

BRIDLINGTON AAP: HEARING 15.5.12

Summary submissions - ERYC

1. ERYC comes back to its fundamental concern: to transform the declining fortunes of Bridlington t/c by restructuring the t/c and enlarging and improving the harbour and thereabouts bringing about a major change. Each of the elements is critical - not simply because of the specific financial value of each but because of the overall, integrated effect which they will have in reversing the long, slow decline in the t/c. See e.g. AAP Vision and Brid TC1 especially TC1(a) and (b).
2. It is undisputed and undisputable that:
 - (1) The t/c has declined and continues to do so (this has been clear for many years - see e.g. LD15 and LD15a);
 - (2) The retail assessment and t/c health checks SD06 and SD09 show this to be the case. They show a current lack of sustainability due to the significant outflows of comparison expenditure despite the size of the catchment. To reverse that would accord with the principle of sustainable development in the NPPF (defined in para. 6) which at para. 23 requires plans to be *“positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period”*;
 - (3) Incremental changes have done little more than slow the decline but have not reversed the t/c's fortunes;
 - (4) the decline in the t/c put the Conservation Area at risk as Mr Smith of EH said today;
 - (5) The assets of the town, such as the harbour and listed piers, have not been sufficient to reverse the decline. They are essential to assist in making the change but not sufficient of themselves to work the change.
3. You have been provided with evidence linked to existing evidence base to explain in commercial and planning terms why HT is not only an essential component of AAP but to remove it would impair soundness of proposals and thus of AAP. JW Has explained in commercial terms which this is so and the evidence of market failure (see SD06 and SD09) and Inspector's comments on Marina appeal in 2001/2 (LD15) which did not doubt the need for regeneration but rejected the proposals because of the excessive sale, impact and lack of justification for the scale of the proposals.
4. Been statements (main and rebuttal) submitted to explain specific issues of concern which you

set out in correspondence after the last hearing and to deal with position now NPPF published. Contrary to some of views expressed, intended to exemplify what already in evidence base albeit set out with regard to current time - not raising any significantly new points, but does seek to explain further.

5. Dealing with some themes:

(1) contrary to approach taken by number of objectors, this is a development plan examination not discussion of planning application. Level of evidence and detail appropriate for that purpose.

(a) It is not incumbent on the LPA to produce plans appropriate to a detailed application to support an AAP which sets strategy and allocations and not detailed design. There has been a failure to understand that the SPD is not final nor can be consulted on and finalised prior to the conclusion of the AAP process.

(b) BHC seek to focus on details of what are indicative scheme in order to seek to generate appearance that are problems which are not reasonably capable of resolution at application stage. Mr Kent and Mr Schlegel have made it clear that the various necessary issues have been considered, that issues raised have been costed and that there are reasonable solutions available in development of

(2) it is suggested that should have produced market evidence for the proposals. Basic misunderstanding especially by BHC. You have evidence base including retail studies at which make it clear that there has been a failure of the market to support significant economic development in Bridlington t/c. See SD06 (para. 5.39, Chapter 7) & SD09. It is clear that the market has not taken the opportunities which may not come again for many years afforded by the exceptionally buoyant economic conditions prior to 2008. Contrary to way BHC wish to characterise ERYC's position we do not say that there has been no market interest in t/c but that it is at a very low level and has resulted as retail studies show (and uncontradicted) that substantial proportion of its retail expenditure is spent in towns other than Bridlington - especially large outflows of comparison expenditure. Scarcely in accordance with the concept of sustainable development as now found in NPPF (see definition in para. 6) which says that -

"23. Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. In drawing up Local Plans, local planning authorities should::

- recognise town centres as the heart of their communities and pursue policies to support their viability and vitality..."

- (3) It must not be forgotten that the purpose of AAP is to restructure t/c to address market decline and lack of significant market intervention. Ask you to note that no-one has come forward with any alternative schemes which would be capable of reversing Bridlington's fortunes - such suggestions as have been advanced are based on incremental development, very type of development which has failed to deliver even in the most buoyant times.
- (4) It is difficult to see how there can be reliable market evidence of the future development of a scheme since by definition that development has yet to come forward and there is clearly not a great deal of enthusiasm for town centre in its present state (though nonetheless there is retailer and hotel interest as JW observed). JW has explained the nature of the exercise and the fact that it is not appropriate simply to approach retailers/developers and ask for view in manner which is useful to future planning. Comments made at present relate to Bridlington today not Bridlington in the light of the AAP scheme. The established means of dealing with implications of future town centre development is to use expert assessment based on retail studies which have been carried out here. Reference to assessments as if they are something unusual incorrect - exactly way assess such proposals. As JW made clear, soft testing the market at this stage is unhelpful and positively harmful to a proper understanding of the position. See PPS4 Practice Guide (2009) e.g. paras. 3.2, 3.3, 3.10, 3.11, 4.3, section 7, both in terms of developing town centre strategies and impact.
- (5) Role of HT is significant and its removal would unbalance the proposals to restructure town centre and to address long standing market failure. Restructuring of t/c which will address market failures requires attractions and circuit which will draw shoppers and visitors from one location to next. Loss of HT not only impairs economic strength of proposals but will seriously unbalance proposals. Plan far less sound if HT removed. JW speaks to this. Improvements to t/c and CA will be impaired if HT not delivered.
- (6) In this context note -
 - (a) HT may add some financial benefit to scheme but it is more important in its contribution to how the t/c will function together with the improved harbour and marina. The point is not the value of the HT as a hotel site but what it will contribute to a better functioning t/c and the value which it will contribute in terms of improving the functioning of the t/c
 - (b) There was an attempt to raise viability by some objectors which did not

understand the fact that viability is considered by reference to the proposals as a whole. Some parts are more profitable/valuable than others and it is unsurprising that elements of the scheme will fluctuate over time. The Council is funding infrastructure costs etc and has undertaken appraisal exercises to satisfy itself of the overall viability of the AAP proposals as a whole rather than element by element. There has been no serious attempt by objectors to undertake any viability work for themselves. It underpins the fact that if individual elements are pulled out of the AAP then this impacts on the achievement of the objectives of the AAP as a whole and undermines its vision.

- (7) Produced evidence to reaffirm that HT can be developed alongside Phase 1 of Harbour/Marina scheme without significant adverse impact on the interests of BHC. BHC focuses on claimed loss of land, meaning freehold, though overall what is proposed is an overall increase of land owned and under BHC control - freehold and leasehold - which will provide better and more productive space. BHC appears to ignore the fact that the in-harbour scheme Mr Trevitt advanced to you in December as one which BHC proposes is more disruptive and less advantageous to BHC and other harbour users than proposed AAP Phase 1 (as BS explained). BHC in focusing on reduction in freehold land in Phase 1 has overlooked the fact that it will have more land under its control and that land will be more productive for BHC. As MK explained options have been provided to show how additional land could be provided should it be necessary to do so.
- (8) With regard to BHC -
 - (a) As MK and BS have explained ERYC has produced sufficient detail and conducted sufficient analysis to show that there is a reasonable prospect that the HT and harbour improvements can be delivered
 - (b) The approach of BHC and Mr Trevitt seems to show that unless they are presented with a fully-worked up scheme they will not be content. Yet it is BHC which has not engaged with Jacobs and the discussions of detailed solutions once the AAP examination approach and has not done so since (as Mr Trevitt noted today). BHC has by its own refusal to engage with Jacobs denied itself the opportunity to resolve issues which it claims should be resolved now;
 - (c) In harbour scheme will simply not deliver benefits required for Bridlington which AAP scheme will do - to transform the town's fortunes. See ED52. BHC on the other hand do not oppose the AAP scheme in principle but argue that it should

be delivered first ahead of the rest of the AAP proposals. That of itself strongly suggests that the problems are ultimately ones which are capable of resolution;

- (d) Although emphasis was placed on the multiple benefits of the Harbour, which is not disputed, those objecting ignore the indisputable reality that the harbour and the incremental improvements which have occurred over the years simply have not been enough to reverse Bridlington's fortunes. See the IR 2001 [LD15] at e.g. paras. 11.62-11.71, 11.82, 11.189 ("*continuing slow decline*"). Unless something is done to transform the town and the harbour, as the AAP suggests, the incremental approach will simply not work as it has not done in far more economically buoyant times.
- (9) The indicative uses are not determinative of scale and design of the HT and the SPD can carry little weight at the moment, prior to consultation. The precise quantum, scale and design will turn ultimately on the balance of considerations including the CA and setting of the LBs. It is difficult to see how speculation on the outcome of the consultation of non-statutory SPD as a means of assessing the soundness of the AAP.
- (10) Proposals for the marina in the AAP quite unlike those rejected in 2001. See ED19 Appx 3.10 comparison and the fact that the proposals were significantly greater and more damaging than the scale envisaged by the AAP. See also Appx 3.11. At LD15b the LB Assessor noted the extent of the destruction of the listed structures: see e.g. paras. 7.52, 7.54 and 7.55. The north pier works were of lesser concern save that the extension contributed to the harm caused by the works as a whole: para. 7.57, 7.61, 7.86.
6. There has been an appropriate approach to CA and LB issues and draft CA appraisal [ED55] --- this is a plan not a planning application. Note the distinction drawn in the NPPF between plans (para. 126) and development proposals (paras. 128-136). The EH paper submitted recently sets out position correctly and has been explained by Mr Smith. Mr Smith's made clear that the CA was possibly at risk without further change and that there was a balance to be struck between the harm to the heritage asset (and the value of that asset) and the reasons and justification for the development, and how that will contribute to heritage assets in the t/c. Note that even with the considerable impacts which led to the rejection of the 2001/2 scheme, neither the LB Assessor nor the Inspector saw the north pier aspects of the proposals as of themselves to warrant refusal: see IR 11.173 [LD15] and LBA [LD15c para. 7.57]. It was the overwhelming of the south pier (LBA para. 7.55) and the loss of a huge area of sea shore which was critical together with the cumulative effects of the works [LD15c paras 7.59, 7.87]. EH does not content that the AAP is unsound in terms of heritage assets issues/NPPF policy.

7. ERYC submits that the plan is sound for the reasons set out above, in the material submitted to the examination and in the evidence base. In the event that part or parts are found not to be sound, then given the request by ERYC it should be made sound under what is now s. 20(7C) of the PCPA 2004. However, in conclusion, it is helpful to bear in mind -
- (1) The undisputed need for transformation of Bridlington t/c;
 - (2) The undisputed existence of important assets within the town in social and economic terms which can be improved and utilised to assist in the transformation of the town for the benefit of all, including the harbour and HT;
 - (3) The current situation is not sustainable and the proposals will promote sustainable development within the meaning of para. 6 of the NPPF and meet specifically para 23 NPPF;
 - (4) The integrated nature of the proposals where each of the key elements including the HT contribute to the transformation of the town and their removal will impair the ability of the AAP to succeed. Indeed, JW has explained the adverse effect on soundness which would occur if the HT were removed from the AAP;
 - (5) The failure of the assets as they stand to reverse the decline of the town;
 - (6) The absence of any alternative means to transform it suggested by objectors other than by incremental means or through the market, elements which have failed over decades to reverse the decline even in a far more favourable economic climate.
8. ERYC submits that the plan should be found sound and that the additional material advanced at this stage of the examination is sufficient to meet the concerns expressed by the Inspector following the examination hearing in December 2011.

David Elvin QC

16 May 2012