



The Planning
Inspectorate

Report to East Riding of Yorkshire Council

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an Inspector appointed by the Secretary of State for
Communities and Local Government

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PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)
SECTION 20

**REPORT ON THE EXAMINATION INTO
BRIDLINGTON TOWN CENTRE AREA ACTION PLAN
DEVELOPMENT PLAN DOCUMENT**

Document submitted for examination on 21 April 2011

Examination hearings held between 5 and 8 December 2011 and on 16 May 2012

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Abbreviations Used in this Report

AA	Appropriate Assessment
BHC	Bridlington Harbour Commissioners
CS	Core Strategy
DPD	Development Plan Document
HMO	House in Multiple Occupation
LDS	Local Development Scheme
The Lords	The Lords Feoffees and Assistants of the Manor of Bridlington
LP	Local Plan
LWM	Low water mark
MM	Main Modification
NPPF	National Planning Policy Framework
PC	Proposed Change
PPS	Planning Policy Statement
RS	Regional Strategy
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SPD	Supplementary Planning Document

Non-Technical Summary

This report concludes that the Bridlington Town Centre Area Action Plan provides an appropriate basis for the planning of the area over the next 15 years providing two modifications are made to the Plan. The Council has specifically requested that I recommend any modifications necessary to enable them to adopt the Plan.

The modifications recommended are:

- That a policy setting out the presumption in favour of sustainable development should be included, and
- That the area at the top of the harbour should not be included within the Burlington Parade development.

Introduction

1. This report contains my assessment of the Bridlington Town Centre Area Action Plan (AAP), which is a Development Plan Document (DPD), in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (NPPF) ¹ makes clear that to be sound a Local Plan should be positively prepared; justified; effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for my examination is the submitted draft plan (April 2011) which is the same as the document published for consultation in October 2010.
3. My report deals with the main modifications that are needed to make the AAP sound and legally compliant which are identified in bold in the report (MM). In accordance with section 20(7C) of the 2004 Act the Council requested that I should make any modifications needed to rectify matters that make the Plan unsound/not legally compliant and thus incapable of being adopted. The main modifications are set out in the Appendix.

Assessment of Soundness

Preamble

4. As a result of the Localism Act RSs will shortly be abolished. Section 24 (1) of the Act remains in place and, at the time of writing, DPDs are required to be in general conformity with the RS. This AAP meets that requirement.

Main Issues

5. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings I have identified five main issues upon which the soundness of the Plan depends. These are reduced from those identified for the hearings as they address only the areas where dispute and concerns remained. Following the main hearings it became apparent that further evidence was needed, mainly with regard to the inclusion of the harbour top area within Burlington Parade, and this was addressed at an additional hearing. Supplementary issues covering the matter were identified and are included within Issue 2.

Issue 1 – Is the overall approach to the identification of the area and its boundary, the vision, the objectives and the principal development sites based on a clear and robust process, reflecting community views and leading to sustainable outcomes consistent with national policy?

6. Bridlington is a pleasant seaside town in a beautiful location but it requires regeneration which has been a priority for the Council for a number of years. Work on the development of a regeneration strategy began prior to the

¹ NPPF, para 182

legislation which brought in the current development plan system and resulted in the two documents *A Strategy for Regenerating Bridlington* (LD01) and *Bridlington Urban Renaissance Town Charter* (LD09).

7. The Council has since followed the steps necessary to shape its original strategy into a DPD (CD14, CD12, CD10). Following the Issues and Options stage the boundary of the area was pulled in significantly to reflect the main area of change, regeneration and commercial activity that would be the subject of the AAP's planning framework. This was consistent with the advice formerly set out in PPS12 *Local Spatial Planning* ² and has resulted in a compact and coherent area which includes all the main town centre uses. The approach the Council has taken is not inconsistent with the NPPF. Part of the surrounding residential area, which contains a significant amount of bed and breakfast accommodation and HMOs, is also covered by the AAP as, if these were converted back to conventional dwellings, that could assist in meeting some of the plan's objectives.
8. The plan's vision is expressed firstly in a single line 'Bridlington: a great place to live by the seaside. Visitors welcome!' This could be the strap line on a railway poster and captures the town's jaunty, holiday character. The vision is then fleshed out³ providing the context for the plan's objectives including the regeneration strategy. Its main gist is that the town's attractiveness as a place in which to live, as well as to visit, should be exploited and enhanced making it more sufficient in terms of jobs, population, shopping, entertainment and other services and thus reducing seasonal imbalances.
9. Whilst there was some debate as to the part tourism should play in the town's economy, overall the vision is a credible response to the challenges identified in the AAP and the consultation carried out prior to the preparation of LD01 and LD09. The six 'Strategic Objectives' address every part of the vision and thus would enable it to be achieved. These are followed by fourteen 'Enabling Objectives' which are more detailed and reiterate parts of the explanatory text or the policies. Whilst helpful as a summary of the strategy they are not necessary to the AAP. Their inclusion does not, however, affect the soundness of the plan.
10. The principal development sites are those associated with the Burlington Parade and Marina proposals, projects which have been identified for several years as those which would be central to the regeneration of the town. In general, the results of public consultation support this strategy. For example, although there have been different opinions as to its scale and location, the principle of a marina has largely been supported. There have also been concerns that the extended shopping area would not help or, worse, would harm the existing town centre. This does not, however, amount to significant opposition to the Burlington Parade scheme and the points made have been taken into consideration by the Council.
11. There have also been criticisms that the consultation exercises were biased, that the Council presented idealised representations of its preferred schemes and, on the other hand, that detail was insufficient and selective. Although

² PPS12, paras. 5.4-5.6

³ AAP para. 2.5

the main planks of the strategy now set out in the AAP were identified prior to the commencement of its preparation, that process began with a broad brush approach at the Issues and Options stage with the schemes being refined and becoming more detailed at later consultation stages.

12. The Council made no bones about its preferences and that is understandable given the amount of work on them which had already been carried out and that they were in line with the essence of the consultation responses. It also, however, consulted on alternative and realistic courses of action as required. All things considered the Council's consultation as outlined in CD19 was thorough and designed to help residents not only to understand the proposals but also to participate in shaping them. It amounted to the early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses which the NPPF deems essential⁴.
13. Overall the Council's approach to the identification of the area and its boundary, the vision, the objectives and the principal development sites was based on a clear and robust process, albeit that it had begun in advance of the preparation of the AAP. It generally reflected community views and, apart from the shortcomings dealt with elsewhere in this report, led to sustainable outcomes consistent with national policy. With regard to this issue the AAP is therefore sound.
14. Following the publication of the NPPF all plans must include a policy reflecting the presumption in favour of sustainable development if they are to be found sound. The Council has suggested two ways in which to do this. My recommendation is that a new BridTC0, which would set out this fundamental principle near the beginning of the document and leave BridTC19 unaltered, should be included in the AAP in order to make it effective and thus sound MM1.

Issue 2 – Would the overall scale and type of the development projects at Burlington Parade and the Marina achieve the relevant objectives of the AAP in a sustainable manner consistent with national policy?

- **Is the identification of the principal development projects, and the mix, type and amount of potential uses proposed within them, based on robust and up-to-date evidence?**
- **Is the development of the harbour top essential to the viability of the Burlington Parade proposal and thus the regeneration of Bridlington; is its inclusion within Burlington Parade based on robust and up-to-date evidence?**
- **Are the development projects appropriate, feasible and deliverable, having regard particularly to any environmental or heritage constraints? Are all stakeholders and landowners committed to the proposals?**

Burlington Parade

15. The necessity to regenerate Bridlington is expressed succinctly in LD01:

⁴ NPPF, para 155

*'The town needs new purposes, new ways of making money and new means of creating jobs.'*⁵

Although the town charter (LD09), which sprang from the Urban Renaissance initiative, identified areas for improvement throughout the whole town the regeneration of the centre itself has long been recognised as the key to an upturn in Bridlington's fortunes. There have been improvements (ED33) in recent years, particularly the refurbishment of the Spa and its surroundings which has resulted in a venue of a size and quality which would grace a much larger town. At the same time the piecemeal implementation of smaller projects, although worthwhile in themselves, has been insufficient to bring about the step changes needed.

16. The rationale behind the approach now set out in the AAP is to address the causes of underperformance in the town centre which have been identified over previous years. This assessment is based on research and best practice supported by adequate and relevant evidence in SD06, SD07, and SD08. Retail capacity was reviewed in September 2010 to take account of the recession, particularly the slower growth rate of retail expenditure than that predicted in 2006. The effect of a new retail development in Hull was also included. The revised analysis and retail evidence, as supplemented by SD09, is thus sufficiently up-to-date; in the terms of the NPPF it is proportionate.
17. The fundamental retail statistics are those concerning the retention of spending power on comparison goods within the Bridlington catchment. At 27% across all zones of the catchment area and all categories of comparison good it is significantly low. The overall figure for clothes and shoes is particularly poor, 18%, and only eight national multiple clothing retailers were represented in the town at the time of the 2006 (SD06) study. All in all the retail studies are a convincing basis for the additional retail floorspace proposed in Burlington Parade.
18. Evidence for a hotel is somewhat tentative although there had been interest from a chain at the top end of the budget market. Once work on the major schemes is underway the provision of a quality hotel is more likely to be achieved. Although there is a priority for such accommodation to support the Spa⁶ it is not an absolute requirement that it should be within the Burlington Parade.
19. The provision of new, good-quality office accommodation, of which there is a currently a shortage in the town centre, will contribute to an increase in the number of small businesses and job creation overall. The evidence supporting this provision, which is set out in the AAP and LD11, is adequate.
20. The AAP provides a compelling rationale for increasing the population living in the area⁷ and, taking account of **MM2**, will make provision for up to 600 dwellings, a significant proportion of which would be within Burlington Parade. In the light of the deletion of the harbour top the Council will have the opportunity to reconsider the number of units to be included here at the time of the planning application.

⁵ LD01, page 1, para. 1.3

⁶ AAP, para 2.28 vi

⁷ AAP, para 2.19

21. In the absence of an adopted Core Strategy the Council's total housing requirement continues to be guided by the RS. The number of dwellings which would be provided in the AAP area would not be inconsistent with the emerging Core Strategy and, in practical terms, could be taken into account through the upcoming allocations DPD. The provision of a supply of housing to meet the needs of present and future generations is a major part of the social dimension of sustainable development identified in the NPPF⁸; this together with the provisions set out in section 6 of the NPPF, which are intended to boost significantly the supply of housing, combat concerns that the provision proposed could be over-generous.
22. The Burlington Parade project would be developed on a horseshoe of land which curves around from the existing coach park and station frontage down to the harbour and which has one of the main routes into the town centre as an outer boundary. The relocation of the existing supermarket to the edge of that site would stretch the primary shopping area outwards and also free up land for vital new retail, office, leisure and residential development, the whole pulled together by a new route along the Gypsy Race. Connection to, and cohesion with, the current shopping area would be achieved through the maintenance of existing routes and links along Bridge Street, Beck Hill and Prospect Street, and improvements to public areas including a new town square.
23. The NPPF advises that plans should be aspirational but realistic⁹. Developing an underused and backland area to bring vitality back to the town centre and turning the historic but currently unappreciated Gypsy Race into the focus of an enhanced area of public realm is such a proposal. It is an ambitious scheme but not unreasonably so and would make the most of opportunities to achieve each of the economic, social and environmental dimensions of sustainable development, consistent with the NPPF¹⁰.
24. Policy BridTC3 differentiates between the supermarket relocation site and that for the second retail anchor. This positioning is fundamental to the regeneration strategy; as the Council indicates the proposed developments would be located where the market would deliver them and where they can be made to work to the greatest advantage of the town centre as a whole¹¹. It is thus reasonable for the Council to be specific as to these locations in the AAP.
25. Whilst Policy BridTC3 describes a strategy it is not a strategic policy. It covers all the salient issues associated with the Burlington Parade proposal and includes a considerable level of detail setting out, for example, the amount of shopping floor space and number of car parking spaces to be delivered. These figures and other specifications are important, however, in that they are derived from the evidence base and ensure that the proposals contribute appropriately to the APP's objectives. The NPPF requires plans to set out clear policies on what will or will not be permitted and where¹²; BridTC3 is such a

⁸ Para 7

⁹ Para 154

¹⁰ Para 152

¹¹ ED19 Matter 3 p1 para. 5i

¹² Para 154

policy. Some elements are repeated in later policies which adds to the length and complexity of the AAP but this does not affect its soundness.

26. There are also concerns regarding the suitability of the coach park site for a new store, the ownership of parts of the site and the requirements to do with the Gypsy Race. These do not however appear to be insurmountable. There is evidence¹³ that each of the existing supermarket's current shop formats could be accommodated on the site, subject to the addition of the disused sidings land which Network Rail has agreed to in principle and which the Council would acquire. It is likely, therefore, that the differences between the parties could be resolved within a reasonable period in order to allow delivery of the Burlington Parade scheme.
27. The site onto which the supermarket would be moved is currently a coach park, a large area adjacent to the railway station which, out-of-season, appears to lie empty much of the time. Whilst coach-borne visitors to Bridlington make an essential contribution to the town's success as a destination this is not an efficient use of a valuable site. Coaches could drop off and pick up visitors in a central location but be parked for the intervening period away from the town centre. Although a replacement site had not been identified at the time of the examination there is no reason why suitable and convenient arrangements could not be put in place to ensure no decline in the number of visits by coach.
28. The dance school is clearly a well-run business and much-appreciated community facility: it is the sort of responsive and successful enterprise that will play a part in Bridlington's regeneration. Uncertainty regarding its future location must be resolved promptly but this is not a matter which goes to soundness.
29. The multi-storey car park which the Lords have promoted at Beck Hill would be considerably larger than that identified in the AAP. The Council considered that the Lords' proposal would prejudice proposals for the Gypsy Race and Beck Hill and also harm the conservation area. In these circumstances the refusal of a scheme which, notwithstanding the benefits to the Lords' tenants and charitable works, would undermine the delivery of Burlington Parade and thus the wider regeneration of the town was justifiable. It does not indicate that the AAP is insufficiently flexible.

Harbour Top

30. The Burlington Parade proposal includes a significant development on land at the top of the harbour, also known as the west end, which would be enlarged through infilling. In its location within a minute or two's walk from the existing town centre and Spa, as a base from which to observe the activities at the harbour and with the potential for panoramic views of the whole bay, the harbour top at first seems suitable for development such as that proposed. In order to be sound, however, plans must be justified, a test which includes that they should be based on proportionate evidence.

¹³ ED19 Matter 3 Appendix 3.2

31. The Council has always maintained that development at the harbour top would be fundamental to the success of the Burlington Parade. Additional evidence (ED53) was based on the premise that, developed, it would function as a third node, drawing shoppers and visitors through and around the wider Burlington Parade/existing town centre area. The services there would offer a reason for visitors to come to Bridlington and it would be a critical destination point for the Burlington Parade development.
32. Apart from an hotel, BridTC3 and the Masterplan¹⁴ do not differentiate between the type of provision for the harbour top and that for other parts of the Burlington Parade scheme. The Council considers however that the main draw to the harbour top would be leisure uses, particularly places to eat and drink. Whilst there are some good cafes and restaurants in the town centre it is currently deficient in the range and number of such businesses and this would be a distinct benefit of the scheme. Retail units additional to those in Masterplan areas 2A-B and 3A-B would also increase the choice of location for future retailers and, consequently, the choice of goods available for residents and visitors.
33. With regard to the hotel and dwellings proposed at the harbour top, these uses in themselves would not greatly increase its pull. The quality of the buildings they were accommodated in and their setting, landscaping and so on would, however, be essential to the success of any harbour top scheme with the potential to make it a significant attraction. The arguments for some sort of development at the harbour top to meet the needs of visitors and shoppers are therefore beguiling and carry some weight.
34. As identified in ED53 the harbour is the town centre's most distinctive and differentiating asset. It is partially obscured from the town but the glimpses of it from Queen Street and Prince Street give the centre a special identity and charm. It is also easily and quickly accessible from those streets and from South Cliff Road. The Council points out that these qualities have not helped to any significant extent in regenerating the town centre so far. Once the Burlington Parade scheme was in place, however, the new shops and other buildings, links to the existing retail streets and, particularly, the infrastructure and enhanced public realm would attract users and create a flow throughout the town centre. In that context it is likely that the existing special character and visual appeal of the harbour would enable it to perform as a third node without significant development at the harbour top. Even without the harbour top Burlington Parade would be an innovative, bold and comprehensive scheme which could regenerate the town centre.
35. The application of theory or best practice can constitute evidence. Without a more detailed proposal in place it is likely that any approaches to potential developers or occupiers would have elicited only vague, inconclusive responses as to potential interest in the scheme. The requirements of retailers quoted in ED53¹⁵ are based on the current status of Bridlington and are not a robust indication of the numbers or brands which might be attracted to the new development. Nonetheless, and in spite of these considerations, the evidence

¹⁴ AAP p 41, plan 3.2

¹⁵ Para. 5.5 v

is not sufficient to show conclusively that the development of the harbour top as envisaged in the AAP is essential to the success of the Burlington Parade proposal.

36. As regards viability the willingness of the supermarket to relocate its store and the retail studies which demonstrate a significant capacity for new comparison goods floorspace are indicators that Burlington Parade could be delivered and successful without the harbour top development. The Council is explicit in ED19f¹⁶ that that part of the proposal would not fund other elements of the wider scheme; its value would be in the confidence it would impart to developers and occupiers, and the distinction it would give to Burlington Parade.
37. The harbour is an historic feature which is essential to the character of the town and which, in providing a significant number of jobs, is important to the local economy. The BHC' approval of the AAP marina layout, which includes the development of the harbour top, was on the basis that the scheme as a whole would provide land from which the operation of the harbour could continue uninterrupted. In the light of the complexity of marina development the AAP now proposes, sensibly, that the Burlington Parade scheme including that part proposed for the harbour top should proceed in advance of the marina. This phasing results in the need for a detailed analysis to demonstrate that those harbour functions which would be displaced by the proposed development could be relocated, perhaps temporarily, and maintained.
38. The examination was presented with a large amount of detailed evidence from specialists on both sides but the BHC continue to have significant concerns regarding the harbour top development. These include that the new car park would not be suitable for all the activities it would be intended to accommodate, that the access road would not be negotiable by all types of vehicle and that putting some activities into buildings would reduce the attraction of the harbour.
39. An acceptable solution could eventually be agreed but the BHC' current position is that the proposal would cause considerable, if not fatal, detriment to the harbour and they continue to promote an in-harbour marina. The indications are, therefore, that such agreement is some way off. In any event the existing distance between the parties severely jeopardises delivery of the harbour top development. Consequently the Burlington Parade scheme, which is fundamental to achieving the majority of the AAP's regeneration objectives, is threatened.
40. The Council is proposing additions to BridTC3¹⁷ to ensure that the operation of the harbour would not be harmed and to compensate for any lost income. The AAP already contains some caveats, for example in BridTC3 and on the Proposals Map, but neither these nor the recently proposed amendments are sufficient to address the matter adequately. The measures proposed in BridTC3 part 3 are at the crux of the BHC' concerns regarding the

¹⁶ Para. 36

¹⁷ ED50, Appendix 1

development of the harbour top. The NPPF now requires¹⁸ meaningful engagement and collaboration with stakeholders; it appears to me that the Council has done its best to ensure this. Nevertheless the level of disagreement which remains threatens the delivery of the AAP; it is not certain that the matter would be resolved through the use of compulsory purchase powers.

41. There is little detail as to the scale or form of the development proposed. Much of harbour top is well below the level of South Cliff Road and in a 3a flood zone where, to mitigate the risk of flood, the lower two storeys in any building would be for car parking¹⁹. In addition to parking the area would be developed with retail, leisure and residential uses as well as a full service hotel. This much is clearly stated in Policy BridTC3 whilst the draft SPD (CD06) has illustrative plans and sections showing a six storey block. The SPD, however, has not yet been adopted and will be revised in the light of more recent work on heritage assets. Even if this indicative material is disregarded, it is apparent that the development proposed at the harbour top would have to be of significant scale to fulfil policy and AAP objectives.
42. That part of South Cliff Road and, although to a lesser extent, the gardens adjacent to the harbour top are characterised by openness with views into the harbour and to the bay beyond. It is likely that the development proposed for the harbour top would be attractive and worth looking at in its own right. It is also possible that new viewpoints over the harbour could be created at its western edge. English Heritage's evidence was based on the lack of detail in the AAP and the need to ensure that future planning applications were prepared in accordance with ED54 and ED55, assessments which will inform development proposals. Furthermore, the negative impact of some of the existing features at the harbour top would be taken into account in considering the effect of proposals on the conservation area.
43. All things considered, however, it is my view that there is a strong possibility that development at the harbour top of the type and scale proposed in the AAP would not preserve or enhance the character or appearance of the conservation area. In the absence of justification for the harbour top development it is unlikely that any harm that might be caused to the conservation area could be demonstrated to be necessary to achieve substantial public benefits²⁰. This consideration casts further doubt over delivery.
44. A final matter with regard to the harbour top is that of flood risk. A significant part of the harbour top is in zone 3a where more vulnerable uses, including dwellings and hotels, require the exception test to be met²¹. The two elements of this, both of which must be passed, are a demonstration that the development would provide wider sustainability benefits outweighing the flood risk and a site-specific flood risk assessment showing that the development would be safe for its lifetime without increasing flood risk elsewhere and, if possible, reducing overall flood risk. The Environment Agency has not

¹⁸ Para. 155

¹⁹ AAP, p 24, para. 143

²⁰ NPPF, para 133

²¹ NPPF para. 102

objected to the AAP and the Council intends that two storeys of car parking would lift vulnerable uses away from most risk. Nonetheless, as the evidence for development here is not robust, at this stage the exception test is not met; the development would be inconsistent with national policy and would not be sound on that basis.

The Marina

45. The proposal for a marina is long standing and it would be a main plank in the regeneration strategy. It is supported by SD03, a comprehensive study which underpins the Council's view that such a development would bring significant benefits to Bridlington. Whilst there are those who do not wish it to go ahead, and others who would prefer an in-harbour scheme, the principle of a marina in Bridlington is generally supported.
46. Recognising the value of heritage assets to the town centre the Council has taken this matter seriously; it has been working with English Heritage on assessments of the conservation area (ED54) and of the impact of the proposals on the assets (ED55). This work will be incorporated into a revised SPD for the town centre and marina (CD06). The documents will be the subject of consultation but they seem, at this stage, to provide thorough and conscientious analyses.
47. A footprint of the marina is shown on the Proposals Map and the Marina Masterplan is in the AAP²² but a detailed scheme has not yet been drawn up. The assessment of the likely effects on the listed harbour structures²³, however, indicates that they would result in, at worse, less than substantial harm. Opponents will be unsurprised by this conclusion but it appears, from discussion at the additional hearing, that a consistent and objective benchmark was used in making these judgements and that they are therefore reliable. Moreover ED55 identifies possible alternative treatments which could be adopted to protect the listed structures.
48. Prior to development any marina scheme would be the subject of applications for various orders and permissions. At that stage its detail would be scrutinised during which process, the NPPF advises²⁴, great weight should be given to the asset's conservation. Any harm would require clear and convincing justification. Were substantial harm to be caused it would need to be demonstrated that it was necessary to achieve substantial public benefits which would outweigh that harm²⁵. It is possible the regeneration that is the reason for the AAP would provide such justification but that judgement, if necessary, would be made at the detailed applications stage.
49. As the Council itself accepts²⁶ marinas are notoriously complex projects and uncertainty as to its construction will remain until preparatory arrangements, permissions and works are well advanced. Nevertheless, the long-standing commitment to the marina; the work on feasibility and so on that has already

²² Plan 3.3, p50

²³ ED55

²⁴ NPPF, para 132

²⁵ NPPF, para 133

²⁶ AAP, para 3.29

been done; and the ability of such a proposal to contribute significantly to regeneration objectives are compelling reasons for its identification in the AAP. The Council aims to bring about significant improvements in Bridlington and they will only be achieved through the implementation of confident, far-reaching schemes.

50. Given the luxury nature of boat ownership current economic conditions are not helpful to such proposals. When the economy strengthens, however, it is likely that the marina will be a viable proposition, particularly with the Burlington Parade proposal awakening investment interest in the town. Other places on the north east coast have marinas, although not providing so many berths as to saturate the market, and there is no evidence or reason aside from the recession why Bridlington should not also achieve this in time. In terms of the NPPF the marina is another example of an aspirational but realistic proposal.
51. A submission was made centred on the premise that a valid licence, in this case the AAP, cannot be given to perform an unlawful act. The alleged unlawfulness was said to relate firstly, to the Council's absence of jurisdiction over areas of the seabed beyond the LWM and secondly, to conflict between the proposal for a marina and the duties of the BHC particularly with regard to the purposes of the Bridlington Harbour Act 1837. The Council's response gave a contrary view. There are significant hurdles in front of the marina but it is by no means clear that they are not capable of being cleared or that its development will be prevented.
52. The AAP would not in itself give consent of any kind for a marina but would establish the principle for its development. The marina proposed in the AAP differs in several respects, particularly its scale, from that rejected by the Secretary of State in 2003. His decision applied only to the scheme before him at that time and did not preclude any marina development in the future.
53. It is the purpose of the Local Plan, of which the AAP will be a part, to deliver sustainable development that reflects the vision and aspiration of local communities. A marina at Bridlington, which has received considerable local support, would be a significant feature of that strategy and it is right that it be identified within it. The charge that the Council is attempting to legitimise the marina proposal through 'back door' means is not, therefore, justified or fair.

Conclusions on Issue 2

54. The overall scale and type of uses proposed in the Burlington Parade scheme, not including the harbour top, would achieve the relevant objectives of the AAP in a sustainable manner consistent with national policy. The proposed development is based on robust and up-to-date evidence, feasible and deliverable. In the main stakeholders and landowners are committed to the proposals and the Council continues to work with them. Whilst there are concerns as to the delivery of the marina there is general support for the proposal and the potential to overcome concerns regarding its effect on heritage assets. On balance, therefore, its inclusion within the AAP does not make the plan unsound.

55. The evidence for a development at the harbour top of the scale proposed is not, however, conclusive; it is not adequately demonstrated that it would be essential to the success of the Burlington Parade proposal and thus to the regeneration of Bridlington. Neither is it clear that the harbour top could be developed as proposed whilst maintaining harbour operations and without harming the character and appearance of the conservation area; such considerations put its delivery in significant doubt. In the absence of proportionate evidence supporting the development it would be difficult to justify any harm to the conservation area on the basis of substantial public benefit.
56. Furthermore there is a significant risk that such development would jeopardise the future of the harbour, a disadvantage which would evidently outweigh the benefits it would bring to the town centre. Finally, on the matter of flood risk the proposal would be inconsistent with national policy. For these reasons the main stakeholders and landowners are not committed to the proposals.
57. The development of the harbour top would not be justified or effective and would thus render the AAP unsound. In order to rectify this position it should be removed from the Burlington Parade designation and the text of the AAP should be amended accordingly **MM2**.

Issue 3 – Do the overall scale, type and location of the other initiatives contribute towards a coherent strategy for the town centre consistent with the AAP vision and objectives and with national policy? Are they based on robust and up-to-date evidence?

Strategic Public Realm (BridTC5)

58. Within a few minutes walk of the town centre the beach and sea provide exceptional openness, amenity and opportunities for relaxation and recreation. The area covered by the AAP is quite densely developed, however, and there is little public amenity or civic space of any quality within it. In improving the attractiveness of the town centre and making it more accessible and easy to move around, the provision of an enhanced public realm network will be essential to its overall regeneration.
59. At the moment the historic Gypsy Race is a somewhat forlorn backwater. To open it up, creating a landscaped park and attractive, inviting pedestrian route, will provide a direct link between the second anchor store and the existing town centre and harbour area. It will also be the focus for much of the new development including housing and, all in all, is a clever response to a previously overlooked opportunity.
60. The funding and delivery mechanisms identified by the Council are convincing and achievable.

Town Centre Seafront (BridTC6)

61. This designated area is in a prime position fronting the beach and adjacent to the harbour. It includes many of the town's existing, traditional seaside attractions but the development of the Burlington Parade scheme will shift and lessen its existing retail function. The AAP's aim is to exploit the area's

location and positive attributes, for example its historic character and some fine buildings, to make it a worthwhile and attractive destination throughout the year. The uses which the Council will encourage in the area through BridTC6, primarily for tourism and leisure activities and housing, are consistent with this aim and the wider regeneration strategy. A winter garden would be a welcome addition should funding become available.

62. Some of the features, for example the fun fair and the leisure centre, take up a significant land area but without either needing to be there or making the most of their valuable positions. The explanation to BridTC6 clearly describes the position with regard to these features and there is nothing in either BridTC6 or the other policies to prevent their relocation outside of the Town Centre Seafront should suitable, alternative sites become available.

Access and Movement Strategy (BridTC7)

63. This is set out in detail in BridTC7. Improvements in the accessibility of the town centre and movement through it will assist its regeneration. There are no significant concerns regarding its delivery but, were it to fail to be implemented or only partially to be put in place, the overall soundness of the plan would not be at risk.

Town Centre Parking Strategy (BridTC8)

64. The provision of adequate parking in appropriate locations is essential to the success of the regeneration strategy and consequently the Council has addressed the matter with thoroughness. As with access and movement the parking strategy is set out in detail in the explanatory text and BridTC8. There are concerns regarding the removal of on-street parking in the existing shopping area but the Council's reasons for this are convincing. New parking provision will be only a few minutes walk from this area and those whose mobility is so restricted as to entitle them to a disabled badge will still be able to park on-street. MM2 will delete the proposed harbour and marina car park but the net reduction in car parking spaces will not be significant.
65. The scale, type and location of the Strategic Public Realm, the Town Centre Seafront, the Access and Movement Strategy, and the Town Centre Parking Strategy are based on robust evidence, on research into what has happened in other locations and thorough analysis of the existing conditions and problems within the town centre. Together they contribute towards a coherent strategy for the town centre consistent with the AAP vision and objectives and with national policy. With regards this issue the plan is therefore sound.

Issue 4 – Is each development management policy necessary? How does it support the strategy and contribute to the overall effectiveness of the AAP? Are the detailed requirements of each policy clear, reasonable and justified?

BridTC9 Sequential approach for major development

66. BridTC9 sets down sequential preferences for the location of major office, retail, leisure and hotel development. It is consistent with the other AAP policies and supports the regeneration strategy.

BridTC11 Design for the built and natural environment

67. Careful consideration must be given to the design of all development but it is particularly important in areas requiring regeneration. BridTC11 provides a comprehensive and helpful checklist of design, sustainability, energy, amenity and other factors that will be taken into account during the planning application process.
68. Flood risk and the need for AA are also included, possibly duplicating the guidance set out in the NPPF. The inclusion of these topics does not threaten the soundness of the plan, however, and provides a useful reminder of these important considerations.

BridTC12 Development statements in the town centre

69. This policy requires a development statement to be agreed for major development in the AAP area prior to the submission of a planning application. In a relatively small area with a specific regeneration need and agenda and where development opportunities cannot afford to be squandered this is a reasonable requirement. The preparation of development statements will not preclude pre-application discussions. They will also incorporate the statutory Design and Access Statements so, although their preparation will create an extra step in the application process, the passage of the scheme should be smoothed and not prolonged.

*BridTC13 Shopping, leisure and hotel development**BridTC14 Offices and office workspace**BridTC15 Housing**BridTC16 Mixed use development**BridTC17 The evening economy**BridTC18 Tourism attractions*

70. These policies set out general criteria for the uses which will be encouraged in various parts of the AAP. The uses are covered to some extent in the site specific policies and their text, for example BridTC3 and BridTC6, but the general policies, BridTC13-18, are consistent with these and do not repeat their requirements.
71. In general the development management policies are all necessary to support the strategy and contribute to the overall effectiveness of the AAP. Where parts of them are not strictly needed they nevertheless perform a useful function and do not compromise the soundness of the AAP. Their detailed requirements are sufficiently clear, reasonable and justified and the plan is thus sound on this issue.

Issue 5 – Taken as a whole, does the AAP provide satisfactorily for the delivery of development, is it flexible, and does it enable adequate monitoring of its effectiveness?

BridTC10 Risk and impact

72. The AAP's overall strategy is regulated and reinforced through Policy BridTC10 which aims to reduce the risks to regeneration arising from development which

would conflict with the plan's objectives. To that end it is prescriptive but with a degree of flexibility built in. In the first place it deals only with major development or proposals within the Burlington Parade which would not comply with its Masterplan. Furthermore, such development is not automatically ruled out although developers would need to demonstrate, with evidence of circumstances such as those clearly defined in the policy, that the scheme proposed would provide benefits sufficient to compensate for any adverse impact. Any negative impact on the Access and Movement Strategy or Strategic Public Realm would need to be addressed and an appropriate alternative approach put in place.

73. All in all Policy BridTC10 successfully negotiates a path between rigidity on one hand and laxity on the other.
74. Policies BridTC19 and BridTC20 set down how the provisions of the AAP will be delivered including through S106 contributions. The monitoring method and framework described in the AAP is satisfactory enabling the progress of the projects to be checked and adjustments made where and when necessary. Overall the AAP provides satisfactorily for the delivery of development and is sufficiently flexible. On this issue, therefore, the AAP is sound.

Assessment of Legal Compliance

75. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The AAP is identified within the approved LDS May 2009 which sets out an expected adoption date of December 2010. The AAP's content is compliant with the LDS although additional consultation has set back the timing.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in March 2007 and consultation has been compliant with the requirements therein.
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Appropriate Assessment (AA)	A Habitats Regulations Stage 2 Appropriate Assessment has been carried out and published (April 2011).
National Policy	The AAP complies with national policy except where indicated and a modification is recommended.
Regional Strategy (RS)	The AAP is in general conformity with the RS.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS.
2004 Act and Regulations (as amended).	The AAP complies with the Act and the Regulations.

Overall Conclusion and Recommendation

- 76. The Plan has two deficiencies in relation to soundness for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the Act. These deficiencies have been explored in the main issues set out above.**
- 77. The Council has requested that I recommend main modifications to make the Plan sound and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Bridlington Town Centre Area Action Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.**

Siân Worden

Inspector

This report is accompanied by the Appendix containing the Main Modifications