

Appendix 2.2

EIA SCOPING OPINION & SUBSEQUENT CORRESPONDENCE

Enquiries to: Peter Jones
Contact No: 0151 233 3016
Application Ref:
(Please quote at all times)
Date: 08 November 2017



Georgina Dowling,
CBRE Ltd,
St Martin's Court,
10 Paternoster Row,
London,
EC4M 7HP.

Dear Georgina

**Town and Country Planning (Environmental Impact Assessment) Regulations 2011
Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended)**

I write following your request for a Scoping Opinion in relation to Everton Football Club's proposed development at Bramley-Moore Dock received 15th May 2017, and with reference to my e mail on the 28th June 2017 regarding the same.

The Environmental Impact Assessment (EIA) Scoping Report has been submitted in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. It was submitted before the Town and Country Planning (EIA) Regulations 2017 came into force so benefits from the transitional provisions under Regulation 76 which state that where a request for a scoping opinion has been submitted prior to 16th May 2017, the EIA Regulations 2011 continue to apply and continue to form the basis for Liverpool City Council's decision on the proposed planning application.

The EIA Scoping Report has been submitted to the Marine Management Organisation (MMO) for consideration under the Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended) ("MWR"). It was also submitted prior to the 16th May and, therefore, the aforementioned transitional provisions under regulation 76 also apply with regard to consideration under the MWR. In accordance with the Coastal Concordat principles, Liverpool City Council has agreed with the MMO to act as the lead authority for co-ordinating the requirements for the EIA and Habitats Regulations Assessment (HRA) for the development.

In my e mail on the 28th June I explained that the City Council had issued the Scoping Report to the relevant statutory planning consultees who have reviewed the document and provided advice as far as the matters relate to their remit. We also asked the City's independent environmental and heritage advisors for their views on the Scoping Report and shared their comments with you as supplementary advice. Copies of each of the consultation responses were forwarded to you on the 28th June, when I advised the Local Planning Authority are in a position to adopt a Scoping Opinion in accordance with Part 13 (4) of the EIA Regs 2011, subject to the matters set out by statutory consultees and the Authorities expert advisors being suitably addressed in the EIA.

The MMO have now advised that they have completed their review of the Scoping Report and are also in a position to adopt a Scoping Opinion in accordance with the requirements of the Marine Works (EIA) Regulations 2007 (as amended). A copy of the MMO's report is appended for your information.

This means that the City Council, in its capacity as lead authority, is now in a position to issue a joint Scoping Opinion on behalf of both the Local Planning Authority and the MMO in relation to the proposed Everton FC Stadium proposed at Bramley Moore Dock that allows you to prepare a single Environmental Statement that meets the requirements of both authorities for the proposed development. It is hereby confirmed that the Scoping Report submitted on the

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15th May 2017, provides a suitable basis to undertake the necessary environmental impact assessment for the application, subject to the additional matters set out by the MMO and consultees in the attached correspondence being suitably addressed. This Scoping Opinion has been adopted in accordance with the provisions of the EIA Regulations.

Yours sincerely,

Peter Jones
Development Control Division

Liverpool City Council
Municipal Buildings
Dale Street
Liverpool
L2 2DH

Our ref: SO/2017/117179/01-L01
Your ref: N/A
Date: 22 June 2017

FAO Mr Peter Jones

Dear Mr Jones

**SCOPING OPINION FOR EVERTON FC STADIUM
BRAMLEY-MOORE DOCK, LIVERPOOL, L3 0AP**

Thank you for sending through for consultation the scoping report for the above site which was received in this office 25th May 2017.

Environment Agency position

We agree with the proposed scope with regards to matters within our remit. In consideration to the Technical Chapters, our principle areas of interest will be linked to;

- Ground Conditions
- Water
- Biodiversity
- Noise and Vibration

We would make the following comments;

6.7 Biodiversity

During the construction phase noise and vibration (e.g. though piling) may be a potentially significant impact to fish by direct killing or having an influence on migratory fish species located within the Mersey such as Atlantic salmon. We recommend this be considered a key issue and requirement for assessment.

6.8 Water Environment

The Scoping Report explains a Flood Risk Assessment will be carried out, which will include climate change, sea level rise and wave overtopping. For matters relating to surface water and groundwater flooding the Lead Local Flood Authority should be contacted. We understand the applicant has already obtained a flood risk product from us with regards to flood risk.

To support the proposal a comprehensive Water Framework Directive assessment

Environment Agency
Richard Fairclough House Knutsford Road, Warrington, WA4 1HT.
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www.gov.uk/environment-agency

Cont/d..

will need to be undertaken. The applicant must refer to our guidance “Clearing the Waters for All”, which can be found here:

<https://www.gov.uk/guidance/water-framework-directive-assessment-estuarine-and-coastal-waters>

6.9 Ground Conditions

We consider the historic industrial land uses at and around the site are likely to have led to elevated concentrations of contamination which could pose an unacceptable risk to the adjacent River Mersey and the underlying Principal Aquifer.

We therefore agree with the recommendation to include a section/chapter on Ground Conditions in the Environmental Statement.

Any proposal to develop this site will need to be accompanied by an assessment of the impacts of development upon the hydrogeology of the area. This will need to address both existing contamination which may be present and the impacts that the future ongoing operation of the site will have on the groundwater environment.

The applicant/developer should refer to our groundwater protection guidance and our groundwater protection position statements that are available to view and download at:

<https://www.gov.uk/government/collections/groundwater-protection>.

The guidance sets out our position for a wide range of activities and developments including waste management, land contamination, discharge of liquid effluents and drainage.

We also offer the following advice to the applicant.

Model Procedures and good practice

Due to the former land use(s), soil and /or groundwater contamination may exist at the site and the associated risks to controlled waters should be addressed by:

1. Following the risk management framework provide in CLR11, Model procedures for the management of land contamination
2. Referring to the Environment Agency guiding principles for land contamination and the land contamination sections in the Environment Agency’s Groundwater Protection: Principles and Practice

<https://www.gov.uk/government/publications/managing-land-contamination>

<https://www.gov.uk/government/publications/managing-and-reducing-land-contamination>

<https://www.gov.uk/government/publications/groundwater-protection-principles-and-practice-gp3>

3. Further information may be found on the land contamination technical guidance pages on the direct.gov website

<https://www.gov.uk/government/collections/land-contamination-technical-guidance>

All investigations of land potentially affected by contamination should be carried out by or under the direction of a suitably qualified competent person and in accordance with BS 10175 (2001) Code of practice for the investigation of potentially contaminated sites. The competent person would normally be expected to be chartered member of an appropriate body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites. The Specialist in Land Condition (SiLC) qualification administered by the Institution of Environmental Management provides an accredited status for those responsible for signing off LCR's. For further information see - www.silc.org.uk

5.1 Solid Waste Management

We note and accept that Solid Waste Management is to be scoped down. We would offer the following advice;

The development may require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency, unless a waste exemption applies. If any controlled waste is to be removed off site, then the site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably permitted facility.

The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable for any off-site movements of wastes. The developer as waste producer therefore has a duty of care to ensure all materials removed go to an appropriate permitted facility and all relevant documentation is completed and kept in line with regulations.

If any waste is to be used on site, the applicant will be required to obtain the appropriate waste exemption or permit from us, or if relevant, consider using the CL:AIRE Code of Practice. We are unable to specify what exactly would be required if anything, due to the limited amount of information provided.

The developer must apply the waste hierarchy in a priority order of prevention, re-use, recycling before considering other recovery or disposal options. Government Guidance on the waste hierarchy in England is at:

www.gov.uk/

Further information can be found at:

<http://www.netregs-swmp.co.uk>.

Excavated material arising from site remediation or land development works can sometimes be classified as waste. For further guidance on how waste is classified, and best practice for its handling, transport, treatment and disposal please see our waste pages at:

www.gov.uk/

In England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that your SWMP should contain depends on the estimated build cost, excluding VAT. You must still comply with the duty of care for waste. Because you will need to record all waste movements in one document, having a SWMP will help you to ensure you comply with the duty of care.

Should you wish to discuss the contents in more detail please do not hesitate to contact us.

Yours sincerely

Mr Stephen Sayce
Sustainable Places Planning Advisor

Direct e-mail stephen.sayce@environment-agency.gov.uk



Historic England

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Municipal Buildings
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Your ref:

Telephone 0161 242 1430
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15 June 2017

Dear Peter

**Re: EVERTON FC STADIUM BRAMLEY-MOORE DOCK ENVIRONMENTAL
IMPACT ASSESSMENT (EIA) SCOPING REPORT**

Thank you for your letter of 26TH May 2017 consulting us about the above EIA Scoping Report, the purpose of which is to outline the key considerations of the EIA process, to establish the additional information which is to be collected to characterize the baseline environment of the application site, and detail the methods for predicting and assessing the anticipated effect of the development.

Development on this site could, potentially, have an impact upon a number of designated heritage assets¹ and their settings in the area around the site. In line with the advice in the National Planning Policy Framework (NPPF), the Environmental Statement (ES) should contain a thorough assessment of the likely effects which the proposed development might have upon those elements which contribute to the significance of these assets.

Our initial assessment shows a number of designated heritage assets within the proximity of the proposed development. We would draw your attention, in particular, to the following:

- Liverpool Maritime Mercantile City World Heritage Site
- Stanley Dock Conservation Area
- Stanley Warehouse (GII*)

¹ A Designated Heritage Asset is defined in the National Planning Policy Framework as 'A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation'.





- Bramley Moore Dock Retaining Walls (GII)
- Dock wall from opposite Sandhills Lane to Collingwood dock with entrances (GII)

An Environmental Statement should also consider the potential impacts on non-designated features of historic, architectural, archaeological or artistic interest, since these can also be of national importance and make an important contribution to the character and local distinctiveness of an area and its sense of place. This information is available via the local authority Historic Environment Record (www.heritagegateway.org.uk) and relevant local authority staff.

We would recommend that you involve the Conservation Officer of Liverpool City Council and the archaeological staff at Merseyside Environmental Advisory Service in the development of this assessment. They are best placed to advise on: local historic environment issues and priorities; how the proposal can be tailored to avoid and minimise potential adverse impacts on the historic environment; the nature and design of any required mitigation measures; and opportunities for securing wider benefits for the future conservation and management of heritage assets.

Given the heights of the structures associated with the proposed development and the surrounding landscape character, this development is likely to be visible across a very large area and could, as a result, affect the significance of heritage assets at some distance from this site itself, including across the river. The assessment should clearly demonstrate that the extent of the proposed study area is of the appropriate size to ensure that all heritage assets likely to be affected by this development have been included and can be properly assessed.

It is important that the assessment is designed to ensure that all impacts are fully understood. Section drawings and techniques such as verified photomontages are a vital part of this.

The assessment should also take account of the potential impact which associated activities (such as construction, servicing and maintenance, and associated traffic) might have upon perceptions, understanding and appreciation of the heritage assets in the area. The assessment should also consider, where appropriate, the likelihood of alterations to drainage patterns that might lead to *in situ* decomposition or destruction of below ground archaeological remains and deposits, and can also lead to subsidence of buildings and monuments.

We have the following comments to make regarding the specific content of the Scoping Report:

The site is situated within the Liverpool Maritime Mercantile World Heritage Site and whilst the scoping report makes reference to the need to consider the potential impacts of the proposed development on the Outstanding Universal Value of the designation, we advise that this analysis should be carried out in a Heritage Impact Assessment (HIA), with the main findings incorporated into the body of the ES.





The HIA will need to comply with the guidance set out in appendix four of the ICOMOS Guidance on Heritage Impact Assessments for Cultural World Heritage Properties and be included, in full, as a technical appendix of the ES.

In the consideration of the potential impacts on the identified heritage assets it is vital that the contribution the assets setting makes to their significance is established and appropriately weighed into the considerations, in line with paragraph 127 of the NPPF. Section 6.11 of the scoping report does not explicitly state that this will be undertaken as part of the ES chapter on Heritage; this requires addressing and reference should be made to our document Good Practice Advice Note: The Setting of Heritage Assets (GPA3) - <https://content.historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/gpa3.pdf/>.

The production of verified views would be a fundamental part of the evidence base for ES. A number of representative views are included within appendix D of the scoping report, however, it is unclear how these views have been identified, or their exact location. We would welcome further discussions regarding the location of the views points to be used to provide the necessary visualisations, and reference should again be made to our document GPA3, as well as the Liverpool Maritime Mercantile World Heritage Site SPD.

Section 3.9 of the scoping report discusses the consideration of alternatives for the provision of a new football stadium. It sets out the process which has been undertaken to assess potential development sites, and concludes that Bramley Moore was identified as the most appropriate location for the development. The chapter further states that the background information will be provided as an overview within the technical appendices, but will not feature within the individual technical assessments. In order for the document to be credible, the consideration of alternative sites should form an integral part of the ES.

Reference is made within the scoping report of partial demolition of listed buildings, and as a result paragraph 133 of the NPPF could be a relevant consideration. 133 states that a local planning authority should refuse consent, unless it can be demonstrated that the substantial harm or loss to a designated asset is **necessary** to achieve the identified substantial public benefits. Paragraph 132 of the NPPF also states that as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. We advise that the consideration of alternatives is a fundamental part of the justification required to begin to address paragraph 133 and 132 of the NPPF and should be scoped into the ES.

If you have any queries about any of the above, or would like to discuss anything further, please contact me.





Historic England

Yours Sincerely

Marie Smallwood

Marie Smallwood

Inspector of Historic Buildings and Areas

Marie.Smallwood@HistoricEngland.org.uk



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Please note that Historic England operates an access to information policy.

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



Project Blue

Briefing Note: 1

27th June 2017

ES Scoping Review

EIA Scoping Report (15th May 2017)

Description of Development (page 2.13)

The description of development includes “*potential partial demolition of listed structures*”. It may be helpful to qualify the anticipated amount of demolition and whether this would be considered as ‘demolition’ or an ‘alteration’. If the partial demolition related to later extensions to listed buildings there may be benefit in commissioning a list review to assess whether the later additions lack significance and should be excluded from the listing through the Enterprise and Regulatory Reform Act 2013, in that scenario LBC may not be required for the demolition work.

Relevant Planning Policy and Guidance (paragraph 3.2)

It may be helpful to refer to further heritage based policy and guidance, including the following (which could also be referred to in Chapter 8 Works Cited):

- The World Heritage Convention (1972)
- UNESCO Operational Guidelines (2013)
- ICOMOS Guidance on heritage Impact Assessments (2011)
- The Statement of OUV
- The World Heritage Site Management Plan. (2004)
- The World Heritage Site SPD Evidential Report (2009)
- Historic England Best Practice Advice 3: The Setting of Heritage Assets (2015)
- Historic England Best Practice Advice 2: Decision-taking in the Historic Environment (2015)

Paragraph 3.2 refers to relevant policy and guidance and refers to ‘statutory’ heritage receptors. It is essential that the ‘statutory duties’ (Sections 16, 66 and 72) of the Planning (Listed Buildings and Conservation Areas) Act 1990 are discharged through the assessment process to ensure that a robust and sustainable decision is reached. It would therefore be helpful if the relevant legislation, as well as policy and guidance, was referred to.

Consideration of Alternatives (paragraph 3.9)

Section 2.1 refers to BMD itself being approximately 4 ha in area. The consideration of alternatives refers to a 8ha site requirement and it may therefore be helpful to confirm that the site meetings this requirement. If, during the course of the application, the proposals are assessed to cause 'substantial harm' the applicant will need to decide whether to provide a clear and convincing justification on the basis of the first part of NPPF 133, which requires the harm to be necessary to achieve substantial public benefits, or the second part of NPPF 133 that sets out four tests that must all be complied with.

Scoped-in Topics – Archaeology

MEAS are to advise on the appropriateness of a desk-based assessment in relation to the significance and sensitivities of the relevant archaeological assets. It may be helpful for the archaeological assessment to be informed by the proposed ground conditions survey, which may have potential to provide further information on the historic structure of the BMD dock retaining wall.

It will be important that the methodology for either the Archaeological or Built Heritage topics to cover the myriad of non-designated features, including historic surfaces, sluice systems, energy systems, lock gates, capstans and features such as the WWII defensive structures. The grade II listed dock boundary wall also retains a number of 'archaeological' features, such as the retained stanchions of the dockers railway and the evidence of related structures such as the steps to the higher-level stations.

Scoped-in Topics – Heritage

The Context section refers only to adverse effects and it may be helpful to refer to the broad range of potential positive, neutral and adverse impacts.

The Baseline Conditions refer to both designated and non-designated heritage assets. Several specific listed buildings are referred to, due to their proximity to the site, and the locations of designated heritage assets are identified in Appendix A Figure 3 'Key Environmental Constraint's.

However, it would be helpful if the ES Scoping Report provided a table that identified the designated and non-designated heritage assets (receptors) that will be scoped into the EIA. The methodology for identifying the relevant heritage assets could be informed, for example, by the NPPF definition of setting and the related Historic England guidance.

The extent of the WHS assessment, referred to in the Key Issues section, should also be set out and should consider the component parts of OUV. For example, including the 'attributes' of OUV, authenticity and integrity, the six character areas, the inscription criteria and consider the issue of intangible as well as tangible heritage assets. These factors are summarised together in the Statement of OUV. The methodology for undertaking the WHS assessment should comply with the ICOMOS Guidance on Heritage Impact Assessments.

It would be helpful if the ES Scoping Report also set out the methodology for identifying non-designated heritage assets relevant to the proposed development. Historic England guidance in Best Practice Advice:2 Decision-taking in the Historic Environment explains that non-designated assets may be those included on a local list, identified in a HER search or could be those identified by the LPA while determining the application. The NPPF (Paragraph 128) effectively establishes a HER search as a minimum standard, it would therefore be helpful if a proposed schedule of non-

designated assets could be agreed following a HER search. The assets identified through the HER search should comprise existing standing structures rather than the former sites of structures that have subsequently been removed.

With reference to the above baseline conditions the ES Scoping Report should recommend a study area with respect to built heritage considerations and it would be helpful if a plan could be provided to agree the extent of that study area. A methodology for identifying the study area, including consideration of issues such as topography, grain and structure of the street pattern, location of key landmarks and the scale and extent of intervening structures, would also be helpful to justify the extent of the study area and ensure that it is bespoke to the characteristics of the site and adjoining area.

It would be helpful if the assessment methodology included a summary of the view analysis assessment, providing a schedule of recommended viewpoints and summarising the approach to photography. The TVIA chapter provides a detailed list of viewpoint locations and explains the approach to shortlisting from an initial long list. The Built Heritage chapter could move forward on a similar basis and identify the baseline heritage conditions in each selected view. The City Council would be pleased to advise on a draft schedule of viewpoint locations.

The assessment methodology should also describe the approach to assessing the contribution of setting to significance (for example, using the 5 stage process recommended by Historic England in Best Practice Advice: 3 The Setting of Heritage assets, 2015, or similar approach); the methodology for assessing the character and appearance of the relevant conservation areas and the approach to assessing the special architectural or historic interest of the listed buildings, for example the DCMS Principles for Selection and the Historic England Thematic Listing Guides, may also be helpful.

Historic England Consultation Response (Ref: PL00100485) 15 June 2017

The consultation response (page 3) explains that it is necessary to comply with the ICOMOS guidance set out in Appendix 4 of their Guidance on Heritage Impact Assessments (ICOMOS, 2011). This has become a standard requirement for large scale developments in the WHS and BZ. It is not, however, a statutory requirement of the national planning system. It will therefore be critical to ensure that the assessment and information submitted with the application enables the LPA to comply with the 'statutory duties' of Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, to ensure that a robust and sustainable decision is reached. The assessment must therefore consider the 'special architectural or historic interest' of the relevant listed buildings and the 'character and appearance' of the conservation area in addition to the ICOMOS requirements to consider the OUV of the WHS.

Reference is made (page 3) to NPPF paragraph 127 in respect to setting, however this is presumed to be an error and should be either paragraphs 128, 129, 132 and / or 137.

Historic England state that reference "should be made" to Good Practice Advice Note 3: The Setting of Heritage Assets. Clearly, this is advice rather than an actual requirement. During 2016 Historic England issued a consultation draft of replacement guidance, "The Setting and Views of Heritage Assets", which placed slightly more emphasis on the importance of views. However, a very recent legal case (Steer v's Sec of State, June 2017) has just quashed an appeal decision that placed an over reliance (i.e. total reliance) on the visual aspects of setting and failed to consider other issues, such as historic relationships. It is unclear when the replacement guidance will be published. However,

importantly, both the existing and draft guidance state that setting is not a heritage asset in its own right and that its importance lies in what it contributes to the significance of the heritage asset. Change within a setting should therefore be related back to impact, positive, negative or neutral, on significance.

The Historic England response highlights the ES Scoping Report reference to partial demolition of listed buildings and advises that *“as a result paragraph 133 of the NPPF could be a relevant consideration”* (i.e. ‘substantial harm’). It then refers to the first paragraph of NPPF 133 and advises that proposals that would cause substantial harm should be justified as being ‘necessary’. However, NPPF 133 sets out a process in which substantial harm is either demonstrably necessary, or, a series of other factors apply. The Historic England position also assumes that partial demolition could lead to substantial harm, but clearly this may not be the case and will depend on the impact on the significance of the heritage asset.

Because Historic England focus solely on the first paragraph of NPPF 133 they then state that the consideration of alternatives to BMD is a fundamental part of the justification and should be scoped into the ES. However, this does not necessarily follow. For instance, a ‘clear and convincing’ justification could be presented on the basis of the four ‘tests’ provided in the second part of NPPF 133. Further, if any harm caused is ‘less than substantial’ (NPPF 134) the harm is simply weighed against the public benefits.

Date: 07 June 2017
Our ref: 216630
Your ref: Bramley Moore Dock



FAO Peter Jones
Liverpool City Council

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BY EMAIL ONLY

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Dear Peter

Environmental Impact Assessment Scoping consultation (Regulation 15 (3) (i) of the EIA Regulations 2011): Construction of new 600000 seat stadium
Location: Bramley Moore Dock, Regent Road, Liverpool

Thank you for seeking our advice on the scope of the Environmental Statement (ES) in your consultation dated and received on 25 May 2017.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Case law¹ and guidance² has stressed the need for a full set of environmental information to be available for consideration prior to a decision being taken on whether or not to grant planning permission. Annex A to this letter provides Natural England's advice on the scope of the Environmental Impact Assessment (EIA) for this development.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us. For any queries relating to the specific advice in this letter only please contact Elizabeth Knowles on 0208 225 7506. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely

Elizabeth Knowles
Lead Adviser
Cheshire, Greater Manchester, Merseyside & Lancashire Area Team

¹ Harrison, J in *R. v. Cornwall County Council ex parte Hardy* (2001)

² *Note on Environmental Impact Assessment Directive for Local Planning Authorities* Office of the Deputy Prime Minister (April 2004) available from <http://webarchive.nationalarchives.gov.uk/+http://www.communities.gov.uk/planningandbuilding/planning/sustainability/environmental/environmentalimpactassessment/noteenvironmental/>

Annex A – Advice related to EIA Scoping Requirements

1. General Principles

Schedule 4 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011, sets out the necessary information to assess impacts on the natural environment to be included in an ES, specifically:

- A description of the development – including physical characteristics and the full land use requirements of the site during construction and operational phases.
- Expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc.) resulting from the operation of the proposed development.
- An assessment of alternatives and clear reasoning as to why the preferred option has been chosen.
- A description of the aspects of the environment likely to be significantly affected by the development, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the interrelationship between the above factors.
- A description of the likely significant effects of the development on the environment – this should cover direct effects but also any indirect, secondary, cumulative, short, medium and long term, permanent and temporary, positive and negative effects. Effects should relate to the existence of the development, the use of natural resources and the emissions from pollutants. This should also include a description of the forecasting methods to predict the likely effects on the environment.
- A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.
- A non-technical summary of the information.
- An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.

It will be important for any assessment to consider the potential cumulative effects of this proposal, including all supporting infrastructure, with other similar proposals and a thorough assessment of the 'in combination' effects of the proposed development with any existing developments and current applications. A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

2. Biodiversity and Geology

2.1 Ecological Aspects of an Environmental Statement

Natural England advises that the potential impact of the proposal upon features of nature conservation interest and opportunities for habitat creation/enhancement should be included within this assessment in accordance with appropriate guidance on such matters. Guidelines for Ecological Impact Assessment (EclA) have been developed by the Chartered Institute of Ecology and Environmental Management (CIEEM) and are available on their website.

EclA is the process of identifying, quantifying and evaluating the potential impacts of defined actions on ecosystems or their components. EclA may be carried out as part of the EIA process or to support other forms of environmental assessment or appraisal.

The National Planning Policy Framework sets out guidance in S.118 on how to take account of biodiversity interests in planning decisions and the framework that local authorities should provide to assist developers.

2.2 Internationally and Nationally Designated Sites

The ES should thoroughly assess the potential for the proposal to affect designated sites. European sites (eg designated Special Areas of Conservation and Special Protection Areas) fall within the scope of the Conservation of Habitats and Species Regulations 2010. In addition paragraph 118 of the National Planning Policy Framework requires that potential Special Protection

Areas, possible Special Areas of Conservation, listed or proposed Ramsar sites, and any site identified as being necessary to compensate for adverse impacts on classified, potential or possible SPAs, SACs and Ramsar sites be treated in the same way as classified sites.

Under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 an appropriate assessment needs to be undertaken in respect of any plan or project which is (a) likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and (b) not directly connected with or necessary to the management of the site.

Should a Likely Significant Effect on a European/Internationally designated site be identified or be uncertain, the competent authority (in this case the Local Planning Authority) may need to prepare an Appropriate Assessment, in addition to consideration of impacts through the EIA process.

Sites of Special Scientific Interest (SSSIs) and sites of European or international importance (Special Areas of Conservation (SAC), Special Protection Areas (SPA) and Ramsar sites)

The development site is adjacent to Liverpool Bay Extension potential SPA and could also have a potential impact on the following designated nature conservation sites:

- Mersey Narrows SSSI
- North Wirral Foreshore SSSI
- Mersey Narrows & North Wirral Foreshore SPA
- Mersey Estuary SPA
- Dee Estuary SPA
- Liverpool Bay SPA
- Ribble & Alt Estuaries SPA
- Dee Estuary SAC
- Sefton Coast SAC
- Mersey Narrows & North Wirral Foreshore Ramsar
- Ribble & Alt Estuaries Ramsar

Further information on the SSSIs and their special interest features can be found at www.magic.gov.uk. The Environmental Statement should include a full assessment of the direct and indirect effects of the development on the features of special interest within these sites and should identify such mitigation measures as may be required in order to avoid, minimise or reduce any adverse significant effects.

Natura 2000 network site conservation objectives are available on our internet site <http://publications.naturalengland.org.uk/category/6490068894089216>

2.3 Regionally and Locally Important Sites

The EIA will need to consider any impacts upon local wildlife and geological sites. Local Sites are identified by the local wildlife trust, geoconservation group or a local forum established for the purposes of identifying and selecting local sites. They are of county importance for wildlife or geodiversity. The Environmental Statement should therefore include an assessment of the likely impacts on the wildlife and geodiversity interests of such sites. The assessment should include proposals for mitigation of any impacts and if appropriate, compensation measures. Contact the local wildlife trust, geoconservation group or local sites body in this area for further information.

2.4 Protected Species - Species protected by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2010

The ES should assess the impact of all phases of the proposal on protected species (including, for example, great crested newts, reptiles, birds, water voles, badgers and bats). Natural England does not hold comprehensive information regarding the locations of species protected by law, but advises on the procedures and legislation relevant to such species. Records of protected species should be sought from appropriate local biological record centres, nature conservation organisations, groups and individuals; and consideration should be given to the wider context of the site for example in

terms of habitat linkages and protected species populations in the wider area, to assist in the impact assessment.

The conservation of species protected by law is explained in Part IV and Annex A of Government Circular 06/2005 *Biodiversity and Geological Conservation: Statutory Obligations and their Impact within the Planning System*. The area likely to be affected by the proposal should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES.

In order to provide this information there may be a requirement for a survey at a particular time of year. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and where necessary, licensed, consultants. Natural England has adopted [standing advice](#) for protected species which includes links to guidance on survey and mitigation.

2.5 Habitats and Species of Principal Importance

The ES should thoroughly assess the impact of the proposals on habitats and/or species listed as 'Habitats and Species of Principal Importance' within the England Biodiversity List, published under the requirements of S41 of the Natural Environment and Rural Communities (NERC) Act 2006. Section 40 of the NERC Act 2006 places a general duty on all public authorities, including local planning authorities, to conserve and enhance biodiversity. Further information on this duty is available here <https://www.gov.uk/guidance/biodiversity-duty-public-authority-duty-to-have-regard-to-conserving-biodiversity>.

Government Circular 06/2005 states that Biodiversity Action Plan (BAP) species and habitats, 'are capable of being a material consideration...in the making of planning decisions'. Natural England therefore advises that survey, impact assessment and mitigation proposals for Habitats and Species of Principal Importance should be included in the ES. Consideration should also be given to those species and habitats included in the relevant Local BAP.

Natural England advises that a habitat survey (equivalent to Phase 2) is carried out on the site, in order to identify any important habitats present. In addition, ornithological, botanical and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present. The Environmental Statement should include details of:

- Any historical data for the site affected by the proposal (eg from previous surveys);
- Additional surveys carried out as part of this proposal;
- The habitats and species present;
- The status of these habitats and species (eg whether priority species or habitat);
- The direct and indirect effects of the development upon those habitats and species;
- Full details of any mitigation or compensation that might be required.

The development should seek if possible to avoid adverse impact on sensitive areas for wildlife within the site, and if possible provide opportunities for overall wildlife gain.

The record centre for the relevant Local Authorities should be able to provide the relevant information on the location and type of priority habitat for the area under consideration.

2.6 Contacts for Local Records

Natural England does not hold local information on local sites, local landscape character and local or national biodiversity priority habitats and species. We recommend that you seek further information from the appropriate bodies (which may include the local records centre, the local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document).

3. Landscape Character

Landscape and visual impacts

Natural England would wish to see details of local landscape character areas mapped at a scale appropriate to the development site as well as any relevant management plans or strategies pertaining to the area. The EIA should include assessments of visual effects on the surrounding area and landscape together with any physical effects of the development, such as changes in topography. The European Landscape Convention places a duty on Local Planning Authorities to consider the impacts of landscape when exercising their functions.

The EIA should include a full assessment of the potential impacts of the development on local landscape character using [landscape assessment methodologies](#). We encourage the use of Landscape Character Assessment (LCA), based on the good practice guidelines produced jointly by the Landscape Institute and Institute of Environmental Assessment in 2013. LCA provides a sound basis for guiding, informing and understanding the ability of any location to accommodate change and to make positive proposals for conserving, enhancing or regenerating character, as detailed proposals are developed.

Natural England supports the publication *Guidelines for Landscape and Visual Impact Assessment*, produced by the Landscape Institute and the Institute of Environmental Assessment and Management in 2013 (3rd edition). The methodology set out is almost universally used for landscape and visual impact assessment.

In order to foster high quality development that respects, maintains, or enhances, local landscape character and distinctiveness, Natural England encourages all new development to consider the character and distinctiveness of the area, with the siting and design of the proposed development reflecting local design characteristics and, wherever possible, using local materials. The Environmental Impact Assessment process should detail the measures to be taken to ensure the building design will be of a high standard, as well as detail of layout alternatives together with justification of the selected option in terms of landscape impact and benefit.

The assessment should also include the cumulative effect of the development with other relevant existing or proposed developments in the area. In this context Natural England advises that the cumulative impact assessment should include other proposals currently at Scoping stage. Due to the overlapping timescale of their progress through the planning system, cumulative impact of the proposed development with those proposals currently at Scoping stage would be likely to be a material consideration at the time of determination of the planning application.

The assessment should refer to the relevant [National Character Areas](#) which can be found on our website. Links for Landscape Character Assessment at a local level are also available on the same page.

4. Access and Recreation

Natural England encourages any proposal to incorporate measures to help encourage people to access the natural environment ~~countryside for quiet enjoyment~~. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways are to be encouraged. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be incorporated where appropriate.

Rights of Way, Access land, Coastal access and National Trails

The EIA should consider potential impacts on access land, public open land, rights of way and coastal access routes in the vicinity of the development. Appropriate mitigation measures should be incorporated for any adverse impacts. We also recommend reference to the relevant Right of Way Improvement Plans (ROWIP) to identify public rights of way within or adjacent to the proposed site that should be maintained or enhanced.

5. Air Quality

Air quality in the UK has improved over recent decades but air pollution remains a significant issue;

for example over 97% of sensitive habitat area in England is predicted to exceed the critical loads for ecosystem protection from atmospheric nitrogen deposition ([England Biodiversity Strategy](#), Defra 2011). A priority action in the England Biodiversity Strategy is to reduce air pollution impacts on biodiversity. The planning system plays a key role in determining the location of developments which may give rise to pollution, either directly or from traffic generation, and hence planning decisions can have a significant impact on the quality of air, water and land. The assessment should take account of the risks of air pollution and how these can be managed or reduced. Further information on air pollution impacts and the sensitivity of different habitats/designated sites can be found on the Air Pollution Information System (www.apis.ac.uk). Further information on air pollution modelling and assessment can be found on the Environment Agency website.

6. Climate Change Adaptation

The [England Biodiversity Strategy](#) published by Defra establishes principles for the consideration of biodiversity and the effects of climate change. The ES should reflect these principles and identify how the development's effects on the natural environment will be influenced by climate change, and how ecological networks will be maintained. The NPPF requires that the planning system should contribute to the enhancement of the natural environment 'by establishing coherent ecological networks that are more resilient to current and future pressures' ([NPPF](#) Para 109), which should be demonstrated through the ES.

7. Cumulative and in-combination effects

A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

The ES should include an impact assessment to identify, describe and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. The following types of projects should be included in such an assessment, (subject to available information):

- a. existing completed projects;
- b. approved but uncompleted projects;
- c. ongoing activities;
- d. plans or projects for which an application has been made and which are under consideration by the consenting authorities; and
- e. plans and projects which are reasonably foreseeable, ie projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.



Marine Management Organisation

Scoping Opinion

Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended) (“the Regulations”)

Title: Everton Football Club Stadium, Bramley-Moore Dock

Applicant: Tom Wells, CBRE Ltd

MMO Reference: EIA/2017/00023

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1. Proposal

Everton Football Club Stadium, Bramley-Moore Dock

1.1 Project Background

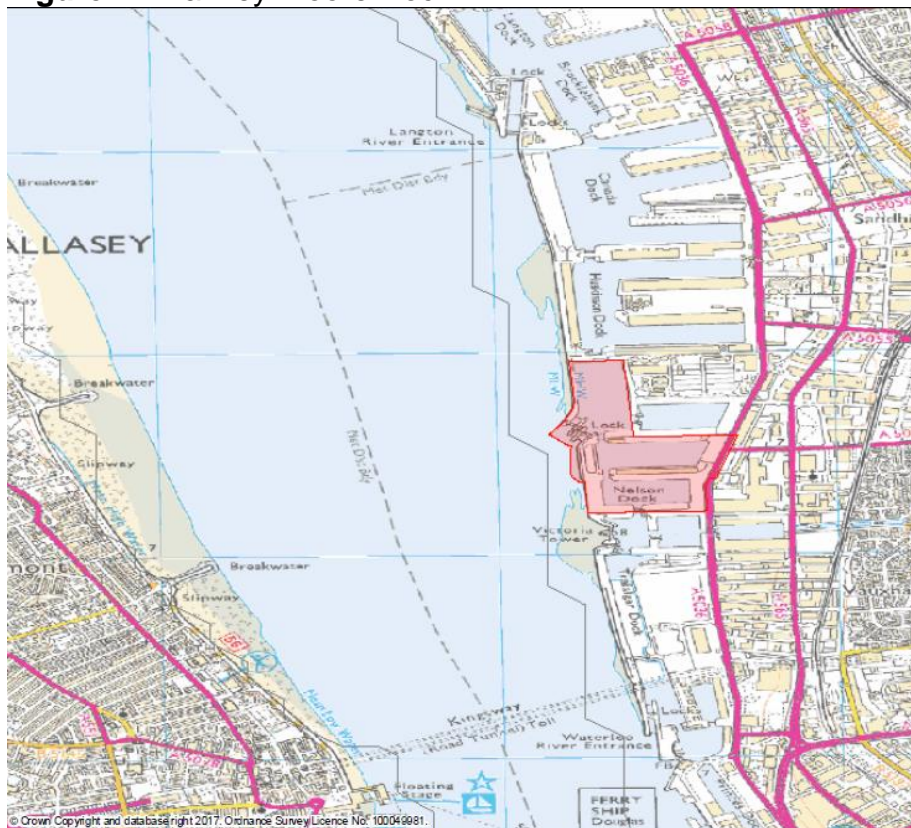
Everton Football Club (EFC) are seeking to relocate from Goodison Park to a proposed new stadium at Bramley-Moore Dock (BMD), Regent Road, Liverpool.

The proposed development comprises the demolition of non-listed structures; potential part-demolition of listed structures; potential infill/part infill of the listed dock; and the construction of a new stadium of up to 60,000 seats together with associated facilities.

2. Location

The EFC Stadium, BMD site is located to the west of Regent Road, Liverpool which is displayed in Figure 1 below.

Figure 1: Bramley-Moore Dock



3. Environmental Impact Assessment (EIA)

It is the understanding of the Marine Management Organisation (MMO) that, pursuant to Regulation 5 of the Regulations, it is agreed between the MMO and EFC that the proposed works constitute EIA development under Annex II 10 (b) - Urban development projects - of EU Directive 2011/92/EU COUNCIL (as amended).

The application required for the proposed works for a marine licence under Part 4 of the Marine and Coastal Access Act 2009 ("the Act") will be accompanied by an Environmental Statement ("ES").

4. Scoping Opinion

EFC have prepared a Scoping Report entitled "Environmental Impact Assessment, Scoping Report, Everton FC Stadium, Bramley-Moore Dock" submitted to the MMO on 15 May 2017.

The MMO agrees with the topics outlined in the Scoping Report and, in addition, recommends that the following aspects are considered further during the EIA and should be included in any resulting ES.

5. Project Description

5.1 The ES should contain a detailed description of the proposed works.

6. Nature Conservation

6.1 The report states in the 'EIA Methodology' that the proposed development site lies in close proximity to the Mersey Narrows & North Wirral Foreshore Special Protected Area (SPA) and Ramsar Site; the Dee Estuary Special Area of Conservation (SAC); the Ribble and Alt Estuaries SPA and Ramsar Site; the Sefton Coast SAC; and the Mersey Estuary SPA and Ramsar Site. In assessing the effects of the proposed development on these receptors, the MMO expects the ES to include potential impacts on any benthic species and/or habitats that these sites are designated to protect (and any other designated features within these sites). The potential impacts of underwater noise arising from construction activities should also be assessed for any sensitive receptors.

7. Coastal Processes

7.1. The figures in Appendix A (document 1) display the footprint of the stadium, which is greater in extent than the BMD. The impact of building out into the River Mersey will need to be assessed within the ES, including consideration of how the new footprint (including construction work) might impact the local marine

environment (e.g. accretion and scouring of sediments, sediment transport and suspended sediment plumes).

7.2. The ES should consider the project in respect of storm surges and sea level rise.

8. Benthic Ecology

8.1. The possibility of releasing benthic non-native species present within Liverpool Docks (e.g. *Styela clava*, *Haliplanella lineata* and *Ficopotamus enigmaticus*) into the wider marine environment is a key issue that requires assessment within the ES.

8.2 While it is stated under the 'Aquatic Ecology' Baseline Conditions that dense populations of the blue mussel (*Mytilus edulis*) occur within a neighbouring dock, this species is not included in the section on 'Key Issues and Requirements for Assessment'. *M. edulis* populations are known to mediate water quality in Liverpool Docks (i.e. reduce algal blooms and prevent subsequent anoxia and release of foul odours) by filter-feeding on phytoplankton (Wilkinson et al. 1996). The potential impacts of the proposed development on *M. edulis* populations within the Liverpool Dock complex should therefore be included as a key issue within the EIA.

8.3 The MMO does not agree with the stated assumption that the sediment on the dock floor will be largely barren. Docks act as artificial lagoons and can therefore be useful for the conservation of lagoon specialist species. Indeed, several lagoon specialist benthic species have been recorded in Liverpool Docks (Allen et al. 1995). The impact of the proposed development on sediment-dwelling species in BMD and neighbouring docks should therefore be assessed in the ES.

8.4 The report states that BMD will be dredged prior to infilling and that this material will possibly be disposed of at sea. If this procedure is undertaken, then the potential impacts of disposal on benthic communities at the disposal site should be considered in the ES.

8.5 The report proposes both a Phase I and Phase II habitat survey will be conducted for the terrestrial component, but very little information is presented regarding how the aquatic ecology features are to be characterised. It is stated that "the assessment methodology will be based on the Guidelines for Ecological Impact Assessment in Britain and Ireland – Marine and Coastal (IEEM, 2010)". These surveys must also include the acquisition of suitable data upon which the benthic ecology of the region can be characterised.

9. Fish Ecology and Fisheries

9.1 Atlantic salmon (*Salmo salar*) are known to be recolonising the River Mersey (Ikediashi et al., 2012) and migratory fish should be considered within the ES if they transit past the BMD site.

9.2 Fish spawning and nursery grounds may be located proximal to the site. Sole (*Solea solea*), European sprat (*Sprattus sprattus*) and European plaice (*Pleuronectes platessa*) spawning grounds, as well as high intensity European herring nursery grounds (*Clupea harengus*) are all potentially found within the vicinity of the site (Ellis et al., 2012; Coull et al., 1998). Given the scale of the works the impacts on fish receptors may be limited, however consideration should be shown. The ES should describe fish habitat (including spawning and nursery grounds) and receptors in the proximity of the proposed works, followed by a concise assessment of the potential impacts on them. Where appropriate, justification and evidence that the works are unlikely to unfavourably affect these habitats, should be included in the ES.

9.3 The ES should include clarification on how any fish present within the BMD site prior to and during works: dock clearance; dredging and boundary clearance, will be dealt with. With details on the potential removal of fish, if present, prior to infilling works.

10. Dredging and Disposal

10.1 Mitigation measures and methodologies for reducing sediment disturbance and contamination issues should be provided in detail in the ES.

10.2 Details of dredge and disposal methodologies should be included within the ES and potential contaminant issues should be addressed.

10.3 The report states that environmentally harmful contaminants, such as Tributyltin (TBT), are likely to be present in the dock sediments, and that there is potential for these contaminants to be released into the Mersey estuary, and wider marine environment, during silt removal and disposal. The potential effects of these contaminants on fish species and benthic organisms should be assessed in the ES.

11. Underwater Noise

11.1 The underwater noise arising from the construction activities, and the potential impacts of the noise on sensitive marine receptors should be considered within the ES. Considering the location and nature of the works, potential impacts would be fairly localised.

12. Baseline Assessments

12.1 Appropriate references to support the aquatic ecology baseline assessments, and assessment of potential impacts on sensitive receptors, should be included within the ES.

13. Cumulative Effects

13.1 The cumulative effects on the marine environment must be considered within the ES.

14. Conclusion

The topics highlighted in this scoping opinion should be assessed during the EIA process and the outcome of these assessments should be documented in the ES in support of the marine licence application and the planning application. This statement, however, should not necessarily be seen as a definitive list of all EIA requirements. Given the scale and programme of these planned works other work may prove necessary.

Frances Edwards
Marine Case Officer



03/11/2017

References

Allen JR, Wilkinson SB, Hawkins SJ (1995) Redeveloped docks as artificial lagoons: The development of brackish-water communities and potential for conservation of lagoonal species. *Aquatic Conservation* 5: 299–309.

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Ellis, J.R., Milligan, S.P., Readdy, L., Taylor, N. and Brown, M.J. (2012). Spawning and nursery grounds of selected fish species in UK waters. *Sci. Ser. Tech. Rep.*, Cefas, Lowestoft, 147: 56 pp.

Ikediashi, C., Billington, S. and Stevens, J.R., 2012. The origins of Atlantic salmon (*Salmo salar*) recolonising the River Mersey in northwest England. *Ecology and Evolution* 10: 2537-2548.

Wilkinson SB, Zheng W, Allen JR, Fielding NJ, Wanstall VC, Russell G, and Hawkins SJ (1996) Water quality improvements in Liverpool docks: The role of filter feeders in algal and nutrient dynamics. *Marine Ecology* 17: 197–211.

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DEVELOPMENT MANAGEMENT ADVICE

To: Peter Jones
Organisation: Development Management
Liverpool City Council

From: Lucy Atkinson

Your Ref: PreApp
File Ref: LI17-027
W/P Ref:
Date: 23rd June 2017

Proposed EFC Stadium, Bramley Moore Dock, Liverpool EIA Scoping Opinion

1. Thank you for consulting Merseyside Environmental Advisory Service in respect of this planning application. The proposals comprises involve infilling/partial infilling of BMD, demolition of non-listed structures, partial demolition of listed structures; construction of 60,000 seater stadium with retail, museum, ancillary offices, betting shop, associated facilities, concourse, 900 space car park, footways and public realm.
2. Having reviewed the application and supporting documentation, our advice is set out below in two parts.
 - Part One deals with issues of regulatory compliance, action required **prior to determination** and matters to be dealt with through planning conditions. Advice is only included here where action is required or where a positive statement of compliance is necessary for statutory purposes.
 - Part Two sets out guidance to facilitate the implementation of Part One advice and informative notes.

In this case Part One comprises paragraphs 3 to 42, while Part Two comprises paragraphs 43 and 44.

Part One

3. The applicant has submitted an EIA Scoping Report (*CBRE May 2017*) to inform the request and identify the EIA process and identify areas that will be scoped in and scoped out. The scoping opinion has been submitted under the 2011 Regulations

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but in the spirit of the 2017 Regulations will consider climate change, biodiversity, human health, major accidents and disasters. This is welcomed.

The EIA Scoping Report discusses the EIA methodology, phasing, the structure of the EIA, and the topics that will be scoped in and scoped out, as well as methods for assessing the impacts. The ES will also consider cumulative impacts with other significant developments and in-combination effects between different topics within the EIA. The report also refers to provision of qualifications and expertise of authors of the individual topic specialists.

4. The topic areas that will be scoped in are: transportation, air quality, noise, water environment, biodiversity, ground conditions, archaeology, heritage, townscape and visual amenity and socio-economics. In addition to this human health impacts will be considered under relevant chapters such as socioeconomics, air quality and noise and vibration. Climate change will also be considered under relevant chapters and will include vulnerability of baseline assessments to projected changes, vulnerability of proposed changes and the effect of proposed development within the context of climate change. The ES will also consider major accidents/disasters.
5. Also, the ES will consider the impacts on land particularly the change from a waterbody to an infilled site. I advise that consideration is also given to the impacts on the Port of Liverpool with respect to loss of this operational dock, and the displacement of existing businesses. For example, the dock is a minerals wharf for marine-won sand. NPPF paragraph 143 (bullet point 4) states that mineral wharves are safeguarded from development, and a recent aggregate assessment report for the NW (*North West Marine Aggregates Study, The Crown Estate November 2016*) identified the increasing importance of safeguarding wharfage for marine won aggregates in response to decreasing supply and minerals planning consents from land-won sources.
6. It is proposed that Solid Waste Management should be scoped down in the ES i.e. the scoping report indicates that scoped down technical topics are considered unlikely to exhibit significant environmental effects and does not merit detailed consideration in the main body of the ES document. I do not agree with this position as significant volumes of waste are likely to be generated during both the construction and operational phases of the development. This is discussed in more detail later in this memo.
7. I have not considered the proposed methodologies for each chapter as this will be role of individual specialists.
8. **In the main, I consider the submitted EIA Scoping Report satisfactorily addresses the issues that should be covered by the Environmental Statement and an appropriate basis for undertaking the EIA, subject to the following issues on specific topics/ES chapters being taken into account.**

Archaeology

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9. The proposed development lies within the World Heritage Site and its buffer zone. There are also a number of other heritage assets, both designated and non-designated, that lie within the proposed development and its redline boundary. Recent archaeological work at the adjacent Wellington Dock encountered the buried remains of a number of former Dock-related structures, and it would not be unreasonable to expect a similar state of affairs within the current proposals.
10. The proposal (section 6.10 & 6.11 of the CBRE Scoping Report), to include Chapters in the Environmental Statement on both Archaeology & Heritage, as well as the appointment of Oxford Archaeology North (OAN) to undertake the Archaeology desk-based assessment and walkover in accordance with ClfA standards and guidance, is welcomed, as is the statement on p.6.77 that:

“The study will identify and characterise the significance of the below ground archaeological assets identified. In accordance with the extent of that significance, it will identify strategies to record, preserve or manage those archaeological assets, and any necessity for further evaluation, where their character or value is not sufficiently defined. The assessment will be informed by WHS, national and local planning policy relating to the historic environment, and appropriate curatorial bodies will be consulted regarding mitigation strategy.”
11. MEAS can confirm that this approach is considered to be an appropriate means of quantifying the archaeological resource, assessing its significance and informing any mitigation required for the proposed development.

Ecology and Habitats Regulations

12. In support of the EIA Scoping Opinion request, the applicant has submitted an EIA Scoping Report (*CBRE, 15 May 2017, 150517_EFCStadium_Scoping_Final.docx, F1*) and a letter from the applicant's ecological consultant which sets out the proposed scope of the ecological surveys and assessments which will be undertaken to inform the Ecological Impact Assessment (*WYG, 10 May 2017, A100795*). I have reviewed these documents and make the following comments.

Desktop study

13. The proposed desktop study is to include consultation with the local biological record centre (Merseyside BioBank) which is welcome. The EIA Scoping Report refers to the use of aquatic ecology data from the NBN Gateway (now known as NBN Atlas). However, in accordance with the NBN Terms and Conditions, permission from the data provider will be required to use this information otherwise the data could not be relied upon during the determination of the planning application.

Extended Phase 1 Habitat Survey

14. I understand that the Extended Phase 1 Habitat Survey has already been undertaken and that no invasive plant species were recorded within the site.

Breeding birds

15. The breeding bird survey is proposed to comprise a single visit in April 2017, two visits in May 2017 and a single visit in June 2017. Considering the scale of the



proposals and potential impacts, weekly visits during the April to June period would have been preferable.

15. There was a common tern nesting site is present at the adjacent Sandon half-tide dock in 2015 which will need to be considered as part of a breeding bird survey. The Liverpool Bay proposed SPA extension, which lies directly adjacent to the application site, includes foraging areas important for common tern, from the Mersey Narrows and North Wirral Foreshore SPA, during their breeding season.
17. In addition to this, kittiwakes are known to breed on the outside of the Bramley Moore Dock wall and impacts upon this species as a result of the proposed development will need to be assessed. However, it will not be possible to view them for survey from the landward side. One option to enable a survey is to board the Mersey ferry, which runs adjacent to the breeding site, and take video footage of them, alternatively a small boat or drone could be used.

Bats

18. I understand that bat roost potential surveys of the structures on the site, including the boundary wall, have already been undertaken. Due to timescales, I advise that the applicant submits the bat roost potential survey report to the Council as soon as possible, to ensure that the recommendations made by the applicant's ecological consultant with regard to further survey requirements are acceptable. The survey report should include photographs and detailed descriptions of the buildings and structures which have been assessed.
19. The results of the aquatic surveys (see below) should be used to determine the requirement for bat activity surveys to be undertaken. If large aquatic invertebrate population, for example, flies or emerging larvae, are found to be present, bat activity surveys will be warranted.

Passage and wintering birds

20. Wintering bird surveys have been undertaken on the site from November 2016 to February 2017 inclusive, using two vantage points (VP1 and VP2). According to the applicant's ecological consultant, VP1 allowed for monthly bird counts of the site, whereas VP2 covered a wider area encompassing half way across the Mersey and adjacent docks.
21. The winter surveys have not included autumn passage and, from the vantage point locations which have been provided, it does not appear that the entire zone of influence of the proposed development has been included in the wintering bird surveys undertaken to date.
22. The applicant must ensure that further wintering bird surveys are undertaken to include autumn passage (commencing in September) and the entire zone of influence of the proposed development. A minimum of 36 hours vantage point survey will be required (in accordance with the current best practice for vantage point surveys (*currently Recommended Bird Survey Methods to Inform Impact Assessment of Onshore Wind Farms, Scottish Natural Heritage, 2014*)).



Aquatic Surveys

23. An integrated aquatic survey sampling methodology is needed to (i) characterize the aquatic communities / habitats present (ii) enable impact assessment to be completed and (iii) advise on any avoidance measures, mitigation and compensation needed. A key point will be to identify potential prey items, such as fish species, for any of the designation features of the Mersey Estuary and Liverpool Bay Natura 2000 sites e.g. cormorant / grebe, which form part of the overwintering water bird assemblage. The ROV survey will be undertaken of dock walls to provide information on the benthic communities present within the dock. The video must be of a good quality to ensure that benthic communities and any invasive species can be adequately identified and be recorded at different water depths. The applicant should also give consideration to undertaking scrapes of the dock wall to provide further information on the species present if the video quality is not sufficient as can occur within docks.
24. I advise that a biosecurity plan will be required in support of the application which describes how the spread of invasive non-native marine species will be prevented during the works. Grab samples of fauna within the dock sediment are also proposed. The grabs should be of a sufficient size and number to ensure that sampling effort is robust.
25. Sediment samples taken at the same time as the grab samples are also to be analysed for chemical contamination. This analysis must be undertaken at an accredited laboratory. The physical and chemical composition of the dock sediments to be removed and/or disturbed by the proposed development will need to be known to inform impact assessment and mitigation, re-use potential and disposal options e.g. environmental permit requirements.
26. The applicant's ecological consultant considers that sufficient data on water quality and fish will be available from existing sources. However, the sources and age of these data have not been specified and will be required within the Environmental Statement. They should be no older than 3 years.

Ecological Impact Assessment (EcIA)

27. The proposed EcIA should follow the CIEEM (2010 and 2016) guidelines. As part of the EcIA, the applicant's ecological consultant proposes undertaking a cumulative impact assessment which is based upon details of schemes obtained from the Local Authority. However, in addition to the Local Planning Authority, details of schemes should also be obtained from other authorities, including Wirral and Sefton Councils and the Marine Maritime Organisation.

Habitats Regulations Assessment (HRA)

28. The applicant's ecological consultant proposes to undertake a shadow HRA Stage 1 Screening Report in order to determine whether the scheme is likely to impact upon features of the Mersey Estuary SPA.



29. Rather than screening, this should be referred to as an Assessment of Likely Significant Effects (ALSE) and it will be used by the Council to determine whether the scheme is likely to impact upon European sites. In addition to the Mersey Estuary SPA (and Ramsar sites), the ALSE will also need to include, but not be limited to, the following European sites:
- the Liverpool Bay proposed SPA extension (which lies immediately adjacent to the application site boundary);
 - Mersey Narrows and North Wirral Foreshore SPA and Ramsar sites;
 - Ribble and Alt Estuaries SPA and Ramsar sites; and
 - The Dee Estuary SPA and Ramsar sites.

Other issues

30. I advise that an integrated approach and liaison between the applicant's environmental specialists will be required to ensure that any archaeological or intrusive site investigation works do not have harmful ecological impacts.
31. Air quality, noise and lighting assessments are proposed to inform the EIA. These assessments should consider impacts upon statutory designated nature conservation sites.
32. The application site lies adjacent to the Mersey Estuary Nature Improvement Area (NIA), although the site only provides very limited opportunities for the creation of additional habitat. Any planting of trees on the site should form part of an integrated green infrastructure approach which includes other options for enhancing the site's ecological value, such as the creation of green walls / roof areas. There may be potential to use connections along the canal to improve accessibility (links into Ecological Network, emerging LCR SUD and The Mersey Forest GI Strategy and Nature Connected GI prospectus). Widespread planting of trees is however not appropriate for the site. This could be realized through a Green Infrastructure Plan for the proposal.

Waste

33. As raised in paragraph 8 above, I do not agree with the proposed position to scope down waste as significant volumes of waste are likely to be generated during both the construction and operational phases of the development. Generation of waste during both construction and operation may have impacts on air quality, noise, management of ground conditions, water environment and visual amenity. An assessment of waste impacts is proposed is intended to focus on the ability of the existing waste infrastructure capacity to cope with this development. Whilst it is appreciated that many of the waste impacts can be dealt with through other ES chapters, there are some issues which have not been considered and which do merit further consideration as part of the proposed development and its impact assessment. I advise that a Sustainable Resource Management Plan or similar approach, which considers sustainable resource matters, beyond WLP policy, such as minerals and energy, may be appropriate.



34. Given the location of the proposed stadium, and the windiness of the site, match day litter and litter from events is an issue which does need to be assessed. This has not been considered as part of the scoped down assessment. For example, generation of litter on-site and along the main access routes to the proposed stadium could have pollution and amenity impacts on the water environment including the River Mersey, docks and canal systems. Effects on the designated sites and biodiversity of the river, as well as a visual impact for local residents, businesses and visitors will need to be assessed within the ES and appropriate avoidance and mitigation measures proposed. Consideration should also be given to the provision of information to users of the stadium / venue (litter management policy / code) to help avoid litter generation.
35. In addition, consideration should be given to food waste generated during the operation of the new stadium (e.g. match days, and through day to day operation of the club) with a view to managing this as far up the waste hierarchy as possible, perhaps through an on-site, small-scale AD or CHP facility that could also make a positive contribution to meeting the energy needs of the proposed stadium and reduce carbon emissions.
36. Further, it is proposed that BMD will be infilled with marine-won sand, NPPF paragraph 143 bullet point 2 encourages the substitution of secondary and recycled aggregates over primary minerals. Construction, demolition and excavation waste (CDEW) is how many of the Liverpool docks have been infilled in the past, but would obviously be subject to an Environmental Permit and the necessary controls to avoid pollution. Therefore I will advise that infilling with CDEW and not just relying on virgin marine won sand would be appropriate subject to supply and engineering considerations.
37. The 'Relevant Planning Policy section' should also refer to the Merseyside and Halton Joint Waste Local Plan. Policies WM8 and WM9 apply.

Minerals

38. As referred to in paragraph 7 above, consideration needs to be given to the displacement of existing businesses, and the impacts the proposal will have on land, and in this case the Port of Liverpool operations in terms of loss of the dock. Specifically, the loss of a minerals wharf for marine-won sand which should be safeguarded under NPPF paragraph 143.
39. Merseyside has very limited minerals resources with only two active quarries and two active wharves for marine-won sand and gravel. Protecting these primary resources for the highest end uses would be preferable, and as referred to in paragraph 29 above, consideration should be given to using secondary or recycled aggregates for the infilling of the dock.

Low Carbon/Renewable Energy

40. The EIA Scoping report does not discuss inclusion of low carbon or renewable energy for the proposed stadium. This is a significant omission, given the scale of

the proposed development. Consideration should be given to this in ES and stadium design as a means of reducing the GHG emissions and climate change impacts arising from the proposed development. This could be linked to the sustainable resource management plan referred to in paragraph 33 above. There are many examples around the world of sports stadiums that are reducing their grid energy requirements and energy consumption through a range of measures including energy conservation and efficiency measures and; installation of renewable technologies e.g. sensitively located and designed on-building solar photovoltaics. Whilst all proposed renewable energy technologies would need to be assessed, installation of wind turbines in this location is likely to raise impact pathways with bird receptors and some designs may not be appropriate. The following links provide useful examples:

<http://www.power-technology.com/features/featuregreen-clean-mean---the-worlds-most-environmentally-friendly-sports-stadiums-4278520/>

<http://www.energysavingtrust.org.uk/blog/sports-stadiums-seek-score-high-sustainability>

Construction Environment Management Plan

41. The applicant should also prepare a Construction Environmental Management Plan (CEMP) document to manage and mitigate the main environmental effects during the construction phases of the proposed development. The CEMP should address and propose measures to minimise the main construction effects of the development and, amongst other things, should include details of ecological mitigation, construction and demolition waste management, pollution prevention and soil resource management. The CEMP would normally be expected to include the agreed method statements to mitigate or avoid adverse environmental impacts.
42. The CEMP should be compiled in a coherent and integrated document and should be accessible to site managers, all contractors and sub-contractors working on site as a simple point of reference for site environmental management systems and procedures.

Part Two

43. MEAS can offer advice on the relevant archives and other sources that should be consulted.
44. Guidance on the Merseyside and Halton Joint Waste Local Plan can be found here: http://meas.org.uk/media/4981/ADP-001-WasteLocalPlan_Final_LoRes_opt.pdf

I would be pleased to discuss these issues further and to provide additional information in respect of any of the matters raised.

Lucy Atkinson
Waste Appraisal and Support Services Team Leader

Merseyside Environmental Advisory Service – delivering high quality environmental advice and sustainable solutions to the Districts of Halton, Knowsley, Liverpool, St.Helens, Sefton and Wirral

