

Appendix 18.8

HERITAGE CONSULTEE COMMENTS

THE VICTORIAN SOCIETY

The champion for Victorian and Edwardian architecture

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Your reference: 20F/0001
Unique ID: 4084814
Our reference: 156988

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4 May 2020

Dear Mr Jones,

RE: Bramley-Moore Dock, Regent Road, Liverpool (Liverpool Mercantile Maritime City World Heritage Site, including the Bramley Moore Dock retaining walls (Grade II, *Jesse Hartley*, 1848), Hydraulic Engine House at Bramley Moore Dock (Grade II, *George Lyster*, 1883), and part of the Dock wall from opposite Sandhills Lane to Collingwood Dock with entrances (Grade II, *Jesse Hartley*, 1848)); infilling of dock, erection of a new stadium and associated works.

Thank you for consulting the Victorian Society about this application. We have considered the proposals carefully and would like to offer our comments.

Significance and Harm

The site includes three listed structures, and constitutes part of both the Liverpool Mercantile Maritime City World Heritage Site and the Stanley Dock Conservation Area. The proposals will cause harm to the significance of each of these elements, as follows.

Hydraulic Engine House

The hydraulic engine house has significance as the sole survivor of a group of structures which were historically important for the operation of the dock. For much of its history Bramley Moore Dock was served by elevated railways on its north and east sides; the unusual form of the Hydraulic Engine House was constrained by these railways, and it is hence the last major piece of physical evidence within the dock for these important aspects of its historical character. Some significance also derives from the openness of the interior spaces — engine room, boiler room — which is a characteristic of industrial use. Although sensitive restoration of the fabric associated with some kind of reuse could certainly be positive, there are not yet any detailed proposals, and it is therefore impossible to assess the overall effect on the significance of the building.

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Dock Wall

The section of dock wall which bounds the east of the site is part of the much longer section which runs from its end at Sandhills Lane in the north to the bascule bridge at Collingwood Dock. The wall is constructed using Hartley's characteristic finely-jointed rubble masonry. It is very long and presents a solid plane surface only occasionally relieved by gateways. The two gateways included in the application site are of Hartley's striking monumental design, with two massive tapered piers and a larger central pillar which originally contained a dock policeman's lodge. The original gates, which slide into slots in the walls, are apparently still in situ. The proposals are to restore the existing gateways and to punch three sets of new openings through the stretch of wall between them. These openings are to have a lintel above which the top of the wall will run as it does at present, although it will have to be removed and reconstructed in places to allow for construction traffic. The openings will be divided into four and secured with new steel gates.

The significance of the surviving Dock Wall is in a large part due to its monumental scale and the seldom-broken extent of solid masonry which dominates the western edge of Regent road. Any new openings will compromise the visual strength of the unbroken surface and the integrity which comes from the uniform materiality of the existing wall. If new openings are to be made, such harm cannot be avoided; it can only be mitigated, firstly by keeping the number of new openings to the minimum necessary, and secondly by guaranteeing that the masonry around the openings is treated with great care and attention to detail.

The number and density of new openings proposed in this application is relatively high and will cause a great deal of harm to the significance of the wall. It must be emphasized, however, that the listed structure in this case extends far beyond the boundaries of the application site. The harm to its significance which will be caused by these particular proposals must therefore be assessed with respect to the whole wall, bearing in mind the likely needs of other future applications. An important question that needs to be addressed in this larger context is whether it is better for a limited number of new openings to be spaced as widely as possible, or for them to be concentrated in certain places, allowing long stretches of the wall to remain unbroken elsewhere.

Dock Retaining Walls

The significance of the dock retaining walls is complicated to articulate. Part of their significance relates to the technical qualities of their construction — the details of their design and execution — most of which are not visually manifest. From the point of view of construction history, much of what is most interesting about the dock retaining walls is hidden below ground and water, or appreciable only as a measurement (the extraordinarily small batter, for instance). Part of their significance, however, relates to their visual qualities at both small and large scales. Hartley's characteristic construction method is not only interesting in the abstract but makes a striking visual and textural impact with its marked contrast between the cyclopean granite coping stones and the finely-worked rubble beneath. It is also fundamental to the significance of the retaining walls that they mark a boundary between different materials at different levels; the visibility of the top part of the wall face is hence inextricably connected with the purpose and nature of the dock and thus makes a deep contribution to the significance of both the retaining wall and the dock considered more widely as part of the WHS.

The proposals are to infill the dock and to bring the new surface to the level of the current quays, which will entirely obscure the faces of the dock retaining walls, leaving only the top surfaces of the coping stones exposed. This drastic intervention will have two effects. Firstly it will change the kind of significance the retaining walls have, transforming a complex of significance with historic, aesthetic, and evidential components into an almost entirely archaeological interest. Some of the significance of the dock retaining walls is already essentially archaeological in nature, as discussed above, and will not be affected by the proposed changes. Much of the significance, however, springs from the aesthetic qualities of the visible walls; these qualities will be lost and this part of the significance entirely destroyed. Secondly, the infilling of the dock will erase the function of the retaining walls and utterly negate the way in which they organise space. The way in which the walls act as a boundary, both in mechanical and spatial terms, is fundamental to their significance; again, this aspect of significance will be destroyed.

The harm caused by the proposed development to the significance of the dock retaining walls will thus be severe. Because much of the significance already relates to evidential value of an archaeological kind which will not be affected by the proposed works, the proposals will not cause the significance of the retaining wall to be entirely drained away. In the terms of the NPPG, however, it is clear that 'the adverse impact seriously affects a key element of its special architectural or historic interest' (NPPG, Paragraph: 018 Reference ID: 18a-018-20190723). We therefore conclude that the harm is **substantial** in the terms of the NPPF, and must be considered by your authority accordingly.

World Heritage Site

By contrast, the contribution made by the dock to the Outstanding Universal Value of the World Heritage Site is relatively easy to articulate. Part of the OUV springs from the fact that the Liverpool Docks are the 'largest and most complete system of historic docks anywhere in the world', and that these historic docks are not simply historic but globally pioneering. Bramley Moore Dock is a historically important part of Hartley's 1848 dock works and survives substantially in its original format. The listed elements — dock wall, hydraulic engine house, and dock retaining walls — contribute to its importance, but the principal contribution the dock as whole makes to the Outstanding Universal Value of the World Heritage Site is that it remains an extant wet dock, part of the surviving system of interconnected wet docks. Unlike many of the other docks and river frontage north of the Pier Head Bramley Moore Dock is a part of the World Heritage Site proper rather than the buffer zone, and it seems clear that this is because it remains a substantially intact part of Hartley's original arrangement. The infilling of the dock will mean its total loss as an extant wet dock and hence severe harm to the OUV of the World Heritage Site. This harm cannot be considered substantial, in the context of the extent of the WHS, but it does represent another addition to the harm that has already accrued through insensitive development, and which will further accrue through the gradual realisation of the Liverpool Waters consent. We must remind your authority that Liverpool Maritime Mercantile City World Heritage Site remains on the UNESCO List of World Heritage in Danger; these proposals represent a further contribution to the gradual erosion of its Outstanding Universal Value, and we advise your authority to consider very carefully the harm the proposals will cause with respect to the wider, international, heritage context.

Policy

There is a wealth of policy both general and specific to the Liverpool Docks which we do not wish to reproduce in its entirety here. Most pertinent are the several affirmations to the effect that the infilling of surviving wet docks will only be considered in exceptional circumstances. Perhaps the clearest formulation is in the Liverpool Maritime Mercantile City World Heritage Site Supplementary Planning Document (2009), which states at paragraph 4.7.2 that '**it is essential that the fundamental integrity of the docks as open water spaces is retained**', and at 4.7.6 that '**the surviving areas of docks in the WHS and Buffer Zone, including historic dock retaining walls, quaysides, artefacts and their water spaces should be conserved, retained and enhanced**'. Paragraph 4.7.11 offers some strict conditions under which infilling the water spaces may be acceptable, as follows:

'Proposals to build permanent structures in the water spaces may also be acceptable subject to:

i) the same caveats as in 4.7.10 [such uses not creating nuisance to surrounding occupants; such structures not dominating a waterspace by virtue of its coverage; the water space remaining the dominant characteristic element.]

ii) them not prejudicing water-based activities or the role of the docks as settings for surrounding buildings/developments

iii) the role of the docks in demonstrating innovative technologies and method of dock construction being safeguarded and transmitted

iv) the community benefit of a new structure being proven to substantially outweigh any disbenefits to the cultural heritage

v) the new development being proven to enhance the OUV of the WHS.

All such proposals should therefore generally only occupy a small proportion of the overall water space and not dominate that water space.'

With respect to the dock wall, the SPD states that 'The Dock Wall and its setting should, wherever possible, be retained, repaired and preserved in its entirety' (6.4.6). It goes on:

'If adequate access cannot be achieved through existing openings, strong justification will need to be made to create new openings, by demonstrating that this is essential to deliver major regeneration opportunities or to provide essential permeability and connectivity to the surrounding area.' (6.4.7)

The present proposals, both to infill Bramley Moore Dock almost completely and to create three large new openings in the Dock Wall are in direct opposition to the general tenor of these and other such policies.

Your authority should also note that, given that substantial harm will be caused to the significance of the Dock Retaining Walls, the requirements of the NPPF, paragraph 195 must be met before your authority can grant consent.

Advice

There is, in the opinion of the Victorian Society, no question that the overall impact of the scheme will be severely harmful to the significance of the designated heritage assets on the site, the significance of the Stanley Dock Conservation Area, and the Outstanding Universal Value of the World Heritage Site. The proposals also contain several aspects in particular which are explicitly contrary to various policies of your authority. Whether or not the proposals nonetheless prove to be acceptable will be determined by the strength of their justification and the extent of the measures they include to mitigate as far as possible the harm they will cause.

— Justification

We accept that the erection of this new stadium will bring extensive social and economic benefits to local communities; we consider, in fact, that it should in part be considered as a civic project. In addition to the benefits brought by the scheme itself, however, the impact of the redevelopment of the current Goodison Park should also be considered in your assessment. The proposals for the Goodison Park Legacy Development are apparently underdeveloped and are being pursued as an outline permission in a separate application. Given that the two schemes are causally linked, we think that this fragmented approach is unfortunate. We appreciate that it may be difficult to develop these schemes in parallel, and that it would be unreasonable to demand exact details of a development which will be some years away. Nonetheless, we think more details about the redevelopment of Goodison Park should be sought now so that the overall community benefits of the whole scheme of relocation can be better judged.

As the application correctly identifies, there are two aspects of the proposed relocation that can be clearly distinguished: first, the club's desire to move in order to erect a new, larger, more modern stadium; second, the choice of this particular site. Even if the club's desires for better facilities represent an acceptable justification for the erection of a new stadium somewhere, with all the impacts it will entail, it does not follow that their favoured site is the best option in planning terms — hence the Alternative Sites Assessment (ASA) which aims to demonstrate that Bramley Moore Dock is the best (only) viable option. This ASA is extensive. It requires further clarification, however, to be convincing, as follows.

Many of the sites assessed are rejected on the grounds that they are not available for stadium use because their redevelopment would go against some of LCC's existing policies, either for protecting green space (historic parks or otherwise) or employment land. Many of the policies quoted are written in terms very similar to those of the WHS SPD, in which proposals for certain kinds of development 'will be resisted', for example. The ASA does not include any explanation as to why policies so worded are considered more compelling in the cases of green space or employment land than they are in

terms of the protection of heritage assets. If a hierarchy of importance has been adopted in terms of LCC policies with respect to various kinds of planning concern then this should be made explicit. If not, then the ASA should also explain why development on the chosen site, which unequivocally also goes against various LCC policies, should be considered acceptable.

More generally, the ASA seems to have been compiled with perfection in mind. None of proposed sites definitively meets all the criteria under which they have been assessed, but this is hardly to be expected. For such a major project with such extensive requirements some compromise somewhere will inevitably be necessary. The question that must be addressed is not if any alternative site is perfect, but if any alternative site is better than that proposed. This question cannot be meaningfully addressed unless the proposed site is included as part of the exercise. This is a glaring omission from the ASA: the proposed site at Bramley Moore Dock has not been explicitly assessed alongside the alternative sites according to the criteria given. This omission renders the ASA meaningless as a tool of comparison, and must be corrected before any decision can be made. On the face of it the site of the current application is not likely to generate entirely positive answers to at least three of the 'key questions' put forward in the ASA ('Are there any overriding site specific planning issues?', 'Is the site accessible by sustainable modes of transport?' and 'Will there be any unacceptable environmental or visual impacts?'). It should be shown as part of any acceptable justification for this scheme that when applied to the application site these key questions do not preclude it in the same way as they preclude the assessed alternatives.

— Mitigation

If this application is to gain approval we strongly recommend the following measures are taken in order to mitigate as far as possible the harm that it will cause.

i) Dock retaining wall survey. The survey of the dock retaining wall provided with the application is very thorough, and should be retained as a public record of the dock retaining wall.

ii) Treatment of the surviving capstans, bollards, etc. We welcome the approach to the existing artefacts embedded within the dock surfaces. These form an important part of the historic character of the dock and we think that the scheme takes the right approach in retaining as many of these items as possible. We think, however, that the arbitrary relocation of these items should be resisted. These artefacts were functional items, and much of their significance relates to the evidence they preserve of their function. It is vital to the integrity of these historic items, and to the integrity of the historic site more generally that as many of the items of dock furniture as possible are retained in situ, and that where this is not possible merely decorative relocation is not attempted.

iii) Dock Wall. The exemplary treatment of the masonry the Dock Wall is necessary if the proposals for the new openings are to be accepted. Where the wall is to be taken down entirely for the duration of the construction phase this should be stone by stone: a thorough survey should be made and the stones carefully numbered so that they can be replaced precisely as they currently are above the new lintels when the time comes. Details of the edges of the openings should be worked out now and submitted. The wall is constructed of irregular blocks, and some careful masonry work will be needed to establish square-edged openings in a character which does not detract from the character of the wall. Is it proposed to insert stone dressings around the new openings? Or is it proposed to cut the existing stones to a straight edge?

iv) Further dock infill. Most importantly, if the infilling of Bramley Moore Dock is to be permitted, we strongly urge your authority to make a firmer commitment than currently exists that no more historic docks will be lost in this way. Although there are already clear policies regarding the preservation of open water in the docks, the loss of an entire wet dock within the World Heritage Site changes the situation drastically. We think that this altered situation demands a new and more robust position with respect to future development within the World Heritage Site and its Buffer Zone, and urge your authority to amend your policies accordingly.

Conclusion

The Victorian Society is deeply concerned about the harm which these proposals would cause to Bramley Moore Dock, and to the wider Liverpool Mercantile Maritime City World Heritage Site. Considered purely on the basis of conservation policy and principles the proposals are unacceptable. However, we are mindful of the needs and aspirations of the local community and acknowledge that the application involves a series of complex issues. The most crucial of these are the assertion that Bramley Moore Dock is the only viable site for the new stadium and the demonstration that the public benefits of the scheme would outweigh the harm caused to Bramley Moore Dock and the integrity of the World Heritage Site. Balancing these conflicting issues is ultimately a matter for the planning authority: only if the planning authority is absolutely convinced that this is the only viable site and that the predicted public benefits would outweigh the incontrovertible harm should consent be granted. We judge, however, that the proposals require further justification and greater elaboration before they are given consent. We therefore urge your authority to **withhold consent** from these proposals and seek further information and amendments to the documents. We would be grateful if you could inform us of your decision in due course and consult us again if the documents are updated.

Yours sincerely,

Tom Taylor

Conservation Adviser

Cc: Marie Smallwood, Development Advice Team Leader, Historic England, NW



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Ref.: CLT/WHC/EUR/20/12652

15 June 2020

Dear Ms Williams,

I wish to inform you that ICOMOS International has reviewed the indicated documentation related to the Bramley-Moore Dock Stadium proposal within the World Heritage property '**Liverpool – Maritime Mercantile City**'.

Please note that taking into account the Technical Review of ICOMOS, it is considered that the proposed Bramley-Moore Dock Stadium project would have a completely unacceptable major adverse impact on the authenticity, integrity and Outstanding Universal Value of the property and should not proceed at this location. ICOMOS also re-iterates its consistent advice that it is not appropriate for further new developments within the property and its buffer zone to be approved and built until such time as the necessary input studies and plans have been fully completed and the Desired state of conservation for the removal of the property from the List of World Heritage in Danger and Corrective Measures have been finalised, agreed, and endorsed by the World Heritage Committee.

I would be grateful if you could share the enclosed ICOMOS Technical Review (Annex) with your relevant national authorities for their consideration and keep the World Heritage Centre informed of ways by which these comments and recommendations are being taken into account.

ICOMOS remains at the disposal of the State Party to respond to requests for further clarification on the Technical Review or assistance. Nevertheless, ICOMOS had shared its concerns in two issues with the World Heritage Centre in relation to the preparation of this Technical Review.

The first relates to the issue that had already been raised several times during discussions between the World Heritage Centre and the representatives of the State Party. The practice of the State Party to share the full application documentation via a link (meaning a very large number of documents - over 400 for this Technical Review) in a one-page cover letter requires an unreasonable amount of time for both the World Heritage Centre and the Advisory Bodies finding the relevant documents. The *Operational Guidelines for the Implementation of the World Heritage Convention* does not include specific restrictions for documents in relation to the notifications provided by the State Party to the Secretariat under Paragraph 172. Nonetheless, I would like to draw your attention to the practice of the other States Parties to the Convention, providing the Secretariat with the related documentation only, and if relevant their summary in one of the working languages of the Convention. We would be grateful if the State Party would definitely rectify this practice for the future.

The second issue relates to a document called "ICOMOS Heritage Impact Assessment" that is part of the application documentation (in 3 parts at Appendix 18.2, available at the application link:

http://northgate.liverpool.gov.uk/DocumentExplorer/Application/folderview.aspx?type=MVMPRD_DC_PLANAPP&key=1166800). The header on every page uses the name of the document and only with these words. It is assumed that this document has been prepared as a separate Heritage Impact Assessment, using the methodology of the ICOMOS 2011 Guidance on Heritage Impact Assessments for Cultural World Heritage Properties

(https://www.icomos.org/world_heritage/HIA_20110201.pdf). It may be that the name of the document was chosen to distinguish it from the more general and wider-ranging Heritage Impact Statement that is also available on the application link as part of the overall proposal documentation. However, it is considered that the use of this terminology is manifestly misleading, and readers may well interpret it as being an ICOMOS-authored assessment document with comments and conclusions of the organisation. For the above reasons, the name of document (including the annotation on each page) must be changed and a retraction issued on the relevant platforms.

Thanking you for your continuous collaboration and support in the implementation of the *World Heritage Convention*, I remain,

Yours sincerely,



Isabelle Anatole-Gabriel
Chief
Europe and North America Unit

Enc.

cc: Permanent Delegation of the United Kingdom of Great Britain and Northern Ireland to UNESCO
United Kingdom National Commission for UNESCO
ICOMOS International

ICOMOS TECHNICAL REVIEW

Property	Liverpool – Maritime Mercantile City
State Party	United Kingdom of Great Britain and Northern Ireland
Property ID	1150
Date of Inscription	2004
Criteria	(ii)(iii)(iv)
Project	Bramley-Moore Dock Stadium Proposal

1. The Proposal

On 26 February 2020, ICOMOS received notice from the State Party, via the World Heritage Centre, in accordance with Paragraph 172 of the *Operational Guidelines for the Implementation of the World Heritage Convention*, of ‘planning proposals’ seeking full planning permission for a stadium at Bramley-Moore Dock, Regent Road, Liverpool, within the Liverpool Maritime Mercantile City World Heritage property, which were submitted to Liverpool City Council by Everton Stadium Development Limited.

Access was simultaneously provided to the documents for the proposals (application 20F/0001), including a Heritage Impact Assessment (HIA), available at:

<http://northgate.liverpool.gov.uk/PlanningExplorer17/ApplicationSearch.aspx>.

The Advisory Body provides its comments on the proposals below.

The Planning Proposal

Liverpool City Council describes the planning proposals as follows:

The proposal is for the construction of a new 52,888 seat football stadium within Bramley-Moore Dock. The development involves the infilling of the dock and associated engineering works to facilitate the scheme. The stadium has been designed with a north - south orientation with circulation space around the ground. The main pedestrian access is from a fan plaza situated to the east of the building which is accessed through three new openings to be created in the dock boundary wall on Regent Road and two existing openings. The public spaces will be available for use on both match days and non-match days. The design includes the creation of a water channel on the west side of the site to retain the visual dock connection and a new multi-storey car park within the stadium building. The stadium is primarily for football use although permission is sought to host other events and a variety of ancillary concessions are included in the application as detailed on the application drawings.

The stadium has been designed with a brick base and a contemporary polycarbonate roof that is open to the elements. The 345 space car park would be built from the same type of materials as the stadium and is within the West Stand of the stadium. Outside the stadium a number of other public spaces are designed to be flexible so community, cultural and business organisations could use them. The existing Grade II listed Hydraulic Tower is to be repaired and reused as an exhibition/cultural space [...]



Extract from the visualisation of the proposed Bramley-Moore Dock Stadium, looking southeast. (Source: Cover of project Proposal Design and Access Statement Meis Architects, 2020).

The proposal under consideration in this Technical Review comprises:

- *demolition of existing buildings/structures on site (as listed in a schedule);*
- *remediation works;*
- *foundation/piling works;*
- *infill of the Bramley-Moore Dock;*
- *creation of a new water channel between the proposed stadium and the waterfront;*
- *alteration to dock walls and dock isolation works with vehicular and pedestrian links;*
- *other associated engineering works;*
- *internal and external shop and retail and food and drink concessions;*
- *exhibition and conference facilities;*
- *betting shop concessions;*
- *associated infrastructure including: electric substation, outside broadcast compound, photo-voltaic canopy, storage areas/compound, security booth, external concourse / fan zone including performance stage, vehicular and pedestrian access and circulation areas, hard and soft landscaping (including canopies, lighting, wind mitigation structures, public art and boundary treatments), cycle parking structures and vehicle parking (external at grade and multi-storey parking); and*
- *change of use of the Hydraulic Tower structure to an exhibition / cultural centre with ancillary food and drink concession.*

2. Background

The property was inscribed on the World Heritage List in 2004 on the basis of criteria (ii), (iii) and (iv). The full Statement of Outstanding Universal Value (SOUV) for the property is provided as an annexe to this Technical Review. Relevantly, in the context of the current proposal, the SOUV makes particular reference to:

the Dock area with its warehouses, dock walls, remnant canal system, docks and other facilities related to port activities [...]

and records that:

In the 19th century, Liverpool became a world mercantile centre for general cargo and mass European emigration to the New World. It had major significance on world trade as one of the

principal ports of the British Commonwealth. Its innovative techniques and types of dock, dock facilities and warehouse construction had worldwide influence [...];

Liverpool was a major centre generating innovative technologies and methods in dock construction and port management in the 18th, 19th and early 20th centuries [...];

The main docks survive as water-filled basins within the property and in the buffer zone [...]

The particular importance of Bramley-Moore Dock is well established. For example in commenting on the concept for a new football stadium at the subject site, Historic England observed in March 2019 that:

Bramley-Moore Dock is one of five linked docks authorised by the 1844 Dock Act, their construction represented the huge confidence in Liverpool's thriving economy and its future expansion. The new docks designed by Jesse Hartley, demonstrate his unrivalled ability as a dock engineer. Constructed from huge granite blocks with very fine mortar joints, and interconnected via a system of locks, they allowed the easy movement of vast numbers of ships within the port. Bramley-Moore Dock, and its sisters, was a fundamental component of the Port of Liverpool's global success. Its international significance led to its inclusion within the boundary of the Liverpool Maritime Mercantile City World Heritage Site and in the Stanley Dock Conservation Area. Its national importance is further recognised in the dock retaining walls and boundary wall both listed at grade II.

The Liverpool – Maritime Mercantile City World Heritage property was inscribed on the List of World Heritage in Danger in 2012 (Decision 36 COM 7B.93) because of the potential danger posed by an Outline Planning Consent (OPC) issued by Liverpool City Council for the Liverpool Waters development project. Preceding the inscription on the List of World Heritage in Danger, the World Heritage Committee in 2011 had already noted its:

extreme concern at the proposed development of Liverpool Waters in terms of the potential impact of its dense, high and mid-rise buildings on the form and design of the historic docks and thus on the Outstanding Universal Value of the property (35 COM 7B.118).

Since then, repeat World Heritage Committee Decisions (37 COM 7A.35, 38 COM 7A.19, 39 COM 7A.43, 40 COM 7A.31, 41 COM 7A.22, 42 COM 7A.7, and 43 COM 7A.47) have addressed the Liverpool Waters development project and the need for major changes to the OPC to place the retention of the attributes of the property which contribute to its Outstanding Universal Value (OUV) at the centre of decision making. Although the State Party's position is that there is no likelihood of the development being undertaken to the full extent presented in the OPC and that there is flexibility and for individual scheme consent by the Liverpool City Council, the World Heritage Committee has specifically determined that the OPC constitutes an ascertained threat to the property (43 COM 7A.47, Decision 4; 2019).

Among other Decisions, in the period since the OPC was granted, and the property was inscribed on the List of World Heritage in Danger, the Committee has consistently sought completion of necessary studies and neighbourhood masterplans as essential input to identify the Desired State of Conservation for removal of the property from the List of World Heritage in Danger (DSOCR) and Corrective Measures. The Committee has also requested that there be a moratorium on new approvals and construction, pending the completion of these essential guideline and regulatory documents.

Development within the property is guided by the Liverpool World Heritage Site Management Plan and by a Supplementary Planning Document (SPD), adopted in October 2009. However, the OPC as

adopted in 2013 diverges from the guidance set by the SPD in 2009 and it is understood that to the extent of any inconsistency, the OPC prevails.

Despite previous expression of concern by the World Heritage Committee and ICOMOS regarding the prospect of a stadium at Bramley-Moore Dock, the consultation process for the current proposal did not extend to the World Heritage Centre nor to ICOMOS, although the *Design and Access Statement* for the proposal notes that other 'heritage' stakeholders were consulted, as follows:

Consultation with stakeholders such as Historic England and Liverpool City Council, as well as other conservation bodies, including the Merseyside civic society, and heritage consultants, have been integral to identifying key heritage considerations, and establishing design approaches with regard to the treatment of existing heritage elements. (Design and Access Statement section 6.5)

The programme of public consultation regarding the potential re-location of the Everton Football Club's home ground and HQ from Goodison Park to the Bramley-Moore Dock site was therefore fundamentally inappropriate, firstly because choices were not offered about alternative new stadium sites and secondly because respondents were not properly informed of World Heritage impacts, requirements and implications. Any suggestion of a popular mandate for the proposal therefore rests on a flawed foundation of incomplete information and a constructed 'binary' choice.

3. ICOMOS Analysis

The Statement of Authenticity for the property, adopted at the time of inscription, is explicit about the need to retain the dock landscape of the property and its setting:

The main docks survive as water-filled basins within the property and in the buffer zone. The impact on the setting of the property of further new development on obsolete dockland is a fundamental consideration. It is essential that future development within the World Heritage property and its setting, including the buffer zone, should respect and transmit its Outstanding Universal Value.

ICOMOS has participated in previous missions to the property and has previously expressed concerns about the OPC, both before and after it was granted. ICOMOS has also consistently expressed strong concerns that Bramley-Moore Dock is not an appropriate location for the proposed stadium because its construction would cause fundamental adverse impact to key attributes of the OUV of the property, arising, among other factors, from:

- inappropriate location of extensive new built form within the World Heritage property;
- infill of the water-filled Bramley-Moore Dock;
- the physical and visual effect on the property and its setting;
- significant impact on key views;
- disturbance and destruction of archaeological and industrial heritage features; and
- dramatic change to the industrial and maritime character of the property.

These concerns remain – the proposal if built would fundamentally undermine the OUV of the property and would be in contempt of the provisions and obligations for its protection and management.

ICOMOS particularly disputes the underlying philosophical position of the proposal, as for example expressed in the *Design and Access Statement*, the *Heritage Statement* and the so-called '*ICOMOS Heritage Impact Assessment*', that the major adverse impact of the proposal can in any way be counter

balanced by public benefit. The suggestion that the infill of dock is 'unavoidable' and can therefore be acceptable ignores the obligations of the State Party under the World Heritage Convention.

In this regard, ICOMOS has received and considered submissions by Historic England to Liverpool City Council, which, as long ago as January 2018, clearly advised that:

The proposal to infill the dock goes against the established approach to managing the OUV of the World Heritage Site, as set out in the current World Heritage Site SPD, and also appears contrary to Government objectives and policy for the sustainable conservation of irreplaceable heritage assets.

ICOMOS concurs with this advice, noting that the entire concept of the proposed Bramley-Moore Dock Stadium appears to be founded on an incomplete understanding of the values of the property and misconception of the State Party's own policy position for conservation of those values.

ICOMOS notes further that the application's *Heritage Statement* itself (at paragraph 10.33) considers Section 4.7 of the *World Heritage Site Supplementary Planning Document* (SPD) October 2009, which relates to dock water spaces and acknowledges that the proposal is contrary to the applicable guidance which states (*inter alia*):

'it is essential that the fundamental integrity of the docks as open water spaces are retained' (4.7.2) [...]

'the retention of the contributions of the docks as focal points, to setting and openness is critical in both heritage conservation and urban design terms' 4.7.4) [...]

further, 'the surviving areas of docks in the WHS and Buffer Zone, including historic dock retaining walls, quaysides, artefacts and their water spaces should be conserved, retained and enhanced' (4.7.6).

None of these requirements of the State Party's own guidance document for the property are satisfied by the proposal.

The proposal and its numerous supporting documents also err with a further misconception that heritage requirements and impacts can be validly assessed and evaluable based on consideration of the sum of individual elements. Nevertheless, even the 'Heritage Statement' provided by the proponent acknowledges:

However, with regards to the Grade II listed Bramley-Moore Dock Retaining Walls, whilst their physical structure will be carefully conserved it would be reasonable to conclude that the removal of the water from the dock, its partial infill and the construction of a building in it would affect a key element of its special architectural or historic interest (10.9).

Similarly, with regards to the Stanley Dock Conservation Area it could be concluded that, when taking into consideration the overall key character and appearance of the conservation area to be that of interconnecting docks and associated buildings and structures that the infill of the dock would also lead to an adverse impact that would seriously affect a key element of its special interest (10.10).

ICOMOS has considered the reported heritage benefits of the proposal, including increased public access to the property, the retention of boundary walls (albeit with additional penetrations), the conservation and adaptation of the Hydraulic Tower and the provision of a new interpretative water channel. These benefits in no way mitigate or compensate for the profound adverse impact of the infill

of the historic dock and the construction of a major new element which is inappropriate in this context.

ICOMOS acknowledges the outstanding design quality of the proposed new stadium and the thoroughness of the design process, but objects to the implication that these qualities justify its construction at this location. In this context, ICOMOS notes that although the design reflects, to some extent, the materials and forms found along the waterfront part of the property, such design niceties cannot compensate for the completely unacceptable concept. A brand new stadium of outstanding design could and should be built at another site, close to the city centre, but outside the World Heritage property and its buffer zone and visual setting. ICOMOS also acknowledges the importance of football to the history and culture of the City of Liverpool, and the need for a new stadium – but advises that the assertion that it belongs within a World Heritage property inscribed for completely different cultural values should be rejected outright.

4. ICOMOS Conclusions

ICOMOS continues to support the concept of sensitive development and adaptation of the property and its buffer zone on the basis that such development retains and supports the attributes that contribute to the OUV of the property, but is concerned at the ongoing presentation and approval of projects that are inconsistent with the integrity and authenticity of the property, contrary to the State Party's own guidance documents, and contrary to explicit Decisions of the World Heritage Committee.

The proposed Bramley-Moore Dock Stadium project would have a completely unacceptable major adverse impact on the authenticity, integrity and OUV of the property and should not proceed at this location.

ICOMOS reiterates its previous advice that the relevant authorities of the State Party should afford greater weight to the objectives and requirements of the United Kingdom's *National Planning Policy Framework*, and in particular the provisions of paragraphs 192, 193, 194, 196 and 200, to give priority to sustainable conservation and use of heritage assets for community benefit, and afford primacy to conservation of World Heritage.

ICOMOS again re-iterates its consistent advice that it is not appropriate for further new development within the property and its buffer zone to be approved and built until such time as the necessary input studies and plans have been fully completed and the DSOCR and Corrective Measures have been finalised, agreed, and endorsed by the World Heritage Committee. Insofar as such a moratorium is not possible under UK law, that situation itself presents a major and unacceptable threat to the OUV of the property.

The cumulative effect of an ongoing series of individual projects with major adverse heritage impact – of which the Bramley-Moore Dock proposal is but the most recent iteration – has reached a point where the OUV of the property has been irrevocably damaged.

ICOMOS remains at the disposal of the State Party for further clarification on the above or assistance as required.

ICOMOS, Charenton-le-Pont
June 2020

Annexe: Statement of Outstanding Universal Value

Annexe: Statement of Outstanding Universal Value

Brief synthesis

Located at the tidal mouth of the river Mersey where it meets the Irish Sea, the maritime mercantile City of Liverpool played an important role in the growth of the British Empire. It became the major port for the mass movement of people, including slaves and emigrants from northern Europe to America. Liverpool was a pioneer in the development of modern dock technology, transport systems and port management, and building construction.

Six areas in the historic centre and docklands of Liverpool bear witness to the development of one of the world's major trading centres in the 18th, 19th and early 20th centuries. A series of significant commercial, civic and public buildings lie within these areas, including the Pier Head, with its three principal waterfront buildings - the Royal Liver Building, the Cunard Building, and Port of Liverpool Building; the Dock area with its warehouses, dock walls, remnant canal system, docks and other facilities related to port activities; the mercantile area, with its shipping offices, produce exchanges, marine insurance offices, banks, inland warehouses and merchants houses, together with the William Brown Street Cultural Quarter, including St. George's Plateau, with its monumental cultural and civic buildings.

Liverpool - Maritime Mercantile City reflects the role of Liverpool as the supreme example of a commercial port at the time of Britain's greatest global influence. Liverpool grew into a major commercial port in the 18th century, when it was also crucial for the organisation of the trans-Atlantic slave trade. In the 19th century, Liverpool became a world mercantile centre for general cargo and mass European emigration to the New World. It had major significance on world trade as one of the principal ports of the British Commonwealth. Its innovative techniques and types of dock, dock facilities and warehouse construction had worldwide influence. Liverpool was instrumental in the development of industrial canals in the British Isles in the 18th century, and of railway transport in the 19th century. All through this period, and particularly in the 19th and early 20th centuries, Liverpool gave attention to the quality and innovation of its architecture and cultural activities. To this stand as testimony its outstanding public buildings, such as St. George's Hall, and its museums. Even in the 20th century, Liverpool has made a lasting contribution, remembered in the success of The Beatles, who were strongly influenced by Liverpool's role as an international port city, which exposed them to seafarers, culture and music from around the world, especially America.

Criterion (ii): Liverpool was a major centre generating innovative technologies and methods in dock construction and port management in the 18th, 19th and early 20th centuries. It thus contributed to the building up of the international mercantile systems throughout the British Commonwealth.

Criterion (iii): The city and the port of Liverpool are an exceptional testimony to the development of maritime mercantile culture in the 18th, 19th and early 20th centuries, contributing to the building up of the British Empire. It was a centre for the slave trade, until its abolition in 1807, and for emigration from northern Europe to America.

Criterion (iv): Liverpool is an outstanding example of a world mercantile port city, which represents the early development of global trading and cultural connections throughout the British Empire.

Integrity

The key areas that demonstrate Outstanding Universal Value in terms of innovative technologies and dock construction from the 18th to the early 20th century and the quality and innovation of its architecture and cultural activities are contained within the boundaries of the six areas forming the property. The major structures and buildings within these areas are generally intact although some such as Stanley Dock and associated warehouses require conservation and maintenance. The historic evolution of the Liverpool street pattern is still readable representing the different periods, with some alteration following the destruction of World War II.

There has been some re-development on sites previously redeveloped in the mid-late 20th century or damaged during World War II, for example at Mann Island and Chavasse Park, north and east of Canning Dock. All archaeology on these development sites was fully evaluated and recorded; archaeological remains were retained in situ where possible, and some significant features interpreted in the public domain. A new visitor centre has been opened at the north east corner of Old Dock, which has been conserved and exposed after being buried for almost 200 years. The production and adoption of design guidance minimizes the risks in and around the WH property that future development might adversely affect architectural quality and sense of place, or reduce the integrity of the docks.

Authenticity

Within the property, the major dock structures, and commercial and cultural buildings still testify to the Outstanding Universal Value in terms of form and design, materials, and to some extent, use and function. Warehouses at Albert Dock have been skillfully adapted to new uses. Some new development has been undertaken since inscription and has contributed to the city's coherence by reversing earlier fragmentation. No significant loss of historical authenticity has occurred, as the physical evidence of the City and its great past remain prominent and visible, and in some cases has been enhanced. The main docks survive as water-filled basins within the property and in the buffer zone. The impact on the setting of the property of further new development on obsolete dockland is a fundamental consideration. It is essential that future development within the World Heritage property and its setting, including the buffer zone, should respect and transmit its Outstanding Universal Value.

Protection and management requirements

The property is within the boundary of Liverpool City Council and is protected through the planning system and the designation of over 380 buildings. The six sections of the property are protected as Conservation Areas under the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The properties within the boundary are in mixed ownership and several institutions have management responsibilities relating to them. The property is subject to different plans and policies, including the Liverpool Unitary Development Plan (2002) and the Strategic Regeneration Framework (July 2001). There are several detailed master plans for specified areas, and conservation plans for the individual buildings. A Townscape Heritage Initiative for Buildings at Risk in the World Heritage site and its buffer zone is successfully encouraging and assisting the restoration of buildings within designated areas of the property. A full Management Plan has been prepared for the property. Its implementation is overseen by the Liverpool World Heritage Site Steering Group, which includes most public bodies involved in the property.

At the time of inscription, the World Heritage Committee requested that the height of any new construction in the property should not exceed that of structures in the immediate surroundings; the character of any new construction should respect the qualities of the historic area, and new construction at the Pier Head should not dominate, but complement the historic Pier Head buildings. There is a need for conservation and development to be based on an analysis of townscape characteristics and to be constrained by clear regulations establishing prescribed heights of buildings.

A Supplementary Planning Document for Development and Conservation in and around the World Heritage site addresses the management issues raised by the World Heritage Committee in 2007 and 2008 and was formally adopted by the Liverpool City Council in October 2009.



Historic England

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Your ref:
20F/0001

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07917068164

18 May 2020

Dear Peter

**T&CP (Development Management Procedure) (England) Order 2015
& Planning (Listed Buildings & Conservation Areas) Regulations 1990**

**BRAMLEY-MOORE DOCK, REGENT ROAD, LIVERPOOL
Application No. 20F/0001**

Thank you for your letter of 20 February 2020 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

SUMMARY

Liverpool's docks were the heart of the city and the principal source of its spectacular wealth. In 1844 five new docks, the Stanley Dock complex, were built in one phase, creating a sequence of inter-connecting basins designed by renowned dock engineer Jesse Hartley. This was the pinnacle of 19th century dock design and cargo-handling and influenced ports around the globe. The Grade II listed Bramley Moore Dock, the largest of the five docks, was built for use by the largest steamers of the time.

The Stanley Dock group forms a critical component of Liverpool's mercantile history, and is a key area and principal attribute of the Outstanding Universal Value of the Liverpool Maritime Mercantile City World Heritage Site, sustaining a very high level of integrity and authenticity; the management of the World Heritage Site is a very important consideration.

The application is for full planning permission to construct a new football stadium for Everton Football Club. Football has always formed a defining part of Liverpool's identity and is undoubtedly a key part of the city's unique and fascinating history, and Historic England acknowledges Everton Football Club's desire to relocate from Goodison Park to create a state of the art facility that reflects the club's status and history. It has been clear throughout our discussions with the Club that part of the draw of Bramley Moore Dock is its exceptional context, and that there is a strong desire to build a new stadium that is sensitive to its surroundings and of a standard of design respectful of its context.



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Correspondence or information which you send us may therefore become publicly available.





However, we consider that the proposal would result in substantial harm to the significance of the Grade II listed Bramley Moore Dock, through its infilling, and cause a very large harmful impact to a World Heritage Site, an asset of the highest (international) significance, the values of which the UK Government has committed to conserve, protect and explain. It is identified by UNESCO's World Heritage Committee as being in danger of being lost due to developments, which the Committee regards as harmful, being permitted.

It is for these reasons that Historic England advises that this application should be refused, unless the decision-maker concludes that the proposal is necessary to secure substantial public benefits which would outweigh the substantial harm to Bramley Moore dock and the harm to the World Heritage Site which the proposals would cause. In view of the implications of the proposals for the World Heritage Site we also consider that this application should be determined by the Secretary of State, and we shall ask that it be called in for his determination.

SIGNIFICANCE

Football has always formed a defining part of Liverpool's identity and whilst not a designated heritage asset, it is undoubtedly a key part of the city's unique and fascinating history. Its ties to the city's port are strong. In mid-19th century the unsanitary living conditions of the working classes in cities like Liverpool were a national scandal; Stanley Park in Everton was built as part of the Corporation of Liverpool's response. It was designed for the whole public and given the name the 'People's Park' as two thirds of the park was laid out as pitches for ball games.

When in 1880 the dock workers were granted Saturday afternoon off, many spent it playing football at Stanley Park, and the group from the St. Domingo Methodist Church became one of the most successful; playing their first game as Everton Football Club in 1879. The club then went on to be a founding member of the Football League.

Liverpool's docks were the heart of the city and the principal source of its spectacular wealth. It was a port of global influence, which played a fundamental role in the transportation of both goods and people across the world from the mid-18th century onwards.

In 1844 a Dock Act authorised the construction of five new docks, the Stanley Dock complex, which were all built in one phase, creating a sequence of inter-connecting basins designed by renowned dock engineer Jesse Hartley. This was the pinnacle of 19th century dock design and cargo-handling, and influenced ports around the globe. The complex demonstrates Liverpool's supreme confidence in its global trading position, reflected in the financing of such a massive venture. Whilst other areas of Liverpool Docks are better known, the Stanley Dock complex is the area which best defines the city's contribution to port design and operation in the 19th century.

The scale of the dock basins created by the construction of the Stanley Dock group was vast and was matched by huge, linear, richly coloured brick warehouses, designed to store and control vast quantities of high value goods. The Grade II listed Tobacco Warehouse soars over the surroundings, clearly demarking and characterising the northern docks. Another defining feature of the area is the Grade II listed granite Dock Boundary Wall, which is great in length and broken up by whimsical turrets, marking the entrance to each dock. The turrets strengthen the character of the wall as a boundary, controlling goods in and out of the docks, but also demonstrate Hartley's appreciation for good design and the Dock Trustees' ability to fund it.





The architectural and historic interest of the Stanley Dock area is recognised in its designation as a conservation area, which includes other structures which are distinctively of Liverpool and a key part of the dock function.

The Grade II listed Bramley Moore Dock, the largest of the five docks, was built for use by the largest steamers of the time and was thinner and longer to accommodate them. However, the steamships soon became too big for the dock and in the 1850s it was adapted to load coal from trains to boats. This displays the alterations and adaptations made to the docks as ships and technology advanced rapidly in the mid-19th century.

The Stanley Dock group forms a critical component of Liverpool's mercantile history, and is a key area, which expresses a principal attribute of the Outstanding Universal Value of the World Heritage Site. The group represents not only Hartley's largest single undertaking in Liverpool, but also remains as one of the most complete of his dock complexes and therefore sustains a very high level of integrity and authenticity.

Since the property's inscription in 2004, the overall condition of the World Heritage Site has improved dramatically. However, it was placed on the List of World Heritage in Danger in 2012 due to UNESCO's concerns with the Liverpool Waters outline planning permission, which sought to redevelop the northern docks as a mixed use scheme, including residential units on the quayside around Bramley Moore Dock. The management of the World Heritage Site is a very important consideration, particularly in light of its position on the UNESCO World Heritage Committee's List of World Heritage in Danger and the explicit reference in the 2019 Committee decision to 'potential deletion from the World Heritage List' if the Committee's advice is not followed.

Liverpool continues to be a nationally significant port, receiving large volumes of goods into Peel Ports' docks to the very north of the city, able to handle the massive container ships now the focus of mercantile shipping. These advances in maritime practice have rendered the historic docks unused from the mid-20th century onwards and the once thriving docks and surrounding industrial areas have fallen into notable decline. This has not only impacted on the condition of the built environment, but North Liverpool is identified as suffering one of the highest levels of deprivation in the country.

IMPACT

The application is for full planning permission to construct a new football stadium for Everton Football Club. To allow its construction, permission is sought to largely infill the Grade II listed Bramley Moore Dock with river sand; the created area not covered by the stadium would then become an external concourse/fan zone, to which pedestrian access would be through a series of openings created in the Grade II listed Dock Boundary Wall. The currently vacant Hydraulic Accumulator Tower would also be repaired and converted to an exhibition centre.

Historic England acknowledges Everton Football Club's desire to relocate from Goodison Park to create a state of the art facility that reflects the club's status and history. It has been clear throughout our discussions with the Club that part of the draw of Bramley Moore Dock is its exceptional context and that there is a strong aspiration to build a new stadium that is sensitive to its surroundings and of a standard of design respectful of its context, a principle which we have supported. The Club is also committed to use the new stadium to catalyse much needed social and economic change to the area around both Goodison Park and Bramley Moore Dock.





We are also sensitive to the opportunities presented by the area around Bramley Moore Dock, which is well-placed for regeneration due to its fantastic built heritage and proximity to the city centre. It already boasts one of the city's most successful heritage-led regeneration schemes, the Titanic Hotel, and the conversion of the vast Grade II listed Tobacco Warehouse to apartments will lead to the repair of a landmark building which stood largely empty for years and bring a new vitality to an area which has been in notable decline.

The Proposed Development

In response to its surroundings the body of the proposed stadium would be constructed of handmade brick piers, arranged to give the impression of a single linear mass, but interspersed with mesh to create a lighter structure, referencing the form of the brick warehouses synonymous with the city's docks, in particular the rhythm of the Tobacco Warehouse. The elevations would have Goodison Park stadium's distinctive 'Archibald Leitch lattice' picked out in contrasting brick as aesthetic and emotional links with the original historic stadium.

The roof structure has been designed with a softer, curvilinear form to be constructed of metal, creating something different from anything elsewhere in the docks. Football stadiums are significant public buildings in any city and their status should rightly be reflected in their design and form.

The hard landscaping around the stadium looks to retain and reuse many of the artefacts associated with the dock, including capstans and railway tracks, whilst the extent of the dock would be highlighted in the paving. A water channel would be retained between the existing lock gates which link Bramley Moore to the surrounding docks with the aim of retaining a sense of the connectivity of the docks. While this would be a positive response to one of the issues created by the proposed infilling, this would provide a level of mitigation to the harm caused by the dock's infilling.

From our on-going and positive relationship with the Club and its architects, we are aware that there are certain aspects of the stadium design which continue to evolve and will be subject to additional review in the upcoming weeks. We will continue to work with the Club on these changes as the design develops.

Notwithstanding the current design, or amendments, Bramley Moore Dock would require infilling to allow the construction of the stadium with implications for both the listed dock and the Stanley Dock Conservation Area, as well as the Liverpool Maritime Mercantile City World Heritage Site. We have considered the impact on each asset below: -

Bramley Moore Dock

The application seeks to drain the Grade II listed Bramley Moore Dock (which was a working dock until last year) protect the majority of the dock retaining walls with a membrane and then infill the basin with river sand. The western end of the dock, between the existing lock gates, would remain as a water channel to given an impression of the historic connectivity of the docks. The stadium would then be built over the top of the retaining walls, to be left in-situ, using the capping stones -where visible - to demarcate the shape of the dock in the surrounding hard landscaping.

Hartley's dock retaining walls are famous for their durability in retaining water, due to the construction methods he developed as Dock Engineer. This stability was a great advantage to Liverpool, as it allowed the port to work at a higher capacity when the quick turnaround of





cargo was critical to success. The loss of the water from the basin by infilling would dramatically reduce the ability to understand the construction form developed by the highly influential dock engineer to address a specific issue, which would have a detrimental impact on the significance of the asset.

The infilling of the dock & construction of the stadium would also significantly reduce the ability to appreciate the shape and form of the dock, fundamental to its significance as a dock specifically built for steam ships, in the early years of their use and which required different cargo handling procedures. Bramley Moore's design reflected Liverpool's foresight in adapting to new technologies, which supported its global dominance.

Whilst not the most important aspect of the asset, it is clear throughout the whole dock estate, that Hartley looked for function and beauty in his structures, and the attractive granite retaining walls, with Hartley's distinctive stone coursing would no longer be visible, masking their aesthetic value.

In conclusion, whilst the physical asset would be kept as part of the proposal, the purpose of the retaining walls is to form a water-filled basin, and infilling of the basin with sand would lead to the loss of the essence of the dock's character and total loss of their original purpose, and therefore integrity. These works would have a very considerable and harmful impact on the Bramley Moore Dock and would cause substantial harm to the dock's significance.

Dock Boundary Wall

In order to allow significant numbers of people to access the site on match days, it is proposed to create three groups of four openings through the Grade II listed Dock Boundary Wall. During the construction phase these three openings would be full height, but deep lintels would be reinstated to create punched openings, framed in metal.

The regeneration of historically defended spaces anywhere raises the challenge of balancing the need to tell the story of that place alongside providing welcoming access to new communities. It is possible to allow access, both visual and physical, through such boundaries whilst retaining a strong sense of the previous uses and requirements, and even making the most of such a distinctive feature in the townscape. The wall was built to control the movement of people into the docks, not to totally prevent it, as the historic port function was hugely labour-intensive and would have been bustling with activity. Care must however be taken over the number, size and detail of openings.

The impact of the proposed openings on the Dock Boundary Wall, a key feature of the World Heritage Site, would be great as it would affect the ability to understand its function as a controlled boundary. However, as the wall is so long its character as a defensible boundary would remain strongly evident elsewhere on the asset, and we consider the impact of the openings would cause a modest level of harm, but to an asset which carries heightened significance as part of the Outstanding Universal Value of the World Heritage Site.

Hydraulic Accumulator Tower

The Hydraulic Accumulator Tower, currently vacant and in poor condition, would be repaired as part of the proposal, to be used as an exhibition centre. The repair and reuse is a positive of the application and would provide a heritage benefit, however the loss of the dock basin it was built to provide power to for the opening locks etc, together with the construction of the stadium, would impact on the contribution setting makes to the asset's significance, causing





minor harm. The heritage benefit and minor harm to this asset would balance each other out.

Stanley Dock Conservation Area

The loss of the ability to read Bramley Moore Dock as one of the five water-filled basins would impact on the ability to appreciate the historic importance of this complex, both from significance derived as part of a group which reflected Liverpool's global dominance in maritime trade, but also the understanding of the connectivity which was a key feature of Liverpool's innovative dock system and which helped to sustain its global position. This impact would itself cause a very high level of harm to the significance of the conservation area.

The scale and visual prominence of the stadium would impact on the overall character of the area which has historically been dominated by the monumental Tobacco Warehouse; whilst the Victoria Clock Tower would be less evident in views to the area from across the River Mersey. These impacts would contribute to a very high level of harm to the significance of the Stanley Dock conservation area.

Liverpool Maritime Mercantile City World Heritage Site

The Stanley Dock Conservation Area is identified as one of six character areas which together comprise the WHS. The area demonstrates some key attributes of 'Outstanding Universal Value' including innovative technologies and methods in dock construction and port management in the 18th, 19th and early 20th centuries, as well as representing the early development of global trading and cultural connections throughout the British Empire. As such the Stanley Dock Conservation Area is of very high value to the World Heritage Site and furthermore contains buildings which, individually, are also of very high value.

The harm to the character of the Stanley Docks conservation area set out above would therefore result in a considerable, and harmful, impact on the World Heritage Site, when assessed in line with the ICOMOS Guidance on Heritage Impact Assessments for Cultural World Heritage Properties.

The guidance requires that the scale and severity of impacts on individual attributes, as well as Outstanding Universal Value as a whole, should be assessed, and that the significance of individual heritage assets which contribute towards attributes of Outstanding Universal Value should also be taken into account. In this case the proposed change to the Stanley Dock Conservation Area would be moderate in scale and severity, in a scale that runs from no change, negligible, minor, moderate to major. In view of the significance of the contribution which the conservation area makes to the key attributes of Outstanding Universal Value summarised above, the scale and severity of the proposed change would have a 'large/very large' harmful impact on the Liverpool Maritime Mercantile City World Heritage Site, as defined using the ICOMOS matrices.

POLICY

The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that the local planning authority in considering whether or not to grant listed building consent shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 66 of the Act repeats the requirement for having "special regard" when considering whether to grant planning permission.





Section 72 of the Act sets out that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

The revised National Planning Policy Framework (NPPF) sets out in Section 16 the policy's for Conserving and enhancing the historic environment; paragraph 193 in that section states that great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be. WHSs are, of course assets, of the highest significance. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 194 goes on to state that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Paragraph 196 details where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Whilst paragraph 195 advises where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm.

Paragraph 200 sets out that local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance.

Section 12 of the NPPF details how well designed places should be achieved, including that decisions should ensure that developments will function well and add to the overall quality of the area and be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. They should be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change and establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

Paragraph 2 of the NPPF details that Planning policies and decisions must also reflect relevant international obligations and statutory requirements. The World Heritage Convention falls within the terms of this paragraph.

Liverpool City Council has a draft Local Plan into which the importance of the World Heritage Site is woven throughout, and also includes a number of policies directly related to the designation including Policy HD1 which sets out how the City Council will support proposals which conserve or, where appropriate, enhance the historic environment of Liverpool. Also particular consideration will be given to ensure that the significance of those elements of its





historic environment which contribute most to the City's distinctive identity and sense of place are not harmed. These include the docks, warehouses, ropewalks, shipping offices, transport systems and other maritime structures associated with the City's role as one of the World's major ports and trading centres in the 18th, 19th and early 20th Centuries. There is no allocation within the draft plan for a new football stadium, but reference is made to Everton's desire to relocate to a new stadium.

Policy HD2 Liverpool Maritime Mercantile City World Heritage Site, further states that the City Council will support proposals which conserve or, where appropriate, enhance the Outstanding Universal Value of the Liverpool Maritime Mercantile City World Heritage Site. In addition to the requirements of Policy HD1 it clarifies that permission will not be granted for proposals which would have an adverse impact upon the views of the Waterfront from the River Mersey, or of the key Landmark Buildings and vistas identified in the Liverpool Maritime Mercantile City World Heritage Site SPD.

Policy CC10 Waterfront Design Requirements, which includes that development should: - 'Protect the character, setting, distinctiveness and Outstanding Universal Value of the World Heritage Site, and its buffer zone, by ensuring the siting, scale, form, architectural approach, design quality and materials are appropriate and respect the proposal's location;' as well as 'Respect the form and mass of the dock estate and its industrial heritage and make provision for the repair, conservation, integration and interpretation of heritage assets'

A further critical consideration is that in ratifying the World Heritage Convention, the Government accepted a commitment to conserve, protect, transmit and present the values of properties inscribed on the World Heritage List within the UK. Paragraph 2 of the NPPF details that Planning policies and decisions must also reflect relevant international obligations and statutory requirements, including the World Heritage Convention.

This commitment is reflected at local level by, amongst other instruments, the Liverpool World Heritage Site Supplementary Planning Document 2009 (SPD), which includes a number of policies referring to dock infill, including 4.7.2 which states: -

'The surviving docks in the World Heritage Site and Buffer Zone represent a significant part of the "biggest and most complete system of historic docks in the world" and so any development, which would compromise that globally superlative system, would need exceptional justification. The historic docks in the World Heritage Site and Buffer Zone still show a strong homogeneity of design and materials. These docks create a distinctive dockland landscape that forms an essential part of the World Heritage Site's character and Outstanding Universal Value. **It is essential that the fundamental integrity of the docks as open water spaces is retained.**' (Bold text above and in the following paragraph reflect SPD)

Section 4.7.3 states that: - 'The water bodies within these docks are fundamental to their character and historical importance. They have incredible potential to provide localised focal points of activity and provide a dramatic setting for the surrounding buildings, both new and old. They are also some of the few genuinely open spaces in these areas. **The retention of the contributions of the docks as focal points, to setting and openness is critical in both heritage conservation and urban design terms**'.

The associated World Heritage Site Management Plan was comprehensively revised and submitted to the World Heritage Centre by DCMS, acting in its capacity as State party to the World Heritage Convention, in 2017. It was agreed by the principal stakeholders represented





on the Liverpool World Heritage Site Steering Group, including the City Council. It is not a statutory document, but it does set out a change management framework based on the legislation and guidance set out above. The Change Management Framework makes a commitment “*to secure the sustainable redevelopment of the property, ensuring its Outstanding Universal Value is protected and conserved.*”

POSITION

Historic England acknowledges Everton Football Club's desire to develop a new stadium to complement both its history and its aspirations for the future. We also commend the club in the manner in which it has addressed the development of the application, seeking to engage fully with both the public and stakeholders, including Historic England as well as being sensitive to and seeking to positively address the highly significant historic area which it has identified as its preferred new home.

We also recognise the regeneration potential of the industrial landscape around Bramley Moore Dock and we share the Council's aspirations to see the area revitalised and enjoyed to its fullest potential, being a characterful area steeped in history and a key part of Liverpool's story. An improved built environment is one element of a successful regeneration scheme, which should include extensive social and economic enhancements to an area.

However, despite Everton's positive approach and the project's aim to minimise the impact of the stadium on designated assets, the proposed stadium would affect the significance of heritage assets of national importance in their own right, which also contribute positively to the Outstanding Universal Value of the World Heritage Site.

In respect of some heritage assets, the overall level of harm caused by the stadium would be neutral, as the minor harm would be balanced by the heritage benefit of reuse e.g. the Hydraulic Accumulator Tower. However the proposed development would cause substantial harm to Bramley Moore Dock and a very high level of harm to the Stanley Dock Conservation Area. The very high importance of the Stanley Dock Conservation Area to the World Heritage Site, and the 'moderate' change the stadium would result in, would lead to a 'large/very large' harmful impact to the Liverpool Maritime Mercantile City World Heritage Site as a whole.

The NPPF sets out that any harm requires a clear and convincing justification and that substantial harm to a Grade II listed building should be exceptional. As part of the evidence base provided by the club to demonstrate that there is a clear and convincing justification for the harm identified, and that the harm is necessary, they have provided an Alternative Sites Assessment to evidence that Bramley Moore Dock is the only viable location for a relocated Everton Football Stadium.

We do not think that the Alternative Sites Assessment provides sufficient justification for the selection of Bramley Moore Dock for the proposed stadium for a number of reasons. Firstly the document relies on local rather than national policy to consider sites; this has resulted in a number of sites being discounted as they are identified as public green space or employment land, while Bramley Moore, a heritage designation of the highest importance, supported by robust local policy in the World Heritage Site Supplementary Planning Document, has not been treated in this way. The hierarchy of planning policy used to undertake the assessment is therefore considered to be unconventionally weighted, as well as being inconsistently applied.





It is also not explicitly stated how a site size of 8 hectares has been established as the minimum necessary to build the stadium. We cannot be confident that 8 hectares is an appropriate minimum plot size and the potential remains that suitable smaller plots may be available, but not have been considered as part of the process.

Perhaps the most notable omission is that neither Goodison Park nor Bramley Moore Dock have been analysed as part of the Alternative Site Assessment process. It would appear that if considered against the criteria set out, Bramley Moore would not be considered favourably, falling down on a number of criteria including 'overriding site specific issues' as well as 'unacceptable environment or visual impacts'. This omission does greatly undermine the validity of the assessment.

The document is also heavily weighted towards the argument that the club should remain in North Liverpool as the focus of the club's fan base is here. We accept this is a valid consideration, recognising the importance of a sense of ownership of a football club and how much of that is derived from being part of a place. However standard planning procedure advises that this argument should be factored in at the end of the selection process, rather than shaping the whole consideration of alternative sites.

Also a number of the public benefits identified in the application relate to the associated redevelopment of the cleared Goodison Park site: these benefits, all with potential to contribute positively to the community, could be delivered if the new stadium was on a different, and potentially less harmful, site.

In determining this application, the absence of clear and convincing justification must reduce the weight to be accorded to the significant public benefits which would flow from the development. In the case of Bramley Moore Dock it also means that the test of necessity required by the NPPF, in cases in which substantial harm would be caused, does not appear to have been met.

Historic England does not attempt to judge the public benefit in such cases or to carry out the necessary balancing exercise, which is for the decision-maker. Nevertheless, we question whether even significant public benefits, which cannot be given full weight in the absence of clear and convincing justification, could outweigh substantial harm to Bramley Moore Dock and a very high level of harm to the Stanley Dock conservation area and the 'large/very large' impact on the Outstanding Universal Value of the World Heritage Site.

The NPPF sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be. As an asset of global importance, the World Heritage Site is of highest significance and therefore the greatest weight should be given to its conservation. This is supported by Liverpool City Council's own policies within the Draft Local Plan and the Supplementary Planning Document, the role of which is to support the UK Government's commitment to conserve, protect, transmit and present the values of properties inscribed on the World Heritage List within the UK, and which sets out that the docks form an essential part of the World Heritage Site's character and that "It is essential that the fundamental integrity of the docks as open water spaces is retained".

The proposed development would fundamentally contradict this policy and the general approach to the conservation of the World Heritage Site set out in the document. While we acknowledge the efforts Everton Football Club has taken to mitigate the impact of the





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stadium, we consider that the proposal would result in substantial harm to the Grade II listed Bramley Moore Dock and cause a 'large/very large' harmful impact to a World Heritage Site, an asset of the highest international significance, and one which is threatened with deletion from the World Heritage List - a matter of national concern.

RECOMMENDATION

For these reasons Historic England recommends that this planning application should be refused, unless the decision-maker concludes that the proposal is shown to be **necessary** to secure substantial public benefits, and that these would outweigh the harm to the World Heritage Site and other heritage assets. Given the international importance of the World Heritage Site, and the degree of harm which the proposed development would cause to it, we consider that this application should accordingly be determined at a national level by the Secretary of State, and we shall request that it is called in to enable this to happen.

Kind regards

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