with regard for these provisions, and weigh the harm against the public benefits of the proposal, including the optimum viable use of the asset. The AAP, based on the evidence both of the town's opportunities and the need for radical changes if these are to be realised, is that the optimum viable use of the Harbour includes the Harbour Top development and the Harbour/Marina project promoted by BridTC4.
40. NPPF para 133 states that, where the harm is substantial, the balancing consideration is whether the substantial harm is necessary to achieve substantial public benefits that outweigh the harm or whether all of the other considerations listed by para 134 (bullets 1-4) apply. Clearly, if one of other of the tests cannot be met by a development proposal, there would be grounds for refusal. BridTC3 and BridTC4, with the minor changes the Inspector has accepted, also make provision for refusal when the criteria the policies set are not met.
41. ED59, Appendix 3, para 2.2 also fails to acknowledge, in referring to NPPF para 126, that English Heritage, the expert in these matters, considers that the AAP complies with the requirements to provide for an appropriate strategy for

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conserving the historic environment in the AAP area, including the Harbour (ED57, paras 3.1-3.3).

ED59, Appendix 3, paras 3.1-3.17 – Heritage Assessment

42. ED59, Appendix 3, para 3.2, qualifies the applicability of the LBA's conclusions solely in respect of the 'larger' scale of the 2001-2 marina proposal. Mr James omits to note these very major differences between the two:
- i. The land take of the 2001-2002 marina, including the land reclaimed along the whole of the South Pier and up to the level of the pier, totalled 13.7 ha – eight times the *maximum* area of land the AAP proposes to reclaim (ED19, Matter 3, Appendix 3.10).
 - ii. The 2001-2002 marina brought the level of the land reclamation up to the height of the pier along the whole of its 470 metre length (LD15b, para 7.32). The AAP proposal (ED55, section 1.6) will reclaim land at the southern end of the pier to a level that will retain the visibility of the pier's wave return for the whole of the length the South Pier. The works will be needed to allow for operational access between the north and south parts of the Harbour/Marina, but will affect no more than 15% of the pier's length.
 - iii. A further 15% of the pier's length will be part of a new non-tidal basin that will bring the water level up to the same level as the impounded Harbour (about the mid-level of the present tidal range), which will retain the exposure of the South Pier above this level (ED55, section 1.7).
 - iv. The whole of the rest of the mass and distinctive architectural features of the South Pier will remain exposed and tidal as now.
 - v. The LBA's view (LD15b, para 7.61) was that the most damaging aspects of the 2001-2 marina proposals were the substantial widening of the South Pier (through the land reclamation on its southern side) and the extension at its eastern end to create the fish quay. The AAP proposal includes nothing of the sort. Instead, the AAP proposes to remove the incongruous fish market building when the Marina is built with its replacement facilities for the fishing trade and to restore the South Pier (ED55, section 1.8). ED54 judges that the

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fish market building, notwithstanding the fact that it is part of the listing, has an adverse effect on the character of the conservation area.

- vi. The retention of the view from South Cliff Road along the length of the South Pier to the light at the end of the North Pier and the sea beyond – the most important of the views to be protected in the view of the LBA (LD15b, para 7.60).
43. ED59, Appendix 3 paras 3.3 and 3.6 ignore the fact that ED55 (section 1.4) makes clear that there are design solutions that could allow the slipway to remain exposed (and that no option for the Harbour Top development covers over the roof of the South Pier). The 'preservation' in situ of the slipway is an option only. The Council is fully aware of the LBA's view that this would not be a suitable treatment of a grade II listed building. The LBA's view, however, was expressed in the context of the fact that the 2001-2 proposal reclaimed land against the entire length of the South Pier and thereby destroyed the whole of its essential character. The preservation option for the slipway is just that; it is not a proposal.
 44. ED59, Appendix 3 paras 3.8-3.9 also draw incorrect parallels between the 2001-2 marina and the AAP proposals in respect of the views of and from the listed piers:
 - i. The important view is not, as ED59 para 3.8 seems to suggest, the general view from South Cliff Road – but instead (as para 3.8 goes on to quote) the view *along the length of* the South Pier (LD15b, paras 3.6 and 7.60). The AAP's proposal retains and enhances this view (ED55, section 5.2) *and* retains the view from the Spa to the South Pier and the sea beyond.
 - ii. Nor does the AAP proposal include an extension to the North Pier that closes off the long view of the sea from the shore (LD15b, para 7.60).
 45. The Council also points out that there is no option in the AAP proposals for the access to the South Pier that entails a road directly from South Cliff Road down to the South Pier – a feature of the 2001-2 proposal that also contributed to the LBA's view that the essential character of the South Pier would be destroyed (LD15b, para 7.65).
 46. ED59, Appendix 3, para 3.10 interprets the LBA's comment on the Harbour as a focal point for the town to mean that that the Harbour is functionally integrated with

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it – an objective of the AAP for all the reasons set out. The LBA comment means no such thing. The Harbour *is* a focal point, and that is why the AAP aims to realise that value in functional terms. The Harbour is also not visible from the commercial core (as ED54 recognises), save for the 'tantalising' glimpses through Prince and Queen Streets through to the Harbour from the north side. The AAP proposals will enhance these lanes (BridTC5), and the Harbour Top proposals will include very substantial improvements to the public realm that connects the Harbour to the topside along the north (ED55, sections 5.4 and 8), replacing the incongruous approach of the present public realm that ED54 judges to be harmful to the character of the conservation area.

47. The statement in ED59, Appendix 3 para 3.10, that the Harbour Top proposals will ruin the 'most striking view of all' – LD15b, para 3.6 – is not correct. LD15b, para 3.6 refers to the 'view looking out to sea along the seaward length of the South Pier from South Cliff Road'.
48. ED59, Appendix 3 paras 3.11 and 3.12 try to draw parallels between the extension to the Harbour basin proposed by 2001-2 marina and the very significantly smaller extension proposed by the AAP's Marina. The LBA's comment (LD15b, para 7.59) is made in the context of the scale of the 2001-2 proposal; she stated that the 'scale and extent' of the scheme would 'dwarf and dominate the environment of the Harbour, obscuring its historic interest'.
49. More relevant is the LBA's statement on the principle of extending the Harbour basin to the south:
 - i. The LBA (LD15b, para 7.68) states that it cannot be presumed that no alternative proposal on the south side of the South Pier would be acceptable in terms of its impact on the listed structures – although LD15b para 7.69 also acknowledges that it could not be presumed that listed building consent would be forthcoming. As the LBA goes to lengths to explain, the decision maker would have many matters to take into account. A decision on the acceptability of any impacts would depend on the specific proposals, the significance of the features affected, the nature and scale of the harm, and the benefits that justify the (including the need for the specific aspect of the proposal that causes the harm, compared to less harmful alternatives, as the means of generating the wider public benefits sought from a scheme as a whole).

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- ii. The LBA (LD15b, para 7.76) explains her considerable concern that there had been in 2001-2 insufficient option testing to determine whether specific features of that marina proposal were indeed necessary to achieve the socio-economic benefits sought. Those options have since been tested, including the option of an in-harbour alternative that the LBA criticised the Council for rejecting out of hand (LD15b, 7.82). In contrast to the 2001-2 approach, the AAP's proposal impounds the Harbour itself – both reducing the impact on the South Pier (by retaining the tidal area along the major part of its length) and bringing the aesthetic benefits of the impounded water and pleasure boating activity close to the town centre.
 - iii. The LBA also concluded (LD15b, para 7.83) that there was no reason in her view 'to suppose that a marina proposal that [would be] acceptable in terms of its impact on the listed piers at Bridlington could not be produced'.
50. The LBA (LD15b, para 7.82) was of the view that shore side development, 'if implemented with flair and imagination might well transform the urban scene on the north and west side of the harbour and achieve many of the socio-economic benefits sought without harm to the setting of the listed buildings'. That is precisely what the Harbour Top and BridTC5 proposals aim for alongside the transformational benefits of the Marina. The fact is that an in-harbour scheme alone could not achieve both the mooring capacity and the 'shore side development' the LBA referred to (as ED52 demonstrates), and therefore could not achieve the full complement of transformational benefits in the public interest that the AAP's regeneration strategy seeks and justifies.
51. ED59, Appendix 3 paras 3.14-3.15 are incorrect in stating that there is a contradiction and change of view between the conservation area designation appraisal and ED54. The designation statement sets out the Harbour's *historic* significance. It makes no comment on the scope for interventions to preserve and enhance its value to the character of the conservation area and how both might be achieved. ED54 does and should.
52. Similarly, ED59 Appendix 3 para 3.16 misses the LBA's point. The comment quoted does not set out the LBA's view of the need or scope for improving the value of the Harbour to the town (that is made clear in the LBA's comment at LD15b, para 7.82). At no point did the 2001-2 Inquiry Inspector, Secretary of State (SoS) or Listed Building Assessor (LBA) state that the Harbour should stay as it is

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and that no changes were needed to the Harbour to help bail the town out of its economic doldrums. All agreed that Bridlington needs regenerating, that a marina could help deliver that regeneration and that significant socio-economic benefits would be likely to follow. The Inspector agreed that the town would benefit from a hotel as part of a marina scheme, and the SoS concurred. ED19, Matter 3, Appendix 3.11 sets out what in fact the Inspector and SoS had to say in respect of the town's regeneration needs and the role that the Harbour and a marina could play in meeting them.

ED59, Appendix 1 and Appendix 1a

53. The consistent theme in both of these appendices is that the proposals for the Harbour Top are unjustified because there is little evidence of the market's current interest in developing it for the uses BridTC3 provides for.
54. These appendices miss the point of the AAP and why its time horizon extends to 2021. The AAP is a plan for transforming market conditions in the town centre. Therefore, evidence of the market's interest in Bridlington in today's market is of little relevance save to confirm the need for the very transformation that is the AAP's purpose.
55. That purpose is why the AAP's policies, site allocations and delivery strategy provide for removing the barriers to private investment and putting in place the transformational conditions (sites, infrastructure, environmental improvements etc) that will enable the market to respond to Bridlington's opportunities.
56. The Council has also kept the viability appraisals of Burlington Parade up to date, as ED02 and ED06 have already explained and ED53 confirms. Subject to the transformational investment on the Harbour Top (with its regenerative benefits for the non-operational parts of the Harbour, including the public realm on its northern side), the appraisals show that the AAP's proposals for Burlington Parade are entirely feasible both financially and in market terms.

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APPENDIX 1: the Job Calculations Explained

1. This Appendix:
 - i. explains what the Harbour job count in ED59 Appendix 4 actually means; and
 - ii. compares that to the anticipated number of jobs to be created by the comprehensive development of Burlington Parade – which is made feasible in market and financial terms by the development of the Harbour Top and the investment it levers for the regeneration of the western and northern parts of the Harbour.
2. CD01 explains that the AAP's proposals – for which the Harbour Top as part of Burlington Parade is a catalyst – create an estimated gross gain of 1,900 direct jobs for the town. The AAP's calculation of the number of jobs likely to be created by regenerating development is standard industry practice; where developments are implemented, careful monitoring show these forecasts to be broadly accurate.
3. Moreover, because the jobs that Burlington will create are generated by the delivery of retail, leisure and small business floorspace that is within the evidenced capacity of the economy to support, displacement will be low and the vast proportion of these jobs will be a net gain to the economy. Deadweight (jobs that would have been created anyway) will also be low for all the reasons set out in ED19, Matter 3: Key Issues, paras 5-6 and Appendix 3.1. Thus the net value of the 1,900 jobs will be high – meaning that the vast proportion, it is likely that 80-90% of these jobs will be a net gain to Bridlington's economy (i.e., some 1,520-1,710 wholly additional jobs that otherwise would not be created in Bridlington at all).
4. The Council fully accepts the importance of the Harbour and its operations to the local economy. The AAP aims to add still further to this value – indeed, doing so is one of its central purposes. The Council has set out the evidence in full as to why the inclusion of the Harbour Top both:
 - i. plays an essential part in making it feasible financially and in market terms to deliver the comprehensive development of Burlington Parade and therefore its transformational value to the town centre's performance and the 1,900 gross gain in jobs it delivers (CD01, paras 1.44, 3.28-3.31 and 5.46; ED02, paras 2.5.1-2.55; ED19, Matter 3, Burlington Parade, paras 12-16; ED53); and
 - ii. is the means of leveraging the investment by the Council that will:

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- a) integrate the Harbour functionally at its western and northern ends with the commercial core of the town centre – to the significant advantage of the non-operational businesses in both the Harbour and the commercial core;
 - b) enhance the conservation area (ED55, para 8; section 1, 1.2-1.3; section 4, 4.3; section 8 and section 10; and
 - c) deliver the gains in parking for the Harbour that will add some c £88,000 in annual revenues for the BHC (ED5, para 31).
5. While the Council has no wish to quibble with the principle of the BHC's calculation of the jobs in, or dependent in some fraction, on the Harbour's activities, it stresses that calculation mixes 'direct' jobs (those that are based in and are wholly dependent on the Harbour) with 'indirect' jobs (those that are financed in some fraction by the Harbour). The number of indirect jobs can, in fact, only be calculated via survey evidence and is notoriously difficult to do. English Partnerships' Guide to Additionality remains the standard source for regeneration practitioners on how to make this calculation in the absence of survey evidence.¹
6. That source shows the 'composite' multiplier (i.e., indirect jobs plus the further jobs supported by the expenditure of direct and indirect employees) is no more than 1.05-1.15 at a local economy level, and no more than 1.3-1.7 at regional level. This means that if the Harbour and its users, i.e., those based in the Harbour, employ directly (say) 150 full time jobs, the total direct, indirect and induced job value of the Harbour to Bridlington would be 158-173 jobs, and to the region 195-255 jobs. Thus, while the Council fully supports – and only wishes to increase – the value of the Harbour to Bridlington's economy, it is very important that the employment aspect of this value is properly accounted.
7. The Council also points out that the 1,900 gross gain in jobs that Burlington Parade and the Marina will create excludes both the multiplier value of those jobs and the some 800 hundred construction jobs that Burlington Parade alone will create.² The construction of the Marina will create many more.

¹ Additionality Guide, English Partnerships, 2008 – Table 4.9.

² The construction cost of Burlington Parade – excluding the costs of the Phase 1 works to the Harbour – is about £111m (2010 prices). The 2008 construction deflator (Annual Business Inquiry, Section F-

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8. Therefore, in terms of the employment effects, the AAP's proposals for the Harbour Top:
 - i. 'safeguard' the c 400 jobs that the BHC calculate either wholly or in some fraction depend on the Harbour; *and*
 - ii. make it possible to deliver the further c1,900 direct jobs (gross), c 300-400 indirect and induced jobs and the more than 800 construction jobs that will be generated by the *comprehensive* development of Burlington Parade in line with BridTC3.