

## Brighton Marina Neighbourhood Plan Consultation Draft 2022

### Response

#### A. General Comments

- (i) The consultation document (“Condoc”) itself does not pose any questions. These can only be accessed via the online response portal. The online response portal does not allow detailed responses or invite comment on matters that have been omitted from the condoc. The online response portal does not allow partial responses to be “saved” and then returned to at a later time – meaning that all responses have to be written at one sitting. This is a missed opportunity.
- (ii) The condoc also fails to discuss those areas that may have been discussed and then not further pursued – with reasons why these haven’t been further pursued. Again, this is considered to be a missed opportunity.
- (iii) Consequently, it is possible that responses will be unstructured and comment on random aspects. Moreover, it is uncertain where responses are desired so that they can make a meaningful difference.
- (iv) The condoc doesn’t seem to recognise that Brighton Marina is a working marina. There is reference to reflecting maritime setting, water’s edge development and the marine environment – but fundamentally, it is a working marina. All development needs to be designed, coordinated and integrated against the backdrop of a working marina.
- (v) The condoc fails to mention the Brighton Marina Act 1968 which is prime legislation setting out what can and cannot be done on the marina.
- (vi) It is not easy to source contemporaneous evidence outlining the original vision behind the design of the marina but we do have Hansard which sets out debate on the Brighton Marina Act. The MP for Brighton Kemptown stated the following when the Brighton Marina Bill was introduced to the House of Commons in 1967 (see [here](#)):

*I want to draw attention to the other reasons for which I and the supporters of the marina scheme believe that it is essential that the Bill should go forward. First, there is the urgent need to provide additional boating accommodation on the South Coast. That these facilities are urgently required no yachtsman or boat owner would ever dare, or could, deny, and it is necessary to point out that ten years ago there were fewer than 100,000 people enjoying the sport of yachting and boating, whereas now there are more than 500,000.*

*I want, too, to draw attention to the fact that the South Eastern region in which the marina will be situated contains the overwhelming proportion of people interested in yachting and boating, and it is also pertinent to point out that in almost all local yacht harbours there are long waiting lists. This is confirmed by the inquiry inspector's conclusions in paragraph 489 of his report where he says:*

*"... because of the present unmet and ever-increasing demand for yacht moorings, the need to provide new harbours such as that proposed is now urgent and will intensify in the future."*

The driving intention behind the marina was therefore a safe harbour marina for boats and yachts.

- (vii) However, it was always recognised that boating and yachting was never going to be the sole use and the MP continued thus:

*This marina will have a tremendous effect on life in Brighton during the next few years if it comes to pass. It will enable Brighton to enhance its position as a leading holiday resort. Apart from this development and the provision of an ice-rink, an oceanarium, and other amenities, there will be provision for 800 units of permanent residential accommodation.*

*The main purpose of the marina scheme is to provide boating facilities, but no scheme to provide purely boating facilities would be a viable economic proposition, and therefore the marina has to be backed with other developments.*

The other intentions were therefore tourism ("leading holiday resort"), housing ("permanent residential accommodation") and employment ("viable economic proposition").

All these priorities continue today and need to be referenced.

The Vision Statement referenced these needs and this is our only opportunity to ensure the policies support the vision.

- (viii) The condoc fails to mention how the Neighbourhood Plan will fit in with the Brighton Marina Act.

## Neighbourhood Plan Policies

### B. BM1: Design

- (ix) The current policies are supported but with following comments need to be added.
- (x) Clearly, compliance with general planning policy remains critical (access, sensitive development, scale and massing etc) but questions need to be asked about whether the marina should allow development that is contrary to the original intentions.
- (xi) The original development referenced permanent residential accommodation. Should we allow the erection of temporary residential structures? The two concourses and the waterlodges are temporary. The concourses have been part of the site since original construction but are now 10 – 15 years away from lease termination. Given tight building timelines and likely construction costs involved we need to give a steer for what sort of development, if any, would be acceptable once the concourse and residences thereon reach end of their useful life.
- (xii) Likewise, the waterlodges add a further dimension. They are more recent but do detract from the original boating and yachting intentions of the marina. Their development is not controlled and is solely subject to corporate objectives. We should consider whether a policy is needed to control further expansion of waterlodges on the marina.
- (xiii) All development should also include conditions covering visual appearance and ongoing maintenance. There are too many buildings, especially in the commercial zone that are visually tired and need investment. It is a known fact that tired and poor quality buildings can contribute to the “Broken Window” theory behind crime and anti-social behaviour and is therefore a factor in the decline of neighbourhoods. Clearly, we are not at this point yet but it is critical that further degradation can be avoided by early mitigation. Every building within the marina is subject to a lease and the head-lessee is likely to either have enforcement powers or at worst, “making good” powers that can be activated. The marina needs to ensure that these powers are enforced in all circumstances.
- (xiv) Best ESG practice is now a key factor behind corporate decision making. Many corporations – whether private or public now have stakeholder representation as part of best corporate governance processes. Maybe we should consider including local resident/ worker representation on all local decision making bodies to further social and corporate governance.

- (xv) A good visual appearance will itself contribute to higher demand for all marina facets – whether tourism, residential and boating/ yachting – thereby increasing employment and overall vitality.

### **C. BM2: Public realm/ open spaces**

- (xvi) All development on the marina should meet “designing out crime” quality standards.
- (xvii) The importance of “attractive” development is to be highlighted. The marina should be welcoming to visitors whether arriving by sea, road or walkway. The de-silting programme needs to be enhanced so the marina remains accessible to boats and yachts even at low tide (unlike now – which is already a breach of the Brighton Marina Act and existing Marina By-Laws).
- (xviii) The mass of concrete is not welcoming to road users and is visually unattractive. We will need a policy so the effect of the concrete mass can be softened.
- (xix) The main access to the marina is at the western end where there are two pedestrian walkways entering into the Asda car park and one of these is essentially the continuation of the Undercliff Walk. The eastern access (adjacent to the boatyard) is not signposted, is very narrow and usually covered in dog poo. Action is being taken to improve the western access through the Blackrock development. No action is being taken to improve the eastern access which is overdue and a policy is required for this. Clearly, the space here is very narrow and may require an additional strip of land from the boatyard.
- (xx) Despite the marina’s focus on leisure and hospitality and the number of cyclists in Brighton, cycle access to the marina is pitiful. The proposed Blackrock development should allow some cycle access but this is located at the western end and will merge into the Asda car park which has its own safety implications particularly for younger cyclists. As stated the eastern access isn’t easy for cyclists to access.
- (xxi) Ideally a new access could be created which could cater for pedestrians and cyclists. This could start at the roundabout servicing the Asda goods entrance and Starboard Court and then slope upwards along the hard surface until it meets the Undercliff Walk. This would be better signposted and allow pedestrian and cycle access nearer the commercial heart of the marina and provide an opportunity to create new income generation opportunities for the marina’s commercial operations.

#### **D. BM3: Connectivity**

- (xxii) Policies regarding connectivity are critical. The current entrances into the marina are very poor – road traffic enters and leaves via a series of concrete blockwork. There have been Road Traffic Accidents as cars switch lane to enter the top floor of the multi-storey car park or the mandatory left filter for the Asda car park. These need to be made safer.
- (xxiii) Cyclists and pedestrians can either enter or leave using the Asda car park (or if they know about it – the narrow entrance at the eastern end).
- (xxiv) New entrances are required for pedestrians and cyclists that bypass the Asda car park and this can only be achieved through a new entrance directly into the marina from the Undercliff Walk using a ramp down towards the Asda service depot and the rear of Starboard Court.

#### **E. BM4: Residential development**

- (xxv) Comments relating to access, design and housing type and mix are supported.
- (xxvi) Notwithstanding the extant planning consent for the tower block behind the David Lloyd shed, we should seek to control new development so that development exceeding cliff height is prevented. This requirement was a core provision within the original plans and was only overturned recently on planning appeal.

## **F. BM5: Natural environment/ marine wildlife**

- (xxvii) ESG is a core issue in corporate planning.
- (xxviii) The policy relating to mitigation of flood risk is supported.
- (xxix) The integrity of the cliffs need to be supported.
- (xxx) The water quality policy needs to be supported.
- (xxxi) The quality of the outer and inner harbour needs to be maintained. We need to prevent development that contributes towards the build up of silt. Regular desilting is a core requirement of the leases over marina usage and the current state of silting is likely to represent a serious breach of lease. Moreover, the build up of silt compromises the ability of yachts and/ or boats to enter the marina thereby further compromising the viability of the commercial operations. Generally, boats and yachts are easily moved and dredging operations are easy but consideration needs to be given to the ease of de-silting under the waterlodes. Should we safeguard development against watercraft that are less capable of being moved?
- (xxxii) Similarly, the inner and outer harbours should provide a greater amount of leisure activity than at current. There are health issues caused by effluent and other pollutant leakage from watercraft into the marina. We need better controls that safeguard this sort of contamination. In time, it may be possible to allow events such as dragon races again.
- (xxxiii) It is also critical that the marina and all the parties who have an interest in the marina, including leaseholders, work together in monitoring planning applications in the immediate vicinity of the marina, such as the gasworks site, where there are serious concerns that the groundwater has already been compromised (documents submitted by the applicant refer) and that the water entering the Channel and the marina already exceeds published Environmental Quality Standards. Other soil-based contaminants on that site include, inter alia, lead, zinc, cyanide, asbestos, benzopyrene all of which are carcinogenic and can easily compromise the health of marina residents, workers and visitors.
- (xxxiv) The current marina dredging programme will need to be reviewed in this regard as we should comply with the spirit of the rules which we set. Currently, all dredged silt is dumped at sea outside the marina. This dumping is compromising other local uses and groups such as Surfers Against Sewage are seeking the Marine Management Organisation (MMO) to take action against the marina.

## **G. BM6: Cafes, restaurants, retail and other commercial facilities**

(xxxv) Whilst proposals for the use of land and/ or buildings for boating, leisure and recreational activities would be supported, it would be useful to add town planning use classes that are ancillary to a high density of residential use. This could include but is not restricted to a doctor surgery, general store shop, retail etc to include uses that support footfall entering the marina.

We are aware that contractual obligations regarding these sort of facilities were entered into by the developers of Sirius and Orion under Section 106 agreements but much time has elapsed since these were built and none of the Section 106 obligations appear to have been provided. The status of these contractual obligations should be examined.

(xxxvi) Consequently, it is clear that other use classes will be less supported. The sort of commercial activities that would be less supported are those revolving around more office-based activities. Consideration should be given to distinguishing between those uses which are preferred to those which are less preferred through front-of-site versus rear-of-site locations – effectively some sort of zoning. Offices should ideally be within the “Neilsons” block or at the most remote part of the commercial zone.

(xxxvii) Many of the current commercial units, particularly those that are vacant, are overly large. The commercial lessee should be supported if requests are made to subdivide these units.

(xxxviii) The marina desperately needs a magnet store – ie a retail unit of sufficient magnitude that it will entice other retailers to locate at the marina. The existing Asda store is insufficient for this. The commercial lessee should be encouraged to recruit such a magnet store.

(xxxix) Pop-ups and box stores are indicative of a popular, thriving modern, commercial zone. The commercial lessee should be encouraged to find somewhere on the marina for such outlets for these to be located.

(xl) Existing marina by-laws preventing or mitigating successful commercial operations should be reviewed to determine whether they remain fit for purpose. An example of such a puzzling by-law is the “no busking” rule on the Boardwalk.

#### **H. BM7: Energy use, waste, minimisation and recycling**

- (xli) The is also important for ESG compliance.
- (xlii) The marina is ideal for a solar farm. The roof space and development rights of every residential unit (other than those in Trafalgar Gate) is owned by Brighton Marina Group and are ideal for south facing solar panels. The Brighton Marina Group should be encouraged to seek planning consent for such a solar farm. It should be stressed that there are grants currently available for this sort of project which would ease financial considerations and delays may see these sort of grants come to an end.
- (xliii) The main recycling drop off points are in the Asda car park. These are frequently overflowing and indicative of poor management. Moreover, there is a rat infestation problem in the Asda car park. Asda should be reminded they are part of the marina community and should ensure that the recycling drop off points are kept clean, tidy and that the car park generally should be kept clear of waste.

#### **I. BM8: Community facilities**

- (xliv) These objectives are supported.



## **Non-Land Use Community Actions**

### **J. BMCA1: Access/ transport**

- (xlv) This is supported.
- (xlvi) It should be stressed that the former express bus 7X was never successful. This was because it operated a direct route to the station between 9.00 and 6.00. Commuters to London would need to arrive in London from 9.00 and generally return home after 5.00. Express buses should therefore cater for these hours of operation.

### **K. BMCA2: A valued resource and an active destination for visitors**

- (xlvii) These are supported.
- (xlviii) The earlier comment regarding the current banning of busking needs to be considered.
- (xlix) Specialist marine facilities and office-related activities should ideally be located at the boatyard end of the marina. More leisure and hospitality activities should ideally be located along the Boardwalk and adjacent areas. More retail and residential focused activities should be zoned more inland away from the Boardwalk.
- (l) Specialists in social media should be engaged to reverse the current negative reviews prevalent on tourist review websites such as Tripadvisor (see [here](#)).
- (li) Short break operators should be encouraged – although with safeguards such as registration to provide safety for the local community.
- (lii) The marina should seek to participate with other Brighton-wide events many of which end on Madeira Drive and not just those listed. We need to coordinate with the operators of the proposed new event space at Blackrock.
- (liii) Specialists devoted to visitor engagement and user experience need to be engaged.

#### **L. BMCA3: Public Art**

- (iv) The mass of concrete forming the entrance and exit ramps to the marina and the cliff space would be ideal canvases for public art. An annual competition could be held whereby one canvas area at a time is made available for winning designs. The art itself will, in time, create a visitor attraction.

#### **M. BMCA4: Air quality**

- (iv) The marina needs to actively consider and engage with the wider non-marina community on environmental quality issues – air and sea. This means engagement with the Council for land-based issues and the Marine Management Organisation for sea-based issues. This would cover amongst other aspects pollutants, dredging issues, land contamination and water contamination. The current gasworks planning application is an example of a relevant wider-community issue as is the dredging of silt from the marina.

#### **N. BMCA5: Boundary review**

- (lvi) Brighton Council has recently completed a boundary review whereby the marina is being transferred from the Rottingdean Coastal ward to the Kemptown ward. Whilst Kemptown is admittedly nearer to the marina, it remains a poor choice as issues facing the marina are not the same as those facing the rest of Kemptown. We need to actively promote a single-seat ward of our own for the next Boundary review.

## O. Concluding comments

- (lvii) Reflecting why there are so many comments within this response, we have compared this Draft consultation document to others that have been published on the internet and it appears that our draft is not as complete as others that have been published (see attached Ashwell example [here](#) where reference is made to a number of meetings, surveys and drafts). Most other consultation documents are much more detailed setting out the sort of development they want to see and the development they do not want to see. Maybe this document should have been longer too. It looks as if delays arising from the pandemic lockdown mean that our original residential and worker surveys may need to be revisited and we take additional time to get this right.
- (lviii) Because of this the role of the examiner is critically important. The examiner's role appears to be to confirm that the consultation meets the criteria set out within the Localism Act – and is not some form of safety net to spot issues which have been omitted etc. Consequently, we need to ensure that the final document is as full and complete as possible.

Current NPIERS guidance appears to support this approach (see [here](#)). This was confirmed by Andrew Ashford in his conclusion to his report on the West Grinstead Neighbourhood Plan *“It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements”*.

- (lix) We have spent a lot of time going through the document and whilst there is much to support, there is also a fair amount excluded, not discussed etc. Our fear is that marina residents will not engage with this consultation, that workers will not know it exists and that visitors will be oblivious.
- (lx) Finally, we need to ensure that the final document meets the vision of our residents and our workers. We need to be transparent with consultation responses including numbers of respondents so we know we are reflective of intentions. Is there a better way to communicate with everyone? Maybe reliance on email communications alone isn't appropriate. Maybe we need face to face consultation too.