

# Appendix 6

2<sup>nd</sup> Round

Consultation Responses ALL



20F/0001

Bramley Moore Dock

Regent Road

Liverpool

To: Peter Jones  
Development Control Division  
Planning & Building Control  
Municipal Buildings  
Dale Street  
L2 2DH



From: Keith Dooley  
Environmental Protection Unit  
Public Protection Division  
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Liverpool L1 6BW

Tel: 104060

Date: 20/10/2020

E-mail:  
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Our Ref: 4084814 -2nd

## MEMORANDUM

### **APPLICATION NO: 20F/0001**

**SITE: Bramley-Moore Dock, Regent Road, Liverpool**

**PROPOSAL: Application for Full Planning Permission in accordance with submitted drawings for the demolition of existing buildings/structures on site (listed in the schedule); remediation works; foundation/piling works; infill of the Bramley-Moore Dock, alteration to dock walls and dock isolation works with vehicular and pedestrian links above; and other associated engineering works to accommodate the development of a stadium (Use Class D2) predominantly for football use with the ability to host other events with ancillary offices (Use Class B1a); Club Shop and retail concessions (internal and external to the stadium) (Use Class A1); exhibition and conference facilities (Use Class D1); food and drink concessions (internal and external to the stadium) (Use Classes A3 / A4 / A5); betting shop concessions (Sui Generis); and associated infrastructure including: electric substation, creation of a water channel, 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 (Use Class D1) with ancillary food and drink concession (Use Class A3).**

I have reviewed the following documents submitted with this application.

- WYG – Air Quality Assessment (ref: A100795, 9<sup>th</sup> issue; date: August 2020)
- CBRE - Appendix 8.2 - Ventilation and Refrigeration Statement
- Mott Macdonald - Match Day Transport Strategy Summary (ref: 385175 | 12 | B; December 2019)
- Sustainability Statement (ref: 0040026; date:22/12/19)

I agree with the methodology and conclusions relating to the long and short term impacts on air quality as a result of the increase in traffic movements due to the development. This assessment uses traffic data provided by Mott MacDonald, who are the transport consultants for the project. I have assumed

that our Highways Service have approved the Transport Assessment upon which the Air Quality Assessment is based.

In relation to the construction phase of the development, unavoidable dust impacts are predicted, but these would be temporary and localised. In order to minimise the scale of these impacts, the mitigation measures stipulated in "Chapter 8.1- Mitigation" should be implemented throughout the duration of the construction process

The report predicts that the effect on air quality will not be significant during the operational phase of the development. The report discusses some mitigation measures including EV charging, and services and infrastructure to reduce travel to the site by private vehicles.

I am satisfied that the report has been carried out in accordance with current guidelines and best practice and therefore it can be considered an approved document.

.....  
**Keith Dooley**

Air Quality Support Officer

Date: 30 October 2020  
Our ref: 329866  
Your ref: 20F/0001



Peter Jones  
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In reference to MLA/2020/00109

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## BY EMAIL ONLY

Dear Peter

**Planning consultation:** Application for Full Planning Permission in accordance with submitted drawings for the demolition of existing buildings/structures on site (listed in the schedule); remediation works; foundation/piling works; infill of the Bramley-Moore Dock, alteration to dock walls and dock isolation works with vehicular and pedestrian links above; and other associated engineering works to accommodate the development of a stadium (Use Class D2) predominantly for football use, with the ability to host other events, with ancillary offices (Use Class B1a); Club Shop and retail concessions (internal and external to the stadium) (Use Class A1); exhibition and conference facilities (Use Class D1); food and drink concessions (internal and external to the stadium) (Use Classes A3 / A4 / A5); betting shop concessions (Sui Generis); and associated infrastructure including: electric substation, creation of a water channel, outside broadcast compound, photo-voltaic panels, storage areas/compound, security booth, external concourse / fan zone including performance stage, vehicular and pedestrian access and circulation areas, hard and soft landscaping (including stepped plaza, canopies, lighting, wind mitigation structures, public art, tree planting and boundary treatments), cycle parking structures and vehicle parking (external at grade) and change of use of the Hydraulic Tower structure to an exhibition / cultural centre (Use Class D1) with ancillary food and drink concession (Use Class A3) (revised description).

**Location:** Bramley Moore Dock Regent Road Liverpool

Thank you for your consultation on the above dated 24 September 2020 and received by Natural England on 06 October 2020.

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.

### Further information required to determine impacts on designated sites

In summary, having reviewed the updated plans and information provided Natural England advises that further information is required to provide appropriate detail and justification within the Habitats Regulations Assessment.

The advice within this letter focuses on the following document:

- Shadow Habitats Regulations Assessment Stage 1 and Stage 2 Issue 5 by WTG, December 2019 Updated September 2020

Our advice follows below and is further to that provided in our previous response (ref. 309854, dated 20 April 2020). Detailed comments are provided in Annex A.

### **Internationally and nationally designated sites**

This application is adjacent to Liverpool Bay Special Protection Area (SPA) and within 1.2km of the Mersey Narrows and North Wirral Foreshore SPA and Ramsar, and the Mersey Narrows Site of Special Scientific Interest (SSSI).

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have<sup>1</sup>. The [Conservation objectives](#) for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

Please see the subsequent sections of this letter for our advice relating to SSSI features.

### **Habitats Regulations Assessment (HRA)**

We have reviewed the updated Shadow HRA and acknowledge the additional information that has been provided in this version of the document and we provide the following advice on the assumption that your authority intends to adopt this document to fulfil your duty as competent authority. We remind you that as competent authority, it is your responsibility to produce the HRA and be accountable for its conclusions.

Natural England notes that an appropriate assessment of the proposal has been undertaken in accordance with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process, and a competent authority should have regard to Natural England's advice.

The appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for any adverse effects, it is the advice of Natural England that the assessment does not currently provide enough information and/or certainty to justify the assessment conclusions and that your authority should not grant planning permission at this stage. Further details and assessment is required to support the conclusions of the shadow HRA and our detailed advice on the additional assessment work required follows within Annex A.

Should the applicant wish to discuss the further information required and scope for mitigation with Natural England, we would be happy to provide advice through our [Discretionary Advice Service](#).

### **Environmental Statement (ES)**

We note that within the Biodiversity Report (Appendix 12.1 of the ES) that tables 12.10, 12.11 and 12.13 within section 12.0 (Likely significant environmental effects of the scheme) include similar information to that presented within the HRA relating to impacts on designated sites, we refer you to our below detailed advice on the HRA and advise that our comments apply equally to the information provided within the above listed tables. It should be ensured that the tables and assessment within the ES are updated in line with the HRA.

Section 12.12.4 sets out good practice measures to minimise effects upon bird species which form qualifying features of the designated site, and that one of these measures includes 'Timing of works to ensure high levels of noise disturbance avoid sensitive periods (i.e. piling works

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<sup>1</sup> Requirements are set out within Regulations 63 and 64 of the Habitats Regulations, where a series of steps and tests are followed for plans or projects that could potentially affect a European site. The steps and tests set out within Regulations 63 and 64 are commonly referred to as the 'Habitats Regulations Assessment' process.

The Government has produced core guidance for competent authorities and developers to assist with the Habitats Regulations Assessment process. This can be found on the Defra website. <http://www.defra.gov.uk/habitats-review/implementation/process-guidance/guidance/sites/>

avoid winter period (November – February) when wintering bird species/assemblage associated with the designated site are most likely to be affected by construction works.’ We note that this measure has not been outlined within the HRA or Construction Management Plan therefore we advise that the relevant documents are updated.

### **SSSI**

Our concerns regarding the potential impacts upon the Mersey Narrows SSSI coincide with our concerns regarding the potential impacts upon the international designated sites.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England’s advice. You must also allow a further period of 21 days before the operation can commence.

If you have any queries relating to the advice in this letter please contact me at the details below, and to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Please consult us again once the information requested above, has been provided.

Yours sincerely

Angela Leigh  
Planning & Development Lead Adviser  
Cheshire to Lancashire Area Team  
[Angela.Leigh@naturalengland.org.uk](mailto:Angela.Leigh@naturalengland.org.uk)

## **Annex A: Detailed comments on shadow HRA**

<b>No.</b>	<b>Section No.</b>	<b>Document Page No.</b>	<b>Comment</b>	<b>Comment for LCC/MMO</b>
1	4.1 Identification of potential pathways to LSE on European sites	23-24	The effects of shading have been discussed here ahead of the Assessment of Likely Significant Effects, we advise that this potential impact is included within Table 15. The assessment for shading focuses on fish and shellfish but should also consider impacts on functionally linked habitat, we advise further information is required here.	LLC & MMO
2	1.3 Development proposals- Creation of a new (non-navigable) water channel (western water channel)	5-6	As stated in our previous response we wish to request clarity from the MMO with regards to the extent of marine licensing requirements for this application and also with regards to the MMO's jurisdiction in the northern docks system.	MMO (LCC)
3	Table 15. Habitat degradation – air quality & dust deposition	29-30	There remains a lack of clarity here regarding dust deposition as impacts are ruled out, however under Habitat degradation -deposition of waste/litter impacts of dust are considered to be LSE. We advise the text here is amended accordingly.	LCC & MMO
4	Table 15. Habitat degradation – effects on water quality during dock infill preparation – raking of dock prior to infill (suspension of particulates and contaminants)	30	It is stated that none of the contaminants recorded within BMD exceed action level 1 threshold levels determined by CEFAS guidance, however within the Dock Deposit Disturbance assessment (Appendix 11.8) Action Level 1 was shown to be exceeded but with no exceedances for Level 2. We advise this text is updated in line with the findings of the assessment.	MMO (LCC)
5	Habitat degradation – effects on water quality during dock infill	30	Consideration should also be given here to the impacts on the adjacent Nelson Dock as a result of the severing the water connectivity. We note that measures are included within the CMP to reduce and mitigate impacts, therefore we advise that further consideration is required at AA, in line with the People over Wind judgement.	LCC & MMO
6	Displacement of prey species for qualifying bird species – noise and	32	We note that further assessment on noise and vibration impacts to prey species were considered and that mitigation in the form of construction planning was referenced in the Environmental Statement Chapter 13 Aquatic Ecology Chapter.	LCC & MMO

	vibration		We therefore advise that further consideration is required at AA, in line with the People over Wind judgement.	
7	Disturbance of qualifying features – lighting effects	33	As mentioned in our previous advice it is not clear if there are measures mentioned here that are being relied upon to avoid significant impact for SPA birds and so require further consideration within the AA. We advise clear distinction is made over measures which are in built to the proposals and those which represent specific measures to avoid impacts on designated site features.	LCC & MMO
8	Disturbance of qualifying features –auditory disturbance	34-35	The justification here needs to be made clearer and we advise that further detail from the Noise and Vibration Assessment is used to support the conclusions, including clear detail on the baseline noise levels (including LAeq and LMax noise levels) and the expected noise levels during operation.	LCC & MMO
9	Disturbance of qualifying features – lighting effects	35	We note the additional information has been provided here, however in order to support to conclusions we advise that further details on the amount of light spill from operational lighting are provided. It would be useful to have plans showing the positioning of light sources and the expected light levels to be emitted and the spread of light spill on adjacent areas in order to rule out any potential impacts.	LCC & MMO
10	5.0 Consideration of in-combination effects	39	We note that changes have been made to this chapter to include a number of projects as highlighted in our previous response, however we note that no marine licence applications appear to have been considered. Clarification is needed here to show if there are any relevant marine licences which need to be considered.	MMO (LCC)
11	Liverpool Cruise Terminal	46-47	We are aware of a more recent HRA for this development, and that MMO have produced their own HRA which provides different conclusion to that mentioned within the text. Mitigation has been required for Liverpool Cruise Terminal and consideration of impacts at AA was carried out. We advise this section is updated accordingly.	LCC & MMO
12	Wirral Waters	49-50	There are a number of standalone applications that sit with the Wirral Waters development, we advise these are also considered within the assessment.	LCC & MMO
13	6.6 Assessment of Effects which are carried through to AA	75	There is mention here regarding in-built mitigation measures. We advise that a summary is included here to make clearer which measures are in built and which are further required mitigation measures. We note that there is information within ES Appendix 12.1 Terrestrial Ecology, section 12.9 (mitigation within the submitted design) which could be incorporated within the HRA.	LCC & MMO
14	6.6.3 Habitat loss within functionally linked habitat beyond the boundary of the	76-77	There remains limited information regarding the proposed two floating rafts/pontoons and the suitability of their location in Nelson Dock. To support the conclusions here we advise information on the carrying capacity of these platforms is provided, how they will be installed and the timing of the installation in advance of	LCC & MMO



	designated sites		works commencing and how will success of the mitigation rafts be determined.	
15	6.6.7 Loss of qualifying features - potential bird strike	81-82	We advise that insufficient information is presented here to support the assessment conclusions and provide certainty regarding the proposed mitigation measures. There is no consideration of the appropriate distance from the stadium for the pontoons and if this can be achieved. Flight line data could be used to determine the use of the docks and wider area.	LCC & MMO
16	6.7 Conclusion	83	We advise that the overall conclusions of the assessment are brought together within this section (currently sit within 6.8 Discussion) and that a clear overall conclusion of the assessment is stated.	LCC & MMO

## Heritage Review

**Application Reference: 20F/0001**

**Proposed Everton Football Stadium Development: Bramley Moore Dock**

### 1.0 Introduction

- 1.1 This Heritage Review has been prepared on behalf of Liverpool City Council to provide an independent assessment of the heritage considerations associated with the proposed Everton football stadium at Bramley Moore Dock.
- 1.2 The heritage advice, below, considers the revised application (submitted in September 2020) and follows initial advice regarding the content and structure of the original application.
- 1.3 The applicant has responded positively to that initial advice, for example ensuring that all relevant heritage assets have been considered, including non-designated heritage assets. It is unclear why the Heritage Statement and ICOMOS style Assessment follow the same structure and terminology and appear to be very similar documents. In places the applicant has not translated the ICOMOS impact assessments, for particular assets, into the NPPF terminology (for example in respect to the magnitude of harm that may be identified). However, the heritage-based documents submitted by the applicant provide sufficient detail to understand the significance of the heritage assets and are therefore compliant with NPPF paragraph 189.

### 2.0 Heritage Considerations

- 2.1 From an historic environment perspective, the application site incorporates Bramley Moore Dock, the Dock Boundary Wall and Hydraulic Engine House, all of which are grade II listed buildings. It is located within the Stanley Dock Conservation Area and within the Liverpool Maritime Mercantile World Heritage Site (WHS). The proposed development therefore has potential to have a direct impact on the significance of those designated heritage assets. The application site is also located within the settings of a series of other listed buildings and non-designated heritage assets and the proposals have potential to have an indirect impact on the significance of those heritage assets by causing change within their settings.
- 2.2 In determining proposals affecting heritage assets, Local Planning Authorities (LPAs) should take account of: the desirability of sustaining and enhancing the significance of the assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities and the desirability of

new development making a positive contribution to local character and distinctiveness (NPPF paragraph 192).

- 2.3 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. The more important the asset, the greater the weight should be (NPPF paragraph 193). Any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. The NPPF includes policies in respect to 'substantial harm' and 'less than substantial harm' and confirms that substantial harm to a grade II listed building should be 'exceptional'; and that substantial harm to assets of the highest significance, including WHSs, should be 'wholly exceptional' (NPPF paragraph 194).

- 2.4 The three 'statutory duties' of the Planning (Listed Buildings and Conservation Areas) Act 1990 also apply to this application:

*"S.16 (2): In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State 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.*

*"S. 66 (1): In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State 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."*

*"S. 72 (1) In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*

- 2.5 In this context, case law (South Lakeland, 1992) has determined that 'preserve' means 'to do no harm'. However, if harm is identified, the NPPF provides a means of weighing either 'substantial harm' or 'less than substantial harm' to the significance of a designated heritage asset against the public benefits of the proposal. In doing so, case law has emphasised the need to give "*considerable importance and weight*" to preserving listed buildings or the character and appearance of conservation areas (Barnwell Manor, Case No: C1/2013/0843). The presumption 'to preserve' is a strong one, however it is not irrebuttable and "*can be outweighed by material considerations powerful enough to do so*" (Forge Field (Case Nos: CO/735/2013; CO/16932/2013). A decision maker that has followed the process set out in the NPPF, in respect to weighing harm and benefits, can reasonably be expected to have complied with the 'statutory duties' of the 1990 Act (Mordue, Case No. C1/2015/1067).

### 3.0 The Relevant Heritage Assets

3.1 The heritage assets located within and adjacent to the application site comprise the following:

#### **Designated Heritage Assets:**

- Liverpool Maritime Mercantile World Heritage Site.
- Stanley Dock Conservation Area
- Bramley Moore Dock Retaining Walls (grade II listed)
- Nelson Dock Retaining Walls (grade II listed)
- Salisbury Dock Retaining Walls (grade II)
- Collingwood Dock Retaining Walls (grade II listed)
- Clarence Graving Dock (grade II listed)
- Dockmaster's Office (grade II listed)
- Dockmaster's House (grade II listed)
- Victoria Tower (grade II listed)
- Sea wall to island at dock entrance (grade II listed)
- Sea wall to north of island at dock entrance (grade II listed)
- Sea wall to south of island at dock entrance (grade II listed)
- Hydraulic Engine House (grade II listed)
- Regent Road Dock Boundary Wall (grade II listed)
- Stanley Dock Northern Warehouse (grade II\* listed)
- Hydraulic Tower to west of Stanley Dock (grade II listed)
- Entrances to Stanley Docks (grade II listed)
- Tobacco Warehouse (grade II listed)
- Stanley Dock South Warehouse (grade II listed)
- Bonded Tea Warehouse, Great Howard Street (grade II listed)
- 15-17 Fulton Street (grade II listed)

#### **Non-Designated Heritage Assets:**

3.2 The NPPF (paragraph 189) requires applicants to describe the significance of any heritage assets, including the contribution of setting. In doing so, as a minimum, the Historic Environment Record (HER) should be consulted. There are a number of mechanisms recommended for identifying non-designated heritage assets, including inclusion on a 'local list', by inclusion on the HER and through pre-application discussions with the local planning authority. The applicant has consulted the Merseyside HER and identified the following non-designated heritage assets:

- Stanley Dock
- Bascule Bridge, regent Road
- Remnants of the demolished overhead railway
- Sea Wall (where not statutorily listed)
- 66-68 Regent Road
- 9 Blackstone Street

- 3.3 In addition to the above HER assets the applicant has also identified Wellington Dock, Sandon Dock and Huskisson Dock, to the north of the application site, as non-designated heritage assets.

## 4.0 The Significance of the Heritage Assets

### Introduction

- 4.1 The NPPF defines significance (for heritage policy) as:

*“The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site’s Statement of Outstanding Universal Value forms part of its significance.”*

- 4.2 The setting of a heritage asset is defined by the NPPF as follows:

*“The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”*

- 4.3 The Planning Practice Guide (PPG) further advises, that:

*“The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places.”*

- 4.4 Historic England guidance on The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3 (Second Edition, 2017) confirms that:

*“Setting is not itself a heritage asset, nor a heritage designation, although land comprising a setting may itself be designated. Its importance lies in what it contributes to the significance of the heritage asset or to the ability to appreciate that significance.”*

- 4.5 The Heritage Impact Assessment (KM Heritage) submitted with the application provides a thorough review of the historic development of the dock estate and provides a proportionate description of the significance of the relevant heritage assets.

### Liverpool Maritime Mercantile World Heritage Site

- 4.6 The WHS was inscribed on the World Heritage List in 2004, on the basis of the following criteria, and has remained on the World Heritage In Danger list since 2012:

(i) Liverpool was a major centre generating innovative technologies and methods in dock construction and port management in the C18th, C19th and C20th. It thus contributed to the building up of the international mercantile systems throughout the British Commonwealth.

(ii) The city and port of Liverpool are an exceptional testimony to the development of the maritime mercantile culture in the C18th, C19th and C20th, 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.

(iii) 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.

4.7 The Statement of Outstanding Universal Value (OUV) summarises the integrity and authenticity of the WHS:

**Integrity:**

*“The existing urban fabric of the WHS dates from the C18th to the C20th, with an emphasis on the C19th and C20th. The city has suffered from the WWII destruction as well as from the long economic decline after the war.*

*The historic evolution of the Liverpool street pattern is still readable representing the different periods. There have been some alterations after the war destruction in 1941.*

*Judging in the overall, though, the protected area has well retained its historic integrity. Not only are the buildings in a good state but every effort has been made to preserve the minor detailing of architecture such as the original pulleys of the docks and various other cast iron features.”*

**Authenticity:**

*“In the world heritage property, the main historic buildings have retained their authenticity to a high degree. There are a small number of areas, especially in the buffer zone, where the damages from the war period still exist. There are also new constructions from the second half of the C20th, of which not all are to a high standard. The main docks survive as water-filled basins within the world heritage property and the buffer zone. They are not any more operational, though one dock area is operated by Merseyside Maritime Museum, and another is used for ship repairs. The warehouses are being converted to new uses. Here attention is given to keep changes to the minimum.”*

4.8 The WHS Management Plan 2017-2024 describes a series of ‘attributes’ that contribute to the integrity and authenticity of the WHS, comprising the following:

*I. The spirit of innovation illustrated by the pioneering dock technology, architecture, engineering, transport, port management and labour systems created and developed in Liverpool.*

*II. The buildings and monuments, stories and records that evidence Liverpool’s central role in the development of the British Empire and global trade.*

*III. The buildings and monuments, stories and records that evidence Liverpool's central role in global migration.*

*IV. The docks, warehouses, commercial buildings, cultural buildings and dwelling houses and their relationships to each other that illustrate Liverpool's development as a port city of global importance.*

*V. The tradition of cultural exchange exemplified by Liverpool's roles in the development of popular music and as a patron of the visual arts.*

- 4.9 The application site is located in WHS Character Area 3: Stanley Dock Conservation Area, which is summarised in the WHS Supplementary Planning Document (LCC, 2009) as follows:

*"Stanley Dock Conservation Area encompasses the northern part of the docks, including Princes Half-tide Dock, Stanley Dock and the surviving Dock Wall. The area is mostly derelict and disused (except at Waterloo Dock) and has massive potential for extensive heritage-based regeneration."* [Since the WHS SPD was published the successful conversion and repair of the northern warehouse at Stanley Dock has been completed]

- 4.10 The application site includes the water-filled basin of Bramley Moore Dock, which formed an important part of an integrated system of five docks, designed by Jesse Hartley and opened in August 1848. The site also incorporates the Hydraulic Engineer House, a later innovation within the dock estate, part of the Boundary Wall to Regent Road and a wide range of artefacts, including capstans, bollards and railway lines. The application site includes 'attributes' that contribute directly to the OUV of the WHS. The application site makes a positive contribution to the significance of the WHS. It is directly associated with all three of the criteria for inscription by contributing to methods of dock construction and port management, Liverpool's contribution to maritime mercantile culture and Liverpool's role as a world port city.

### **Stanley Dock Conservation Area**

- 4.11 A Conservation Area Appraisal has not been published for the Stanley Dock Conservation Area, however the WHS SPD (LCC, 2009) summarises the conservation area as follows:

*"6.4.1 Character Area 3 encompasses a number of surviving areas of historic docks, part of the Leeds and Liverpool Canal and the dock wall. The docks in the northern part of this area were mainly built in the 1840s, although Princes Dock and Waterloo Dock were opened in 1821 and 1834 respectively. Stanley Dock and Waterloo Dock retain much of their associated warehousing and Salisbury Dock retains granite dockyard buildings, landmark groups of buildings in their own right. To the east of Stanley Dock, the ground rises to the Leeds and Liverpool Canal, linked to Stanley Dock by a series of four locks."*

- 4.12 The dock wall contributes a sense of cohesion to the conservation area and continues to define the relationship between the dock estate and adjoining townscape in respect to the historic function of the docks and artificial landform. The five water-filled dock basins in the northern part of the conservation area make an important contribution to its significance. They form an integrated dock system designed by Jesse Hartley and remain largely in their original form, with the exception of the isolation structure between Bramley Moore Dock and Nelson Dock, albeit that they are un-used today. The character of Stanley Dock differs from

the docks within the dock wall by virtue of the enclosure afforded by the warehouses, it was also cut into the natural landform. In addition to the Dock Masters Office and House and Victoria Clock Tower the dock estate retains a myriad of small artefacts including bollards, capstans, railway lines and sluice covers, which contribute to the character and appearance of the conservation area. Open views are gained across the dock estate, although this gives an artificial aspect that would have been enclosed by transit sheds during the operational phase of the docks.

### **Listed Buildings**

- 4.13 The application site incorporates several listed buildings, comprising Bramley Moore Dock retaining walls, the Hydraulic Engine House, a section of the Dock Boundary Wall and extends on to the northern quayside of Nelson Dock, adjoining the dock retaining wall, each of which is grade II listed.
- 4.14 The dock retaining walls follow the distinctive form of construction developed by Hartley, who introduced hard-wearing granite and an almost vertical inner face. This form of construction was also common to Albert Dock and Wapping Dock, south of Pier Head. Bramley Moore Dock formed part of an integrated system of five docks, all opened on the same day in August 1848 and representing the pinnacle of Hartley's achievements.
- 4.15 The Hydraulic Engine House formed a later addition to Bramley Moore Dock, constructed in 1883 by Lyster, Hartley's successor, to provide power to the dock system in common with other docks within the wider dock estate. The attached elevated railway that extended along the northern side of the dock has been removed and the chimney of the tower has been truncated however it remains a prominent landmark within the associated dock system.
- 4.16 The dock boundary wall to Bramley Moore Dock remains one of the most complete sections of dock wall within the wider dock estate. It forms a continuous structure between the entrance piers of Bramley Moore Dock itself and those to Wellington Dock to the north. It is constructed in the distinctive cyclopean granite style associated with Hartley, retains the impressive gate piers and includes a name plate of 'Bramley-Moore Dock 1848'.
- 4.17 The application site forms an integral part of the setting of a series of other listed buildings. The dock retaining walls of Nelson Dock, Salisbury Dock and Collingwood Dock are also listed in grade II and have a clear historic functional and associative relationship with Bramley Moore Dock. Similarly, the sea wall and associated island to the dock entrance, the Victoria Clock Tower, Dock Master's Office and Dock Master's House, all listed in grade II, form important aspects to the setting of Bramley Moore Dock. Those structures would have been largely screened from Bramley Moore Dock by intervening transit sheds during the operational phase of the docks, however they formed part of the integrated dock layout and management system and make a positive contribution to the significance of Bramley Moore Dock.
- 4.18 The massive scale of the three warehouses at Stanley Dock rises above the dock estate, to the south of the application site, to form one of the most memorable landmarks in the central docks. The north and south warehouse at Stanley Dock were constructed a few years after the dock was excavated, and the Tobacco was constructed by Lyster in c.1901 following the partial



infilling of the dock. They form part of the associative and functional setting of Bramley Moore Dock and provide a distinctive visual backdrop to the dock estate.

### **Non-Designated Heritage Assets**

- 4.19 The Bascule Bridge provides a distinctive landmark on Regent Road, across the link between Stanley Dock and Collingwood Dock to the south of the application site. Views north from the bridge towards the Hydraulic Engine House are framed by the granite dock boundary wall to the west and the brick boundary wall to the Stanley Dock complex to the east.
- 4.20 To the north of the application site, Wellington and Sandon Docks were built soon after Bramley Moore Dock (1850 and 1851 respectively), with the granite boundary wall continuing northwards along Regent Road. The docks system then continued with Huskisson Dock in 1900-02, which removed part of the Sandon Dock system.

## **5.0 Impact Assessment**

### **Liverpool World Heritage Site**

- 5.1 The application site is integral to the WHS criteria for inscription. All of the designated heritage assets that would be affected by the proposed development are attributes of the outstanding universal value of the WHS. The relative importance of elements such as Bramley Moore Dock, the interconnected dock system and the dock boundary wall is summarised in the Statement of OUV.

*“... Liverpool was a pioneer in the development of modern dock technology, transport systems and port management, and building technology. ... Its innovative techniques and types of dock, dock facilities and warehouse construction had world wide influence. ...”*

- 5.2 The WHS Management Plan 2017-24 summarises the docks in the Stanley Dock Conservation Area as: *“A system of interlinked wet docks represent the culmination of Jesse Hartley’s development of dock design, and is a dramatic component of Liverpool’s historic dockland ... innovative buildings and structures represent the pinnacle of industrial dock architecture of the Victorian period.”*
- 5.3 The WHS SPD (LCC, 2009) summarises the rapid expansion of the docks during the 1830s and 1850s, many being built by Jesse Hartley. The SPD acknowledges the degree of change experienced by some docks, including the infilling of George’s Dock to enable the construction of Pier Head. However, the SPD states *“4.7.2 ... the surviving docks in the WHS and BZ represent a significant part of the “biggest and most complete system of historic docks in the world” and so any development, which would comprise that globally superlative system, would need exceptional justification. The historic docks in the WHS and BZ still show a strong homogeneity of design and materials. These docks create a distinctive dockland landscape that forms an essential part of the WHS’s character and OUV. It is essential that the fundamental integrity of the docks as open water spaces is retained.”*

- 5.4 The WHS SPD advises that the retention of the docks as focal points to setting and openness is critical in both heritage conservation and urban design terms. Paragraph 4.7.6 of the SPD states 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.”*
- 5.5 In respect to visual impacts the applicant’s TVIA provides an assessment of the key views identified in the SPD, including panoramas across the Mersey, vantage points such as Everton Park and views from specific locations such as Pier Head. The assessment indicates that in the context of the Liverpool Waters baseline scheme, the proposed development would have little discernible impact on the key views identified in the SPD.
- 5.6 Neither would the proposed development affect the ability to appreciate the other five WHS character areas, comprising Pier Head, Albert Dock, the Commercial District, William Brown Street and Lower Duke Street.
- 5.7 It would allow public access to the northern part of the remaining interconnected docks and would enable the repair and re-use of the Hydraulic Engine House. Although, the Engine House would have lost its original context and those using the proposed public realm around the stadium would be unable to appreciate the significance of the former dock.
- 5.8 However, the proposed development would result in the substantial loss of Bramley Moore Dock, a fundamental attribute of OUV. The proposed development would also harm the significance of the associated integrated dock system that includes Bramley Moore Dock and represented the culmination of Hartley’s dock engineer in Liverpool.
- 5.9 Such is the relative value of Bramley Moore Dock and the critical importance that docks make to OUV, that the proposed development is considered to represent substantial harm to the significance of the WHS.
- 5.10 Substantial harm to a designated heritage asset of the highest significance should be wholly exceptional. In such circumstances the NPPF (paragraph 195) requires LPAs to refuse consent unless the substantial harm is necessary to achieve substantial public benefits that outweigh that harm, or all of the following apply:
- a) The nature of the asset prevents all reasonable uses of the site; and
  - b) No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
  - c) Conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
  - d) The harm or loss is outweighed by the benefit of bringing the site back into use.
- 5.11 The applicant’s Heritage Impact Assessment identified a large/very large adverse impact to the OUV of the WHS based on a major adverse impact on Bramley Moore Dock and a moderate adverse impact on the Stanley Dock Conservation Area. It does not specifically apply that magnitude of harm to the NPPF terminology, however the Conclusions refer to the NPPF process for balancing substantial harm against substantial public benefits.

## **Stanley Dock Conservation Area**

- 5.12 Bramley Moore Dock is an integral part of a connected system of docks that are fundamental to the character and appearance of the conservation area. The dock has an historic and functional relationship with the adjoining docks and the associated structures, such as the Victoria Clock Tower, the dock boundary wall and the artificial landform of the dock estate. The many artefacts along the quaysides, such as the railway lines and bollards, all contribute to the character and appearance of a conservation area that is entirely associated with the dock estate.
- 5.13 The NPPF states that the loss of an element that makes a positive contribution to a conservation area should be treated as either substantial or less than substantial harm (NPPF 201). The Planning Practice Guide advises that if a building, or other element, is important or integral to the character and appearance of a conservation area its proposed demolition is more likely to amount to substantial harm. The justification for a building's proposed demolition, or loss of other elements, should be proportionate to the relative significance and its contribution to the significance of the conservation area as a whole (PPG: ID: 18a-019-20190723).
- 5.14 Considerable efforts have been made by the applicant to mitigate the impacts on the conservation area through the design of the proposed stadium and the associated public realm. The podium level of the stadium would be clad in fins of brickwork that have been carefully designed to reflect the materiality of the conservation area, while the public realm in the fan plaza will incorporate re-laid railway track and retained artefacts from the dock. However, the sports stadium would remain an alien structure within the dock estate and would require the loss of an element that is integral to the character and appearance of the conservation area.
- 5.15 It is considered that the direct impact of the proposed development on Bramley Moore Dock and the impact on the wider integrated dock system would lead to substantial harm to the significance of the conservation area.
- 5.16 The applicant's Heritage Impact Assessment identifies a 'very high level of harm' to the character and appearance of the conservation area without clarifying whether the harm would be substantial or less than substantial in respect to the NPPF.

## **Listed Buildings**

### **Bramley Moore Dock Retaining Wall (grade II listed)**

- 5.17 The water-filled basin of Bramley Moore Dock would be largely infilled, retaining a narrow channel of shallow water along the western edge of the dock. The dock retaining walls would not be physically harmed, as the structure of the proposed stadium would span across the historic structure of the dock wall. However, the water would be removed, the dock space would be filled and the large stadium structure would be placed within the open space of the dock.

- 5.18 Although the granite structure of the western dock wall would be appreciated from the west terrace plaza, it would be seen as a fragment of the dock and would not allow an appreciation of the scale and form of the dock itself. The shape of the dock would be depicted in the hard landscaping of the fan plaza, and whilst this would provide a 'memory' of the dock it would not replace the loss of significance. It is hoped that the dock gates to the western side of the dock would be retained in situ and partly entombed in the infill material, while the gate to the northern channel to Sandon Dock would be removed, however the practicality of retaining any of the gates will need to be carefully managed. Approximately 70% of the artefacts within the application site, including bollards and capstans, would be retained.
- 5.19 In respect to the dock itself, the proposed stadium represents an alternative to the approved Liverpool Waters baseline scheme rather than a cumulative development. The Liverpool Waters scheme would transform the setting of the dock by enclosing it with relatively high buildings, in the context of the transit sheds that formerly enclosed the dock, but would retain the water filled basin.
- 5.20 The proposed development would therefore lead to substantial harm to the significance of the grade II listed structure (NPPF 195). The substantial magnitude of harm is common ground with the applicant and Historic England.

#### **The Dock Boundary Wall (grade II listed)**

- 5.21 Three new openings are required through the boundary wall to Regent Road to provide pedestrian access into the main fan plaza. Each opening would be 8.15 metres wide with four columns supporting the soffit of the opening. The proposed breaches would be formed in a section of wall that remains intact and provides a continuous boundary to Regent Road between the historic entrances into the dock.
- 5.22 During pre-application consultations an option appraisal considered several designs and care has been taken to minimise the impact. The proposals would retain a panel of stonework and the associated coping above each opening to maintain the coherence of the wall as far as possible while creating the required access. The proposed development would therefore lead to less than substantial harm to the listed structure (NPPF 196).

#### **The Hydraulic Engine House (grade II listed)**

- 5.23 The application is supported by a 'Design Intent Report', which sets out an approach to the retention, conservation and re-use of the Hydraulic Engine House. The report provides a programme for undertaking a detailed survey of the building, a set of design principles for its conversion and suggests a range of potential uses, including a permanent exhibition, the starting point for stadium tours and as a meeting point within the fan zone.
- 5.24 The Engine House remains vacant and in a derelict condition and is considered to be a 'listed building at risk' from further deterioration. Detailed proposals are yet to be brought forward. However, the stadium proposal represents an opportunity to safeguard the future of the listed building, by Agreement, should planning permission be granted for the stadium.

- 5.25 The proposed development therefore has potential to have a direct beneficial impact on the significance of the listed Hydraulic Engine House.
- 5.26 However, the setting of the listed Engine House would change dramatically. The dock, that it was constructed to power, would be infilled and views across the dock estate from the Hydraulic Engine House would be largely obscured by a sports stadium. The proposals would therefore have an adverse impact on the contribution of setting to the significance of the listed building.
- 5.27 In balancing the beneficial and adverse impacts of the proposed development, the opportunity to secure a new use for the derelict structure is compelling and the overall impact is considered to be moderately beneficial.

**Nelson Dock, Salisbury Dock, Collingwood Dock, Stanley Dock, The Dock Master's House, Dock Master's Office and Victoria Tower (grade II listed)**

- 5.28 Bramley Moore Dock formed part of an integrated dock system of five docks, designed by Jesse Hartley and opened as a single entity in August 1848. The four adjoining docks are considered to form part of the setting of Bramley Moore Dock. From a visual perspective the modern warehouse between Bramley Moore Dock and Nelson Dock largely screens Bramley Moore Dock from the docks to the south. Historically there was a greater coverage of transit sheds within the dock estate and this group of docks would have had a more enclosed setting. However, the integrated design of the docks would be diminished by the loss of Bramley Moore Dock and the proposed development would lead to less than substantial harm (NPPF 196) to the significance of the adjoining docks and the associated structures due to the impact proposed on their setting.

**Stanley Dock North (grade II\* listed), South Warehouse and Tobacco Warehouse (grade II listed)**

- 5.29 The group of warehouses forms a prominent feature in the hinterland to the dock estate. The proposed stadium would be seen as a similar height and scale to the tobacco warehouse in WHS SPD views from the western side of the Mersey. From Woodside Ferry Terminal the stadium would appear separated from the warehouses. In the views from Wallasey Town Hall and Magazine Promenade the stadium would become the principal object in the view of Central Docks, reducing the landmark status of the warehouses, while from New Brighton the stadium would partially obscure the tobacco warehouse.
- 5.30 However, in cumulative views that include the baseline Liverpool Waters scheme, the warehouses would be largely obscured by that scheme and the impact of the proposed development on the setting and significance of the group of warehouses would be neutral.

## 6.0 Compliance with Legislation and Policy

### Planning (Listed Buildings and Conservation Areas) Act 1990

- 6.1 With respect to listed buildings, the 1990 Act requires proposals, as a minimum, to preserve their special interest, including setting, i.e. proposals should 'do no harm'.
- 6.2 The proposed development would have a direct harmful impact on Bramley Moore Dock (grade II) and the Regent Road Dock Boundary Wall (grade II). The proposed development would therefore be contrary to the statutory duty of S.16 (2) of the 1990 Act in respect to those listed buildings. The direct impact on the Hydraulic Engine House (grade II) is considered to be beneficial to the extent that it would outweigh the harmful impacts on its setting.
- 6.3 The proposed development is considered to represent a harmful impact on the setting of several listed buildings located near to the application site, including Collingwood Dock, Salisbury Dock, Nelson Dock and Stanley Dock. The proposed development would not preserve their setting and would therefore be contrary to the statutory duty of S.66 (1) of the 1990 Act.
- 6.4 The proposed development would have a direct harmful impact on the Stanley Docks Conservation Area and therefore the proposals are contrary to S.72 (1) of the 1990 Act.

### National Planning Policy Framework (2019)

- 6.5 The applicant has provided sufficient information regarding the significance of the heritage assets that would be affected by the proposal, including the contribution of their setting and a HER search. The application is therefore compliant with NPPF paragraph 189.
- 6.6 The LPA has identified and assessed the significance of the relevant heritage assets to enable that significance to be taken into account during the decision-making process. Conflict between the conservation of the heritage assets and the proposal has been minimised with respect to the Regent Road Dock Boundary Wall, through the design of the proposed openings, and proposed restoration and re-use of the Hydraulic Engine House. The proposed development would not avoid conflict with the conservation of Bramley Moore Dock, the Stanley Dock Conservation Area and the group of integrated dock basins (NPPF Paragraph 190).
- 6.7 NPPF paragraph 192 requires that in determining applications account should be taken of:
  - a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
  - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
  - c) the desirability of new development making a positive contribution to local character and distinctiveness.*

- 6.8 The significance of the WHS, Stanley Docks Conservation Area, Bramley Moore Dock and the Regent Road Dock Boundary Wall would not be conserved or enhanced by the proposed development. The harmful impact on the setting of the Hydraulic Engine Tower would be balanced by the beneficial impact of securing the repair and long-term use of the building.
- 6.9 The applicant has made considerable effort to design a stadium that responds to the general character of the area, for example in respect to the form and materiality of the lower part of the stadium elevations and the associated public realm. However, the integrated system of water-filled dock basins is fundamental to the character and distinctiveness of the locality of the application site and the overall impact of the proposed development is considered contrary to NPPF paragraph 192.
- 6.10 NPPF paragraphs 193 and 194 place 'great weight' on the conservation of designated heritage assets, the more important the asset the greater the weight should be. Any harm to a designated heritage asset requires clear and convincing justification. Substantial harm to a grade II listed building should be exceptional, while substantial harm to a WHS should be wholly exceptional.
- 6.11 The proposed development represents a spectrum of harm including both 'less than substantial' and 'substantial' harm. Substantial harm has been identified in respect to the Liverpool WHS, which should be wholly exceptional, Bramley Moore Dock, which should be exceptional, and the Stanley Dock Conservation Area.
- 6.12 Therefore, the LPA should consider whether the harm is 'necessary' to achieve substantial public benefits (NPPF paragraph 195), assuming that the four 'tests' incorporated in the second part of paragraph 195 cannot be met.
- 6.13 LPAs should look for opportunities for new development in conservation areas and WHSs to enhance or better reveal their significance (NPPF Paragraph 200). From an historic environment perspective the Hydraulic Engine House would be repaired and re-used and public access would be secured within part of the dock estate that has not previously been accessible. Otherwise, the proposed development would fail to enhance or better reveal the significance of the heritage assets within or adjacent to the application site.
- 6.14 Loss of a building or element that makes a positive contribution to a conservation area of WHS should be treated as either substantial or less than substantial harm, taking into account the relative significance of the element affected and its contribution to the asset as a whole (NPPF paragraph 201). Bramley Moore Dock makes a highly significant contribution to the conservation area and WHS and the proposed development is therefore considered to represent a substantial magnitude of harm to those heritage assets.

### **Liverpool City Council Unitary Development Plan (2002)**

- 6.15 Until the new Local Plan is formally adopted the following policies of the Unitary Development Plan (UDP) remain relevant to the proposed development.
- 6.16 HD4 Alterations to Listed Buildings:

*“Consent will not be granted for:*

- i. extensions, external or internal alterations to, or the change of use of, or any other works to a listed building that would adversely affect its architectural or historic character;*
- ii. applications for extensions, alterations to, or the change of use of, a listed building that are not accompanied by the full information necessary to assess the impact of the proposals on the building; and*
- iii. Any works which are not of a high standard of design in terms of form, scale, detailing and materials.*

*2. Where the adaptive reuse of a listed building will be used by visiting members of the public, the needs of disabled people should be provided for in a manner which preserves the special architectural or historic interest of the building.”*

- 6.17 The proposed development would adversely affect the architectural and historic character of Bramley Moore Dock and the Regent Road Dock Boundary Wall, while bringing forward an opportunity for a direct beneficial impact on the Hydraulic Engine Tower. The proposed development represents a partial compliance with UDP Policy HD4, however the key listed building impact (Bramley Moore Dock) would be adverse.

- 6.18 HD5 Development Affecting the Setting of a Listed Building:

*“Planning permission will only be granted for development affecting the setting of a listed building, which preserves the setting and important views of the building. This will include, where appropriate:*

- i) control over the design and siting of new development;*
- ii) control over the use of adjacent land; and*
- iii) the preservation of trees and landscape features.”*

- 6.19 The proposed development would not preserve the settings of the integrated group of docks to the south of the applications site, or the settings of the associated dock structures such as the Victoria Clock Tower. Given the cumulative impact of the Liverpool Waters scheme the proposed development would have a neutral impact on the settings of the warehouses clustered around Stanley Dock.

- 6.20 Policy DH11 New Development in Conservation Areas, states:

*“1. Planning permission will not be granted for:*

- i. development in a conservation area which fails to preserve or enhance its character; and*
- ii. applications which are not accompanied by the full information necessary to assess the impact of the proposals on the area, including all details or design, materials and landscaping.*

*2. Proposals for new development will be permitted having regard to the following criteria:*

- i. the development is of a high standard of design and materials, appropriate to their setting and context, which respect the character and appearance of the conservation area;*



*ii. the development pays special attention to conserving the essential elements which combine to give the area its special character and does not introduce changes which would detract from the character or appearance of the area;*

*iii. the proposal protects important views and vistas within, into and out of the conservation area;*

*iv. the proposal does not lead to the loss of open space or landscape features (trees and hedges) important to the character or appearance of the area;*

*v. the development does not generate levels of traffic, car parking, noise or environmental problems that would be detrimental to the character or appearance of the area; and*

*vi. The proposal has a satisfactory means of access and provides for car parking in a way which is sympathetic to the appearance of the conservation area."*

- 6.21 The first clause of Policy HD11 is consistent with S.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the proposed development would be contrary to the requirement of the first part of the policy as it would not preserve or enhance the conservation area.
- 6.22 The second part of the policy requires a high standard of design that would respect the character and appearance of the conservation area. It also promotes development that would pay special attention to conserving the essential elements of the conservation area. Clearly, Bramley Moore Dock, whilst being retained as a below-ground artefact, would not be preserved as a water-filled basin and the contribution of this 'essential element' to the character and appearance of the conservation area would be lost. The proposals would lead to the loss of the dock, as an open space, and would become a prominent feature in key views across the conservation area.

### **Liverpool Local Plan (2013-2033)**

- 6.23 The relevant parts of Policy HD1 Heritage Assets: Listed Buildings; Conservation Areas; Registered Parks and Gardens; Scheduled Ancient Monuments, include:

*"1. The City Council will support proposals which conserve or, where appropriate, enhance the historic environment of Liverpool.*

*2. 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 18<sup>th</sup>, 19<sup>th</sup> and early 20<sup>th</sup> centuries.*

*3. Proposals affecting a designated heritage asset should conserve those elements which contribute to its significance. Harm to such elements will be permitted only where this is clearly justified and outweighed by the public benefits of the proposal. Substantial harm or total loss to the significance of a designed heritage asset will be permitted only in exceptional circumstances."*

*6. Proposals affecting a conservation area should preserve or enhance those elements identified in any Conservation Area Appraisal as making a positive contribution to the significance of that area.*

*7. Proposals which help to safeguard the significance of and secure a sustainable future for the City's heritage assets, especially those identified as being at greatest risk of loss or decay, will be supported."*

6.24 Policy HD1 therefore requires 'particular consideration' to be given to not harming key elements of the historic environment, such as the docks and associated structures, and in this respect the proposed development is contrary to this aspect of the emerging Local Plan policy. However, the policy sets out a process for justifying harm to designated heritage assets that is similar to that of the NPPF.

6.25 Policy HD2 Liverpool Maritime Mercantile City World Heritage Site, states that:

*"1. 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."*

6.26 It is common ground that the proposed development would not conserve or enhance the OUV of the WHS.

6.27 Policy HD2 states that proposals within the WHS should be in accordance with the guidance within the WHS Supplementary Planning Document (SPD).

### **World Heritage Site Supplementary Planning Document (2009)**

6.28 The WHS SPD provides a range of 'General Design Guidance' for development proposals within the WHS and Buffer Zone.

6.29 Applicants are required to undertake their own analysis of OUV to ensure that their design has responded to the characteristics and OUV of the locality in which they are developing. The SPD pre-empted the NPPF in this respect and the applicant has provided a proportionate description of the significance of the relevant heritage assets, although it is common ground that the proposals would harm the OUV of the WHS. (WHS SPD paragraph 4.2.3)

6.30 The SPD requires architecture within the WHS to be of the *"highest quality of contemporary design but respect, respond to and enhance its highly sensitive and important historic context."* (WHS SPD paragraph 4.2.12). Aspects of the stadium design have responded to the character of the WHS Character Area 3 in which it would be located, for example with the choice of brickwork for the lower parts of the principal elevations. However, the scale and form of the stadium would be alien to the five integrated docks of the Stanley Dock Conservation Area.

6.31 The SPD identifies a series of types of view into and across the WHS, including defined vistas, general views with a focal point and panoramas. (WHS SPD section 4.4). The heritage significance of most of the views identified in the SPD would remain unaffected by the proposed development, particularly in the context of the Liverpool Waters baseline development and in this respect the proposal is generally compliant with the WHS SPD.

- 6.32 The WHS SPD defines mid-rise buildings as being between 21 metres and 45 metres (from 7 to 15 storeys) in height and identifies the area including Bramley Moore Dock as an area appropriate for mid-rise development (WHS SPD section 4.6). The stadium roof would be c.52 metres in height and would therefore exceed the anticipated height of development adjoining the dock.
- 6.33 In respect to dock water spaces the WHS SPD states that “... *It is essential that the fundamental integrity of the docks as open water spaces is retained.*” (WHS SPD paragraph 4.7.2). The SPD continues: “*The retention of the contribution of the docks as focal points, to the setting and openness is critical in both heritage conservation and urban design terms.*” (WHS SPD paragraph 4.7.3).
- 6.34 The SPD acknowledges that some docks were historically in filled, however advises that:
- “However, the surviving docks in the WHS and BZ 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.”* (WHS SPD paragraph 4.7.2).
- 6.35 The WHS SPD is unequivocal in respect to the requirements for dock water spaces:
- “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.”* (WHS SPD paragraph 4.7.6).
- 6.36 The wording of the related guidance for Character Area 3 is perhaps slightly less clear, however it refers back to the core guidance on dock water spaces:
- “Proposals to infill dock water spaces in the character area and adjacent Buffer Zone will not generally be permitted, in accordance with section 4.7 of this document, which sets out clear guidance in relation to the surviving water spaces across the WHS and Buffer Zone. ...”* (WHS SPD paragraph 6.4.12)
- 6.37 The proposed in filling of Bramley Moore Dock is clearly contrary to the advice of the SPD in respect to dock water spaces.

## 7.0 Conclusions

- 7.1 From an historic environment perspective, the proposed development would have a harmful impact on the WHS, Stanley Docks Conservation Area and a series of listed buildings and structures. The level of harm to the WHS, conservation area and Bramley Moore Dock (grade II) is considered to be ‘substantial’, while ‘less than substantial’ harm has been identified in respect to other important listed buildings and structures, not least the Regent Road Dock Boundary Wall and the network of integrated docks of which Bramley Moore Dock forms part.

- 7.2 The magnitude of impact identified by this independent heritage review, in respect to the WHS, is similar to that identified by the applicant and Historic England (advice letter dated 22<sup>nd</sup> October 2020). While neither the applicant nor Historic England directly use the NPPF terminology (in respect to 'less than substantial' or 'substantial' harm) in their consideration of the WHS, they both identify a large / very large adverse impact on the OUV of the WHS and refer to the process for balancing 'substantial harm' against other public benefits. It is therefore presumed that the impact of 'substantial harm' on the significance of the WHS is common ground.
- 7.3 The Planning (Listed Buildings and Conservation Areas) Act 1990 contains several 'statutory duties' that seek to preserve listed buildings and their settings and conservation areas. The proposed development would be contrary to those statutory duties.
- 7.4 The NPPF states that substantial harm to a grade II listed building should be exceptional and that substantial harm to a WHS should be wholly exceptional. If the LPA is minded to approve the proposed development there must be a clear and convincing justification for that decision and the substantial harm must be 'necessary' to achieve substantial public benefits. However, in weighing the harm to the listed buildings and conservation area against the public benefits, it is imperative that 'considerable importance and weight' is given to the (strong) presumption to preserve.
- 7.5 If planning permission is granted for the proposed development the following matters should be considered in respect to potential planning conditions:
- Preparation of detailed Historic Building Records, based on agreed Written Schemes of Investigation, for Bramley Moore Dock, Regent Road Dock Wall and the Hydraulic Engine House and submission of the records to the Merseyside HER. Similarly, a Historic Building Record should be prepared for all dock surfaces and fixtures.
  - An agreed programme for the repair and re-use of the Hydraulic Engine House, which should be completed prior to the first use of the stadium.
  - A detailed methodology for forming the openings in the Regent Road Dock Wall.
  - An appropriate scheme of repair for Regent Road Dock Wall.
  - A full scheme of heritage-based interpretation throughout the site.
  - An agreed method statement and set of proposals for the repair and retention of the dock gates at the western end of Bramley Moore Dock.
  - A strategy / programme for re-siting any dock artefacts that need to be moved rather than kept in situ.

# PlacesMatter

## Design Review Report Bramley-Moore Dock

10 June 2020

(reissued from 30 May 2020)

## Bramley-Moore Dock, Liverpool

Reference: PM\_2020\_020

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### Report of the Design Review Panel

Date of Review:	21 May 2020
Location:	Remote Design Review
Site Visit:	The Panel was familiar with the site from the previous DRP.
Design Lead:	Pattern Architects & Planit-IE for Everton Stadium Development Company

### Findings

Thank you for bringing this scheme to Places Matter Remote Design Review and for the very high quality of your presentation. Due to the Covid-19 situation, this review was undertaken in 'remote' format via MS Teams.

You have taken a serious and considered approach to addressing the previous comments made and shown how you have done this with great clarity.

The Western Terrace is a major improvement, as is the change in form, massing and symmetry to the building itself.

The Eastern Plaza still requires refinement. The steps that can be taken through the design process to mitigate the loss of the Bramley-Moore Dock body of water, a key feature of the 'outstanding universal value' within the World Heritage Site (albeit on a basis that is potentially reversible), remains an issue.

The Panel recognises the key catalytic role this development would play for the regeneration of the area. However, you must work with the City Council to define a vision for the area outside of your own 'red-line' boundary, as this really needs a new treatment as part of the ground approach.

The architecture is much improved and the symmetry of the building now echoes the initial diagram. The quality of the finished piece must be rigorously conditioned by the planning consent to capture the details which define that quality and delivered as consented.

This development must be a truly exemplary civic project, with all that that implies.

## Background

The site is the Bramley-Moore Dock (BMD), within the northern part of the Stanley Dock Conservation Area and Liverpool Maritime Mercantile World Heritage Site (WHS). There are a number of Grade II Listed Buildings on the site, including the dock retaining walls, the hydraulic engine house and the main dock boundary wall.

The proposal is for a c.52,000 seat stadium, public realm and cultural centre within the hydraulic engine house. New openings in the dock wall are envisaged to allow pedestrian access to the eastern plaza from Regent Road.

The development envisages the infilling of the dock to create a c.8.7ha site, with the stadium structure spanning the dock walls to allow these to remain intact. This is the second Design Review of the proposals and so this report should be read in conjunction with the Places Matter Design Review dated the 17 December 2019.

## Design Review

The Panel welcomed everything about the quality of your presentation, which included a clear explanation of the previous issues raised by Places Matter and the shifts in your thinking on how to address the issues that had been raised previously. The changes were applauded as having moved the project on from being a stadium, to you seeking to create an exciting place.

The Panel supports and welcomes the regeneration benefits that the stadium would bring to the area. The Panel considers this needs to be supported by urban design placemaking and pedestrian strategies which make the links to Ten Streets and to pedestrian routes to the stadium. The Panel recognises this is outside your red line, but feels it is important that a vision for the context is provided and that this should be worked through with the City Council to find mechanisms for delivery.

The previous report stressed the need for a coordinated approach between architect and landscape architect and that now seems to be in place. The strong need for and functionality of the proposed wind baffles was understood by the

Panel and it was considered that your decision to replace these with trees would be an improvement in terms of how the space will feel.

The Panel supports your efforts to research the best species for the maritime climate which help to resolve management and maintenance issue for the trees in future. A monitoring process will need to be in place to ensure the survival and / or replacement of the trees proposed.

The wider public realm scheme is developing and the Panel noted the analysis of the heritage assets and the approach to retention and repositioning. Trees elsewhere in the scheme, particularly on the Eastern Plaza, need to be considered as part of the much wider design approach, that allows for the movement of large numbers of people.

The definition of the 'railway tracks' was considered a "brilliant idea" as this will guide people across the plaza. If people are to follow that path, then you need not to clutter that with trees inside the line of the 'railway tracks'. Rough vegetation around the heritage assets, much as it appears on site now, would add a little informality as a good contrast to what is otherwise a necessarily rigid approach.

The need to change to a more flexible module paving system to deal with ground conditions was fully understood. However, notwithstanding the potential technical and operational challenges, there appears to the Panel to be an opportunity to provide a reference to the former water body on the wide expanse of the Eastern Plaza.

The Panel would still like you to find a way to allow a visual connection with the water, perhaps through grilles. This is a vast body of water, so even a shallow representation of that, such as a channel that people can cross over would have merit, or defining the edge of the former dock edge more obviously in the paving might have value.

### *Post Design Review Panel Statement*

*The Panel accepts that in order to address the policy requirements of section 4.7 of the Liverpool Maritime Mercantile City WHS SPD (October 2009) and the National Planning Policy Framework (2019) the justification for the wholly exceptional total loss of a feature of outstanding universal value (albeit on a potentially reversible basis) will be made in 'the round'*



*through the submission of the full planning application. However, paragraph 200 of the NPPF points to the role design can play in enhancing or better revealing the significance of heritage assets in Conservation Areas and World Heritage Sites when new development impacts on their setting. The Panel urges the applicant to further address whether design features, including a connection to water, can be used to enhance or better reveal the significance of the former water body within the Eastern Plaza.*

If those approaches are not possible, then you will need to work very hard to create a convincing appearance of water in your paving scheme and so you will need to create a large sample of laid paviers to convince the City Council that this approach really works, which can then be conditioned.

You were also asked to be clear about what function the seating and tree groups are providing, on both match and non-match days and to make this part of the wider narrative. Whilst the need for the security hut was accepted, you were asked not to use a standard white GRP box.

The previous Design Review report understood that you were not able to punch a direct line through the Dock Wall opposite Blackstone Street. However, this is still a key direction from which large numbers of people will approach the stadium and the experience of the external approach needs to match that of the public realm once you have entered the Dock Wall.

This needs to be driven strongly between the Club and the City Council, to define a vision for this area outside of your own 'red-line' boundary, as this really needs a new treatment as part of the ground approach. The proposition is still silent on the connections to the east and the placemaking opportunities that this presents. This still needs to be addressed, otherwise you are continuing to underplay completely the connectivity to the wider area in terms of transport linkages and regeneration.

From a broad urban design perspective, the Panel welcomed many of the new moves, particularly the revised Western Terrace and its scope for use on non-match days. If the water in the channel adjacent to this has some depth, then this is potentially good news for events and animation opportunities. The Panel supported the revised approach to clearly exposing the dock gates and the inclusion of the boardwalk over the water body. The examples of Castlefields

Basin, Manchester and Coal Drops Yard, Kings Cross, London, were noted as exemplars for you to explore.

Similarly, the Panel is encouraged by the focus on the long-term connection intentions to the South as the Southern Promenade will in reality become a popular way for people to approach the stadium, so the quality of the experience that this needs to provide is very important.

The key view provided from the Wirral embankment is very helpful, as is the wide form section showing the height of the building. Additional key views have been created, but the Panel did not get to see these.

The Western Terrace was considered to be “immeasurably better” and now has a huge potential to be a great space. It must though be a place that everyone can enjoy, so you were asked to be clear how people in wheelchairs and with buggies will access the upper steps and how it will be a place for all.

It is not difficult to envisage the steps as a place from which to view events on the opposite side of the water channel, when that space is not needed for parking on match days. For this to be a real success, you need to work much harder to either remove the substation to enhance the potential of that space, or to make it an object of value to look at in its own right, through a public art project, or perhaps even by making it a viewing platform to the river?

The Panel supports the removal of the multi-storey car park and the relocation of the PV array to a much more discrete position within the stadium roof. The Panel would still though, support the use of wind turbines here if they can be carefully located.

Turning to the stadium itself, the Panel noted that such structures are “very big objects” that often find it hard to be interactive on non-match days, so you were commended for your contextual approach and asked to keep pushing this a little further.

The architecture is much improved and better connected up. The form and massing have now been brought back to the original diagram and the symmetry of the building makes it stronger. The scale and height are in balance with the Tobacco Warehouse and “everything about the façade” works better; it looks gentler, but still has a clear design story.

There was some discussion about the internal dimensions of some of the building elements. In particular, the Panel was not convinced that the elevated bar on the South elevation was generous enough in either height or width. This is going to be a key draw for fans and visitors and you were asked to consider how to make sure it can live up to the aspiration of being “the longest bar in Liverpool” and still be a comfortable space to occupy for a very large number of people.

The Panel cautioned that this is a very complex engineering exercise and, particularly in relation to the public realm, it is critical that the quality of the final product matches the details being discussed here. This will require a tightly defined planning consent, if the build is to achieve the design quality and level which is required – that of a truly exemplar civic project. It will be essential to ‘hang on to the detail’.

## Summary

In summary, the Panel thanked you for your very high quality of presentation and the responsive approach to the previous Design Review. You have taken a serious and considered approach to addressing the previous comments made and shown how you have done this with great clarity.

The introduction of the Western Terrace is a major improvement, as is the change in form, massing and symmetry to the building itself. Keep pushing to maximise the benefits of the terrace.

This development must continue to strive to be a truly exemplary civic project, with all that that implies. The Eastern Plaza still requires refinement in terms of the positioning of tree groups and, in the context of the loss of a feature of outstanding universal value, a convincing design approach to referencing the former body of water through your preferred hard landscape method, and if technically and operationally possible, preserving for future generations a sense of the vast scale of the former dock through a more direct connection to water.

You must work with the City Council to define a vision for the area outside of your own ‘red-line’ boundary, as this really needs a new treatment as part of the ground approach.

The architecture is much improved and the symmetry of the building now echoes the initial diagram. The quality of the finished piece must be maintained and carefully conditioned by the planning consent.

The Panel thanked you for bringing this scheme to Places Matter Design Review and for your constructive response to participating in the 'remote' format. We have the option for Desk Review once you have refined your proposition and the discussions with the Planning Authority.

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## PlacesMatter

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@PlacesMatter\_1

Mr P Jones  
Liverpool City Council  
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Liverpool  
L3 1AH

Date: 25th November 2020  
Our Ref: DC/2020/01968  
Your Ref: 20F/0001  
Unique ID: 4084914



Derek McKenzie  
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Dear Mr Jones

**Bramley Moore Dock, Regent Road, Liverpool**

**Neighbouring authority consultation for full planning permission in accordance with submitted drawings for the demolition of existing buildings/structures on site (listed in the schedule); remediation works; foundation/piling works; infill of the Bramley-Moore Dock, alteration to dock walls and dock isolation works with vehicular and pedestrian links above; and other associated engineering works to accommodate the development of a stadium (Use Class D2) predominately for football use, with the ability to host other events, with ancillary offices (Use Class B1a); Club Shop and retail concessions (internal and external to the stadium) (Use Class A1); exhibition and conference facilities (Use Class D1); food and drink concessions (internal and external to the stadium) (Use Class A3/A4/A5); betting shop concessions (Sui Generis); and associated infrastructure including: electric substation, creation of a water channel, outside broadcast compound, photo-voltaic panels, storage areas/compound, security booth, external concourse/fan zone including performance stage, vehicular and pedestrian access and circulation areas, hard and soft landscaping (including stepped plaza, canopies, lighting, wind mitigation structures, public art, tree planting and boundary treatments), cycle parking structures and vehicle parking (external at grade) and change of use of the Hydraulic Tower structure to an exhibition/cultural centre (Use Class D1) with ancillary food and drink concession (Use Class A3) (Revised Description).**

I would like to take the opportunity to thank you for consulting Sefton Council on the planning application above.

As outlined in our previous letter the Council is supportive of this proposal in principle and believe it has significant potential to bring regeneration to the wider area.

I have consulted with a number of colleagues on the amended plans and information provided, and the technical comments are contained below.

## **Air Quality**

The Environmental Health Manager has confirmed that:

A review has taken place of the updated air quality assessment submitted by the applicant. It has been confirmed that following previous comments Sefton's 2018 air quality data has now been used in the assessment.

As previously advised the greatest potential impact from the development in terms of air quality is associated with additional traffic due to the construction phase and operational traffic when the development is complete.

The air quality assessment has modelled both these impacts at receptors within the Millers Bridge AQMA. Levels of NO<sub>2</sub> during the construction phase and operational phase are predicted to rise slightly within the AQMA as a result of the development, however, this rise is considered negligible when assessing the impact in accordance with the Institute of Air Quality Management's -Planning for Air Quality Guidance document.

In view of the above, subject to the air quality mitigation measures proposed for the development being implemented as detailed, I am not in a position to make further comments with regard to air quality.

## **Highways**

The Highways Manager has reviewed the revised information and provided the following comments:

As part of the proposed development a Transport Assessment, Design and Access Statement, Event/Matchday Transport Strategy, Framework Travel Plan and Construction Strategy were submitted and were reviewed following the initial neighbouring authority consultation.

The result of this review was that additional information was requested in relation to additional vehicle movements and parking demand in the Bootle area, and a request was made that Sefton Council be consulted on the Full Construction Management Plan and Travel Plan and that Sefton Council is invited to be a member of the Bramley-Moore Dock Transport Working Group after the construction of the development.

As part of the alterations of the development the Transport Assessment has been updated to account for changes in the development and includes details in response to the requests made by Sefton Council, set out above.

One of the aspects of the development changes relates to the removal of the multi-storey on site car park from the proposals. The reduction in parking capacity at the stadium, through the omission of the multi-storey car park has resulted in a reduction in car parking capacity to the

west of the stadium from 481 spaces to 85 spaces on match days and major event days and 149 on non-match days.

The Transport Assessment (TA) has shown that on match days there will be in the region of 8,300 parking spaces available within 30 minutes' walk on weekdays or by interchanging via other modes and 5,440 on weekends. Within this context the loss of circa 400 spaces on site represents a reduction in available parking of 5% on weekdays and 7% on weekends. It is considered that any impact this parking reduction will have on Sefton is minimal.

With regard to the request for additional information on the impact of the development on Bootle town centre, the updated TA shows that the car parking capacity of the area will accommodate the expected increase in demand as a result of the development. The developer has committed to a marketing strategy for transport and travel information, which will include a "how to get to" guide. They have confirmed that part of this guide will focus on Bootle, providing details of where to park and how to catch the shuttle bus and train. Details of the marketing strategy have been detailed within the TA, which are acceptable in principle but the information that is included within the "how to guide" will need to be reviewed and approved by Sefton prior to being brought into use.

It is proposed that details for the Full Construction Traffic Management Plan (CTMP) and its implementation will be secured by a condition, should the application be approved. This is acceptable in principle, subject to Sefton Council being consulted on any subsequent approval of details application for the CTMP.

A framework Travel Plan has been submitted as part of the application. It is proposed that a period of 5 years be allowed for the Travel Plan to be fully embedded and any benefits associated with reduced reliance on the private cars by staff are realised and that the Travel Plan is reviewed annually and amended accordingly; with Travel Surveys undertaken each year and monitoring of sustainable transport uptake undertaken on an ongoing basis. This is expected to form part of a planning condition to any approval, which again is acceptable in principle subject to Sefton Council being consulted on any subsequent approval of details.

As part of the original consultation response Sefton Council requested that a representative of the Authority is invited to be a member of the Bramley-Moore Dock Transport Working Group after the construction of the proposed development. The developer has indicated that they are happy to accommodate this and as such, any subsequent planning condition in regards to the Transport Working Group should include Sefton Council as an invitee.

In conclusion, subject to Sefton Council's inclusion on the Transport Working Group, consultation on the detailed CTMP, Full Travel Plan and the details of the marketing strategy for Bootle I would raise no objections to the proposed development.



## **Regeneration and Social Value**

The Regeneration Manager has been consulted and has provided the following comments:

The additional documents sent updating the social value capture, suggest a reduction in the overall calculation of social value but really more analysis and time would be needed to determine properly from my reading. In conclusion I do not think our views have changed any and there has been no direct approach to Sefton to clarify the benefits that could be realised whether through the construction contract nor the wider benefit realisation they are suggesting.

### Economic Development

Sefton Council were interested in potential supply chain opportunities for businesses. This still stands. Sefton Council were about to host a Sefton Economic Forum at which Richard Kenyon (Director of Marketing and CEX of EITC) was going to speak but this was pre-Covid and has not taken place. Richard was also interested in community learning opportunities at the Cambridge Road complex, which could be the subject of continued discussion.

### Employment and Skills

In terms of the potential to work effectively across the boundary, with our neighbours for job capture, pre recruitment training and optimising opportunities, Sefton is very well positioned. This is because our job brokerage services, Sefton@work and Liverpool in work, work together on a joint funded project called Ways to Work and there is already a sound basis for co-operation, referrals and joint collaboration.

I think there will therefore be numerous opportunities to have early discussions with employment and skills colleagues to make things run smoothly, particularly if conditions such as Section 106, compliance with the LCR Fair Employment Charter etc are included.

Liverpool Community College have already acted unilaterally to an extent to ensure they are a preferred partner with regard to training. We would like to see this opened up so that other partners can be included, which would suit Sefton beneficiaries better.

### Town Centre Regeneration and Connectivity

We are keen to develop and optimise the proximity and use of Bootle TC on match days. (The comments provided by the Highways Manager above are of relevance).

Since providing our previous response Sefton Council have gone public with our proposals for Bootle Strand Shopping Centre with the intention of it being part of a multi-million pound investment project, including the intention of utilising the canal corridor as an attractive space for leisure and recreation but also as a green transport corridor to and from the potential

Stadium facility. This, plus the removal of the multi- storey car park in the amended scheme, plus a move/shift to use more sustainable transport modes and routes, could see the Bootle TC Stations, Bus, pedestrian and cycling routes more heavily utilised and these transport corridors used more - this needs to be managed. Further discussion to get an optimised solution would be welcomed, which is outlined above in the section that discussed highways issues.

Sefton Council would welcome a discussion and ongoing dialogue on our regeneration plans for Bootle town centre, the Strand and the canal corridor and how this could become a key role linking into the stadium development. I am aware the Canal and River Trust have made representations to enhance the canal corridor via developer contributions, which is welcomed.

I would repeat that Sefton Council support the proposal in principle and it would be beneficial for Sefton officers to contribute to that process and I would request the opportunity for additional officers to be involved as highlighted in this letter.

Do please get in touch if you would like to clarify any aspect of this response, and to let me know of the likely timing of the next stages in assessing this proposal.

Yours sincerely

*Derek McKenzie*

Chief Planning Officer

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Cunard Building  
Water Street  
Liverpool  
Merseyside  
L3 1AH

Your Ref 20F/0001

Our Ref CRTR-PLAN-2020-30778  
CRTR-PLAN-2020-29311

Wednesday 14 October 2020

Dear Mr Jones

Proposal: Additional Information - Application for Full Planning Permission in accordance with submitted drawings for the demolition of existing buildings/structures on site (listed in the schedule); remediation works; foundation/piling works; infill of the Bramley-Moore Dock, alteration to dock walls and dock isolation works with vehicular and pedestrian links above; and other associated engineering works to accommodate the development of a stadium (Use Class D2) predominantly for football use, with the ability to host other events, with ancillary offices (Use Class B1a); Club Shop and retail concessions (internal and external to the stadium) (Use Class A1); exhibition and conference facilities (Use Class D1); food and drink concessions (internal and external to the stadium) (Use Classes A3 / A4 / A5); betting shop concessions (Sui Generis); and associated infrastructure including: electric substation, creation of a water channel, outside broadcast compound, photo-voltaic panels, storage areas/compound, security booth, external concourse / fan zone including performance stage, vehicular and pedestrian access and circulation areas, hard and soft landscaping (including stepped plaza, canopies, lighting, wind mitigation structures, public art, tree planting and boundary treatments), cycle parking structures and vehicle parking (external at grade) and change of use of the Hydraulic Tower structure to an exhibition / cultural centre (Use Class D1) with ancillary food and drink concession (Use Class A3) (revised description)

Location: Bramley Moore Dock, Regent Road, Liverpool

Waterway: Liverpool Link

Thank you for your consultation on the amended application.

We are the charity who look after and bring to life 2000 miles of canals & rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation. The Trust is a statutory consultee in the Development Management process.

Based on the amended information available our substantive response (as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)) remains as detailed in our previous letter dated 30<sup>th</sup> March 2020 (ref: CRTR-PLAN-2020-29311) in terms of **a condition relating to the production of a pollution prevention plan and a legal agreement to secure £250k to provide 200m of new towpath adjacent to the offside of the Stanley Lock flight on the Leeds & Liverpool Canal and a package of signage/wayfinding to promote sustainable transport routes to the site.** We would ask that our previous comments are read in conjunction with our further advice on the amended plans detailed below:

#### Canal & River Trust

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### Impact on Trust Heritage Assets

As previously advised, the Trust owns and manages the Leeds & Liverpool Canal and associated Stanley Lock Flight which are located approximately 0.5km to the southeast of the application site. The canal enters into the dock system via Stanley Dock and the Trust has a right of navigation through Stanley Dock, Collingwood Dock and Salisbury Dock; before continuing through Trafalgar Dock via the Liverpool Link to the wider dock network to the south.

Along with the application site, the stretch of the Leeds & Liverpool Canal through the Stanley Lock Flight is located within the Liverpool Maritime Mercantile City World Heritage Site (WHS) and Stanley Dock Conservation Area. The Stanley Lock Flight is also Grade II listed.

We previously advised that the roof of the proposed stadium, at 48m in height would be clearly visible from, and within the setting of, the Stanley lock flight. Views would however diminish as users of the canal corridor travel down the lock flight. The amendments include moving the stadium footprint eastwards by 4.5m and reducing the overall height of the stadium by 2.1m. These changes would make the stadium marginally less visible from the Stanley Lock flight and as such marginally diminish any harm on the Trust owned heritage assets. As such the package of design amendments are welcome.

As previously advised, if the Council is minded to approve this application we would ask it to ensure that those public benefits and design interventions referenced in the application (specifically the external cladding of the stadium; the landscaping; retention of the dock wall; retention of the channel of water to aid legibility of the former interlinked complex of basins; retention of historic features and markers) which seek to mitigate the harm, are all secured and delivered as part of the development.

### Sustainable Access utilising the Leeds & Liverpool Canal

As set out in our previous response, we consider that opportunities for opening up access to the Leeds & Liverpool Canal and Stanley Lock Flight, which are acknowledged as being part of the WHS and playing an important role in providing connectivity and historic access to the Northern docks, should be provided. We consider that if the Council is minded to approve the application that appropriate measures to improve access between the Northern docks and the Leeds & Liverpool Canal via the Stanley Lock Flight should also be secured as part of the package of public benefits.

As set out previously we consider that the legal agreement for this development should secure 200m of new towpath adjacent to the offside of the Stanley Lock flight on the Leeds & Liverpool Canal and also include a package of signage/wayfinding to promote sustainable transport routes to the site. We note that the applicant has rebutted our initial request for this contribution in their letter dated 9<sup>th</sup> July 2020.

Since providing our initial comments other matters connected to this development have emerged which the Trust consider should be taken into account and support our initial request for a financial contribution.

Firstly, the package of design amendments now includes the removal of the multi-storey car park from the scheme. This will reduce the total number of parking spaces on site from 481 to 149, and would also likely put greater emphasis on people traveling by more sustainable means of transport including by foot or cycle, potentially via the Leeds & Liverpool Canal. Clearly this will require a significant modal shift for those journeying to and from the stadium especially as the Economic Impact Assessment dated August 2020 paragraph 4.23 states as existing *“the scale of car travel to matches is high at nearly 80%.”* We consider that the canal corridor has a role to play in providing a route to support this modal shift for those accessing the stadium.

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Since we provided our previous comments Sefton Borough Council have also announced that they are developing plans to regenerate the Strand Shopping Centre in Bootle Town Centre with a multi-million-pound project. The Leader of Sefton Council announced that as part of this regeneration their intention is to utilise the canal corridor *“not only as an attractive environment and space for leisure, but also ‘a green transport corridor’ for walking, cycling and travel by water to link Bootle to the proposed new Everton Football stadium at Bramley Moore Dock”* and beyond. Further details can be found by following the link below from 14<sup>th</sup> August 2020.  
<https://mysefton.co.uk/2020/08/14/exciting-future-ahead-for-bootles-landmark-shopping-centre/>

This redevelopment in Bootle which focuses on utilising the connectivity potential of the canal corridor would likely see a significant uplift in usage of the towpath between Bootle and Bramley Moore Dock, via the Leeds & Liverpool Canal corridor and down the Stanley Lock flight. There is a clear synergy between the two developments with the canal corridor providing a key connectivity between the sites. The opportunity for enhancing connectivity along the canal and ensuring it is fit for purpose for all users should be utilised and related developments contribute towards any required improvements to the route.

The applicant already considers Bootle Town Centre as one of the key hubs for those accessing the stadium, as set out within the Transport Assessment (page 14) which states that the Match Day Transport Strategy objectives include: *“Encourage supporters to use Liverpool city centre and Bootle town centre as transport hubs,”* as well as *“Establish travel patterns which are safe, convenient and sustainable”* and *“Wherever practical, encourage sustainable modes of travel for supporters.”*

It is approximately a 2.5 mile distance from The Strand in Bootle to the bottom of the Stanley Lock Flight. Based on the Transport Assessments baseline walking speed of 5mph, it would take approximately 30-35 minutes to walk this route via the canal. This would be a viable option as confirmed by the Transport Assessment at paragraph 4.5.16 which states *“Journeys by foot to key wider residential areas are also shown to be viable within a 40-minute walk, especially to those to the north of Liverpool such as **Bootle**, Kirkdale and Walton.”*

Furthermore, the Transport Assessment at paragraph 4.5.20 notes that from residential areas within Bootle that the stadium would be within 20 minutes cycle ride. As such this would be an option from Bootle for local residents. As acknowledged at paragraph 4.4.22 of the Transport Assessment *“the Canal forms an important part of the Sefton and Liverpool Cycle network.”* And paragraph 4.5.2 *“The off-road cycle route in the area is provided via the Leeds-Liverpool Canal, to the east of the application site”*. Clearly therefore cycling to the Stadium via the canal towpath is being relied upon by the applicant as part of the sustainable route to the Stadium.

Given Bootle Town Centre is already assessed by the applicant as a key hub for those accessing the stadium by foot and cycle and that Bootle Town Centre is proposed to be redeveloped/regenerated and the canal corridor maximised as a sustainable transport route, then uplift in usage of the canal corridor is highly likely. In addition to this in the future, as part of the redevelopment of the Strand, there may also be options to run a water taxi from Bootle to the top of the Stanley Lock flight as part of the *‘green transport corridor’* which would further contribute to the sustainable access options for those accessing the Stadium.

It is acknowledged that the plans for the regeneration of the Bootle Strand are emerging and will be guided by a masterplan, however the Trust considers that regard should be given to the Bootle Strand and Sefton Councils proposal for the key role the canal corridor would play in providing linkage to the Stadium.

In the applicant’s response to our request their transport advisor concluded that the proposed connection, *‘as a high capacity route, is not essential to the delivery of the stadium or to make it more acceptable in accessibility or sustainability terms’*. The Trust are not suggesting that the canal would necessarily form a *‘high capacity route’*, but nevertheless it would be one of the sustainable routes which those accessing the Stadium could use. In particular the existing population immediately to the east of the canal and those accessing from the north would be highly likely to use the canal corridor as an alternative off-road route to reach the Northern docks and

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Stadium. Even a relatively small percentage of the 52,888 stadium capacity (with expansion potential to 62,000) would still be a significant uplift in current usage of the canal towpath. We consider the number of people using the canal towpath to access the Stadium is only likely to rise, especially with the Bootle Strand redevelopment. Indeed, as set out in the Economic Impact Assessment para 6.25 *"In total, the new stadium should expect to attract approaching 1.15 million football fans to the city each season."* Regard also has to be given to the fact that the visitors to the stadium for non-football events are likely to be a different demographic to those attending football matches, which would further add to the amount of potential people accessing the Stadium via the canal corridor. Regard also has to be given to general tourism/visitors and how those people may travel to and from the Stadium.

Therefore, regardless of the Bootle Strand redevelopment there would be an uplift in usage of the canal towpath via the Leeds & Liverpool Canal and Stanley Lock flight as a direct consequence of the development for the reasons set out above and in our previous response. This would be intensified by the redevelopment at Bootle Strand.

Within the **applicant's** rebuttal letter dated 9th July 2020, it is stated that the canal towpath is narrow and unsuited for large crowds. As mentioned previously the Ashton Canal towpath in Manchester is used by those accessing the Etihad Stadium (in addition to the recently approved Manchester Music Venue at the Etihad (AO Arena) when built)). The width of the canal towpath has not been a barrier to its use, in fact quite the opposite. Indeed, the main potential 'bottleneck' along the Leeds & Liverpool canal towpath is that which has been identified by the Trust at the bottom of the Stanley Lock Flight and is what we are seeking a contribution towards to address.

The applicant also mentions the canal is unlit and not overlooked and people using the route would not feel safe. We know that the canal towpath here is currently used by local residents for leisure and recreation and like many of our towpaths has seen significant uplift in usage during the recent Covid-19 pandemic as people looked to local greenspace for recreation and wellbeing opportunities demonstrating the value of this accessible and free to use asset for local communities. Daily usage of the towpath monitored by towpath counters at Bootle Strand increased by in excess of 190% during lockdown. In addition, towpath surveys between 2017 -2019 along the stretch of towpath between Sefton and Stanley Lock Flight indicated that 75% of users strongly agreed they felt safe and 83% strongly agreed that they enjoyed using the canal. Increased activity and usage of the canal corridor would also likely have a positive impact on the perception of safety.

As previously outlined, we consider that this request for a financial contribution is justified and meets the statutory tests as set in the Community Infrastructure Levy Regulations 2010 (and paragraph 56 of the NPPF). The works are necessary to support this sustainable transport route and to provide public access to the development and Northern docks as part of the transport strategy for the development. The uplift in towpath usage here would be as a direct consequence of the proposed development. The scale of the development would be significant and would have a large catchment, as does the canal corridor. The creation of 200m of new towpath would therefore be commensurate to this scale and fairly and reasonably related in kind to the development. The agreement should set out that the design and specification of the towpath would need to be agreed with the Trust. The towpath works would need to be delivered before the development comes into use.

In any case to ensure that the sustainable transport routes are fully utilised a package of wayfinding and signage measures would need to be considered and secured as part of the application via the s106 agreement as the signage would be sited outside of the application site. The signage should include wayfinding to/from the Leeds & Liverpool Canal. Similarly, any interpretation to be provided should include and acknowledge the role the Leeds & Liverpool Canal has played and its integral connection with the Docks.

As outlined above we believe that this request meets the necessary tests. If the Council is minded to approve this application and agrees with us on this matter then we would be happy to work with the Council in terms of the precise nature and level of contribution to be secured as part of the s106 agreement in light of any concerns

#### **Canal & River Trust**

Fradley Junction, Alrewas, Burton-upon-Trent, Staffordshire DE13 7DN

**T** 0303 040 4040 **E** [canalrivertrust.org.uk/contact-us](http://canalrivertrust.org.uk/contact-us) **W** [canalrivertrust.org.uk](http://canalrivertrust.org.uk)

raised by the applicant on impact on the overall viability of the proposed scheme. Whilst there is no obligation on the Local Planning Authority to make the Trust a party to such an agreement where it has no legal interest within the application site boundary, the Trust would wish to be a signatory to any legal agreement where works are to be undertaken on our land.

Please do not hesitate to contact me about matters raised in this response.

Yours sincerely,

**Tim Bettany-Simmons MRTPI**  
Area Planner

Tim.Bettany-Simmons@canalrivertrust.org.uk  
07342 057926

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design>

## **Canal & River Trust**

Fradley Junction, Alrewas, Burton-upon-Trent, Staffordshire DE13 7DN

**T** 0303 040 4040 **E** [canalrivertrust.org.uk/contact-us](https://canalrivertrust.org.uk/contact-us) **W** [canalrivertrust.org.uk](https://canalrivertrust.org.uk)

Liverpool City Council  
2nd Floor, Millennium House Victoria Street  
Liverpool  
L1 6JF

**Your ref:** 20F/0001  
**Our ref:** DC/20/784v2  
**Date:** 30-NOV-20

Dear Sir/Madam

**Location: Bramley Moore Dock, Regent Road, Liverpool**

**Proposal: Application for Full Planning Permission in accordance with submitted drawings for the demolition of existing buildings/structures on site (listed in the schedule); remediation works; foundation/piling works; infill of the Bramley-Moore Dock, alteration to dock walls and dock isolation works with vehicular and pedestrian links above; and other associated engineering works to accommodate the development of a stadium (Use Class D2) predominantly for football use with the ability to host other events with ancillary offices (Use Class B1a); Club Shop and retail concessions (internal and external to the stadium) (Use Class A1); exhibition and conference facilities (Use Class D1); food and drink concessions (internal and external to the stadium) (Use Classes A3 / A4 / A5); betting shop concessions (Sui Generis); and associated infrastructure including: electric substation, creation of a water channel, 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 (Use Class D1) with ancillary food and drink concession (Use Class A3).**

With regards to the above development proposal, United Utilities Water Limited ('United Utilities') wishes to provide the following comments to the revised drainage proposals. This representation should be read alongside our first response to the application on 15<sup>th</sup> May 2020, which is attached alongside for ease of reference.

#### **Access to our Wastewater Treatment Works**

The first response requested additional information regarding access arrangements to our Wastewater Treatment Works prior to determination. We can confirm that discussions have taken place since our first response and we are satisfied that details can be agreed as the development progresses. We wish to continue the constructive discussions to date and to be included as traffic management plans are progressed.



### **Response to additional drainage information**

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. Following our review of the submitted drainage proposals, we can confirm we continue to have no objection in principle to the proposed approach to drainage. As a slight update to our first response, should planning permission be granted, we request the below condition is attached to any subsequent Decision Notice.

### ***Recommended Drainage Condition***

*Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The details of the drainage schemes shall be in accordance with the principles set out in the submitted Foul & Surface Water Drainage Design Drawing BMD01-BHE-C1-XX-DR-C-6000 Rev P03 & BMD01-BHE-C1-XX-DR-C-6001 Rev P05, which was prepared by Buroharpold Engineering. The drainage schemes must include:*

- (i) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;*
- (ii) Foul and surface water shall drain on separate systems; and*
- (iii) A timetable for its implementation.*

*The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and no surface water shall discharge to the public sewer either directly or indirectly.*

*The development hereby permitted shall be carried out only in accordance with the approved drainage schemes and retained thereafter for the lifetime of the development.*

*Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.*

Please note, United Utilities are not responsible for determining an acceptable rate of discharge to the dock. This is a matter for discussion with the Lead Local Flood Authority, the Environment Agency and Peel.

If the applicant intends to offer wastewater assets forward for adoption by United Utilities, the proposed detailed design will be subject to a technical appraisal by an Adoptions Engineer as we need to be sure that the proposal meets the requirements of Sewers for Adoption and United Utilities' Asset Standards. The detailed layout should be prepared with consideration of what is necessary to secure a development to an adoptable standard. This is important as drainage design can be a key determining factor of site levels and layout. The proposed design should give consideration to long term operability and give United Utilities a cost effective proposal for the life of the assets. Therefore, should this application be approved and the applicant wishes to progress a Section 104 agreement, we strongly recommend that no construction commences until the detailed

drainage design, submitted as part of the Section 104 agreement, has been assessed and accepted in writing by United Utilities. Any work carried out prior to the technical assessment being approved is done entirely at the developer's own risk and could be subject to change.

### **Management and Maintenance of Sustainable Drainage Systems**

Without effective management and maintenance, sustainable drainage systems can fail or become ineffective. As a provider of wastewater services, we believe we have a duty to advise the Local Planning Authority of this potential risk to ensure the longevity of the surface water drainage system and the service it provides to people. We also wish to minimise the risk of a sustainable drainage system having a detrimental impact on the public sewer network should the two systems interact. We therefore recommend the Local Planning Authority include a condition in their Decision Notice regarding a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development.

We recommend the Local Planning Authority consults with the Lead Local Flood Authority regarding the exact wording of any condition. You may find the below a useful example:

#### ***Recommended Management and Maintenance Condition***

*Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:*

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a management company; and*
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.*

*The development shall subsequently be completed, maintained and managed in accordance with the approved plan.*

*Reason: To ensure that management arrangements are in place for the drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.*

Please note United Utilities cannot provide comment on the management and maintenance of an asset that is owned by a third party management and maintenance company. We would not be involved in the discharge of the management and maintenance condition in these circumstances.

The applicant can discuss any of the above with Developer Engineer, **Graham Perry**, by email at [wastewaterdeveloperservices@uuplc.co.uk](mailto:wastewaterdeveloperservices@uuplc.co.uk).

Yours faithfully

Adam Brennan  
United Utilities  
Developer Services and Metering

Liverpool City Council  
Development Plans Team  
Municipal Buildings  
Dale Street  
Liverpool  
Merseyside  
L2 2DH

**Our ref:** SO/2020/120070/02-L01  
**Your ref:** 20F/0001

**Date:** 09 November 2020

Dear Sir/Madam

**APPLICATION FOR FULL PLANNING PERMISSION IN ACCORDANCE WITH SUBMITTED DRAWINGS FOR THE DEMOLITION OF EXISTING BUILDINGS/STRUCTURES ON SITE (LISTED IN THE SCHEDULE); REMEDIATION WORKS; FOUNDATION/PILING WORKS; INFILL OF THE BRAMLEY-MOORE DOCK, ALTERATION TO DOCK WALLS AND DOCK ISOLATION WORKS WITH VEHICULAR AND PEDESTRIAN LINKS ABOVE; AND OTHER ASSOCIATED ENGINEERING WORKS TO ACCOMMODATE THE DEVELOPMENT OF A STADIUM (USE CLASS D2) PREDOMINANTLY FOR FOOTBALL USE WITH THE ABILITY TO HOST OTHER EVENTS WITH ANCILLARY OFFICES (USE CLASS B1A); CLUB SHOP AND RETAIL CONCESSIONS (INTERNAL AND EXTERNAL TO THE STADIUM) (USE CLASS A1); EXHIBITION AND CONFERENCE FACILITIES (USE CLASS D1); FOOD AND DRINK CONCESSIONS (INTERNAL AND EXTERNAL TO THE STADIUM) (USE CLASSES A3 / A4 / A5); BETTING SHOP CONCESSIONS (SUI GENERIS); AND ASSOCIATED INFRASTRUCTURE INCLUDING: ELECTRIC SUBSTATION, CREATION OF A WATER CHANNEL, 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 (USE CLASS D1) WITH ANCILLARY FOOD AND DRINK CONCESSION (USE CLASS A3).**

**BRAMLEY-MOORE DOCK, REGENT ROAD, LIVERPOOL**

Thank you for re-consulting the Environment Agency on the above ammended proposals on 25<sup>th</sup> September 2020.

### **Environment Agency Position**

We have no objections to the proposals. In addition to the conditions set out in our previous letter (ref /2020/120070/01-L01 dated 4<sup>th</sup> May 2020) we also recommend the conditions below be imposed/updated to reflect the current submission:

Environment Agency  
Richard Fairclough House Knutsford Road, Warrington, WA4 1HT.  
Customer services line: 03708 506 506  
[www.gov.uk/environment-agency](http://www.gov.uk/environment-agency)

Cont/d..

## **Biodiversity**

### **Condition: Biosecurity**

No development shall take place until a biosecurity plan and method statement has been submitted to, and agreed in writing by, the local planning authority. The biosecurity plan and method statement shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.

### **Reason**

This condition is necessary to prevent the spread of invasive non-native species. Without it, avoidable damage could be caused to the nature conservation value of the site contrary to national planning policy as set out in the National Planning Policy Framework (NPPF) paragraph 109, which requires the planning system to aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.

The spread of certain invasive non-native species is prohibited under Schedule 9 of the Wildlife & Countryside Act 1981.

**Note:** - The applicant has not currently provided a biosecurity plan and method statement, they do acknowledge invasive non-native species in the dock and water column but the information provided does not consider the spread of invasive non-native species through machinery, in side pumps, on PPE etc.

### **Condition: New Channel Design**

No development shall take place until the details of the design of the new channel between the remaining docks has been submitted to and approved by the local planning authority. The design should incorporate artificial habitat features to increase complexity and make it easier for wildlife to colonise and utilise it. Features to be considered should include, but not be limited to, cracks and crevices, artificial reefs and floating islands.

### **Reason**

The National Planning Policy Framework (paragraph 175) states that if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. This will go a small way towards compensating for the loss of habitat within the dock itself.

**Note:** As per Appendix 18.8 of the Aquatic Ecology Technical Report, details for the habitat creation plan for the water channel should be subject to an appropriate planning condition.

## **Flood Risk**

The previously recommended condition should be updated to reflect the current submitted version of the flood risk assessment as follows:

### **Condition**

The development shall be carried out in accordance with the submitted flood risk assessment (Appendix 11.3 – Flood Risk Assessment, 040026, v7, dated 20th August 2020).

### **Reason**

To comply with NPPF and reduce the risk of flooding to the proposed development.

Yours faithfully

**Jeni Templeman**

**Sustainable Places Advisor**

Direct e-mail [jeni.templeman@environment-agency.gov.uk](mailto:jeni.templeman@environment-agency.gov.uk)

Liverpool City Council Planning Department  
Cunard Building  
Water Street  
Liverpool  
L3 1DS

Email:  
PlanningandBuildingControl@liverpool.gov.uk

**Merseyside Fire & Rescue Authority**  
**Community Fire Protection**  
Planning & Building Regulations Team  
Service Headquarters  
Bridle Road  
Bootle  
Merseyside  
L30 4YD

Telephone: 0151 296 4000 (Calls may be recorded)  
Inspecting Officer: Laura Broughton  
planningandbuildingregulationsteam@merseyfire.gov.uk  
Fax: 0151 296 4594 Office Hours  
Web Site: [www.merseyfire.gov.uk](http://www.merseyfire.gov.uk)

Your ref:

Our ref: CFP/10A/02256/LB/RC

Date: 24<sup>th</sup> September 2020

Dear Sir/Madam

**the town and country planning act 1990**

**planning application no:**

**proposal: application for full planning permission in accordance with submitted drawings for the demolition of existing buildings/structures on site (listed in the schedule); remediation works; foundation/piling works; infill of the bramley-moore dock, alteration to dock walls and dock isolation works with vehicular and pedestrian links above; and other associated engineering works to accommodate the development of a stadium (use class d2) predominantly for football use, with the ability to host other events, with ancillary offices (use class b1a); club shop and retail concessions (internal and external to the stadium) (use class a1); exhibition and conference facilities (use class d1); food and drink concessions (internal and external to the stadium) (use classes a3 / a4 / a5); betting shop concessions (sui generis); and associated infrastructure including: electric substation, creation of a water channel, outside broadcast compound, photo-voltaic panels, storage areas/compound, security booth, external concourse / fan zone including performance stage, vehicular and pedestrian access and circulation areas, hard and soft landscaping (including stepped plaza, canopies, lighting, wind mitigation structures, public art, tree planting and boundary treatments), cycle parking structures and vehicle parking (external at grade) and change of use of the hydraulic tower structure to an exhibition / cultural centre (use class d1) with ancillary food and drink concession (use class a3) (revised description).**

**address: bramley-moore dock, regent road, liverpool.**

**The Fire Authority requests that any decision notice includes the following information;**

The plans relating to the above application have been examined and below are the Fire Authority's observations:

- \* Access for fire appliances should comply with the requirements of Approved Document B5 of the Building Regulations.
- \* Water supplies for firefighting purposes should be risk assessed in accordance with the undermentioned guidance in liaison with the water undertakers (United Utilities - 0161 907 7351) with suitable and sufficient fire hydrants supplied.
- \* **Transportation (Lorry/coach parks - multi-storey car parks - service stations)**
- \* **Shopping, offices, recreation and tourism**
- \* The premises should comply with Section 55 of the County of Merseyside Act 1980

Should you require any further information in respect of this correspondence please contact the Officer named above

Yours faithfully,



Ms. L. Broughton  
Authorised Fire Safety Inspecting Officer  
And on behalf of Merseyside Fire & Rescue Authority



## **Guidelines on flow requirements for firefighting**

The following flows represent the ideal requirements on new developments and during permanent system changes.

### **Housing**

Housing developments with units of detached or semidetached houses of not more than two floors should have a water supply capable of delivering a minimum of eight litres per second through any single hydrant. Multi occupied housing developments with units of more than two floors should have a water supply capable of delivering a minimum of 20 to 35 litres per second through any single hydrant on the development.

### **Transportation**

Lorry/coach parks - multi-storey car parks - service stations.

All of these amenities should have a water supply capable of delivering a minimum of 25 litres per second through any single hydrant on the development or within a vehicular distance of 90 metres from the complex.

### **Industry**

The water supply infrastructure to any industrial estate should be as follows with the mains network on site being normally at least 150 mm nominal diameter—

Up to one hectare 20 litres per second.  
One to two hectares 35 litres per second.  
Two to three hectares 50 litres per second.  
Over three hectares 75 litres per second.

### **Shopping, offices, recreation and tourism**

Commercial developments of this type should have a water supply capable of delivering a minimum flow of 20 to 75 litres per second to the development site.

### **Education, health and community facilities**

Village halls— Should have a water supply capable of delivering a minimum flow of 15 litres per second through any single hydrant on the development or within a vehicular distance of 100 metres from the complex.

Primary schools and single storey health centre's— Should have a water supply capable of delivering a minimum flow of 20 litres per second through any single hydrant on the development or within a vehicular distance of 70 metres from the complex.

Secondary schools, colleges, large health and community facilities— Should have a water supply capable of delivering a minimum flow of 35 litres per second through any single hydrant on the development or within a vehicular distance of 70 metres from the complex.



Liverpool  
City Council

**To:** Peter Jones  
Development Control  
Planning Division  
0151 233 3000

**From:** Andy Dingwall  
Highway Development Control  
Highways & Transportation  
0151 233 0322  
19<sup>th</sup> January 2021

<b>Planning Application No:</b>	20F/0001
<b>Location:</b>	Bramley-Moore Dock, Regent Road, Liverpool
<b>Proposal:</b>	Application for Full Planning Permission in accordance with submitted drawings for the demolition of existing buildings/structures on site (listed in the schedule); remediation works; foundation/piling works; infill of the Bramley-Moore Dock, alteration to dock walls and dock isolation works with vehicular and pedestrian links above; and other associated engineering works to accommodate the development of a stadium (Use Class D2) predominantly for football use, with the ability to host other events, with ancillary offices (Use Class B1a); Club Shop and retail concessions (internal and external to the stadium) (Use Class A1); exhibition and conference facilities (Use Class D1); food and drink concessions (internal and external to the stadium) (Use Classes A3 / A4 / A5); betting shop concessions (Sui Generis); and associated infrastructure including: electric substation, creation of a water channel, outside broadcast compound, photo-voltaic panels, storage areas / compound, security booth, external concourse / fan zone including performance stage, vehicular and pedestrian access and circulation areas, hard and soft landscaping (including stepped plaza, canopies, lighting, wind mitigation structures, public art, tree planting and boundary treatments), cycle parking structures and vehicle parking (external at grade) and change of use of the Hydraulic Tower structure to an exhibition / cultural centre (Use Class D1) with ancillary food and drink concession (Use Class A3) (revised description).

I refer to your memo requesting highway comments.

Response:

**1. Summary:**

This report summarises the assessment made by LCC Highways Officers on the transport aspects of the proposal by Everton Football Club to build a new stadium within Bramley-Moore Dock, on the north Liverpool waterfront (planning application 20F/0001, as amended by application reference 20L/2611). The stadium will be a replacement for the club's Goodison Park stadium and sits at the northern end of the Liverpool Waters Development area.

**2. Development Proposals**

Sitting within Bramley-Moore Dock, vehicular access to the stadium will be via two existing "turreted" entrance portals in the dock walls; one at the north of the development site, and one at the south. It is proposed to operate a "one-way" route for vehicular traffic on non-match days (entry via the north portal and exit via the south portal). All servicing of the stadium and associated facilities will be via this one-way route on non-match days. Pedestrian access will also be catered for via the existing turreted portals, with three additional large openings created in the dock wall, to accommodate the movement of large volumes of pedestrians on match days only.

Pedestrians will enter the stadium grounds via Regent Road only, until such time as the Liverpool Waters development is fully realised. The "fan zone" will offer a wide, open public space between Regent Road and the stadium proper, to allow the large volumes of pedestrians additional space after entering the stadium grounds. In the future, when most of Liverpool Waters is built out, two additional north-south pedestrian routes will be opened up to the south of the stadium, allowing the movement of people through the Liverpool Waters development, to and from the city centre.

A small area for informal short-stay car parking / pick-up (10 cars) is proposed adjacent to the proposed club shop (close to the northern turreted access portal) and a further surface level car park with 149 car parking spaces is proposed to the west of the stadium. This is the main difference between the original and revised planning application in transport terms (the original application included for a 345 space multi-storey car park to be constructed on site which is no longer included in the revised application). On match days, the available car parking at the stadium will be reduced to 85 in order to accommodate the *Outside Broadcast Centre*, but blue badge holders will not be disadvantaged by this reduction, with all blue badge parking retained.

It is proposed to introduce match day kerbside parking controls across three distinctly separate "zones", each of which fall within an approximate 30 minute walking distance of the stadium. The residential areas to the east of Great Howard Street, adjacent to the existing Football Match Parking Zones (FMPZs) for Goodison Park and Anfield will now fall under similar match day parking restrictions to the existing FMPZs. This will safeguard residential amenity for those existing residents who may otherwise be affected by match day parking. Likewise, the industrial area along Regent Road (including the Ten Streets Regeneration area) will fall under similar kerbside parking restrictions to those currently in

place in the Baltic area of the City Centre (with “permitted parking” allowed for businesses). A further industrial area to the north of Sandhills Station will also be subject to kerbside parking restrictions, with the intention of safeguarding the needs of the local businesses. The areas subject to additional or amended kerbside parking restrictions are included on the *Proposed Parking Restrictions Plan* in Appendix I of the Transport Assessment.

A package of off-site highway works is proposed and will be mandated via Section 278 or Section 106 Agreements to ensure the safety and amenity of the travelling public is maintained on both match and non-match days. The highway works will ensure the area of Regent Road immediately adjacent to the development is adjusted to accommodate all vehicle and pedestrian requirements to access and egress the stadium safely. Additional off-site highway works will be required to accommodate the east-west movement of pedestrians between the stadium, and the nearest public transport infrastructure, and to accommodate the proposed kerbside uses on both match days and non-match day (taxi-ranks, coach parking bays etc).

### **3. Relevant Policies:**

The Transport Assessment submitted with the application has adequately identified the relevant regional and local transport policies and has tested the proposals against them.

Policy GEN 6 of the *Unitary Development Plan (UDP)* aims to ensure a balanced provision of transport infrastructure is available, with that infrastructure being safe, inclusive and accessible. The proposals align with this requirement. The development also broadly meets the requirements of Policies T12 (Car Parking at New Developments) by providing operational car parking for non-match day use, and T13 (Car Parking for Disabled) by providing in excess of 6% of available bays for blue-badge use. The proposals align with policies T4 (Taxis), T6 (Cycling) and T7 (Walking and Pedestrians) by making adequate provision against those transport modes.

The emerging *Local Plan for Liverpool* will replace the UDP in due course, and accordingly the development proposals have been assessed against the latest revision of the Local Plan. *Policy TP5* relates to *Cycling* and requires developments to have a positive impact upon the cycle network and to provide adequate access and parking facilities. The proposed scheme of off-site highway works has been reviewed to ensure that the stadium proposals will not adversely affect the newly introduced cycleway along Regent Road. *Policy TP6* relates to *Walking and Pedestrians* and requires new developments to provide adequate pedestrian access, ensure the development is accessible to all and be designed to actively encourage walking. The development proposals are considered to comply with this policy. *Policy TP7 (Taxis)* requires provision to be made for Hackney Carriage facilities, where demand is likely to be generated for such provision by the development; and by providing three new taxi ranks, the development is considered to comply with this policy. *Car Parking and Servicing* is dealt with in *Policy TP8* and requires the servicing needs of the development to be met “off highway” were possible, with car parking provision made to meet demand on site. The stadium will be serviced from within the development site, and provision for the parking demand generated by the non-match day uses of the stadium has been demonstrated to be provided via the surface level car park. *Policy TP9* relates to *Public Transport* and requires developments to consider public transport options as an integral part of the design process, to ensure take-up of

sustainable transport modes is a realistic and viable alternative to the private motor car. By minimising the on-site car parking to that required only for non-match day use, and by encouraging match day use of public transport (including the provision of match day shuttle buses to/ from the City Centre and Bootle, and with contributions towards a regular bus service linking the Northern Docks with the City Centre) it is considered that the proposals broadly align with this policy. Furthermore, the Club have also committed to providing match day shuttle buses between the Stadium and Sandhills rail station, and the Stadium and a remote car park (location to be confirmed but likely to be Stanley Park) for staff and disabled supporters.

The *Ensuring a Choice of Travel SPD* puts emphasis on a reduced reliance upon the private motor car, with a greater number of journeys being made by sustainable transport modes. The proposals have been tested against the SPD by the production of a Minimum Accessibility Standard Assessment, which indicates that the development proposals score highly against all criteria. This is achieved by promoting the use of public transport (with additional public transport measures introduced by way of match day shuttle buses and contributions towards a non-match day bus service linking the stadium with the City Centre), and walking and cycling, whilst introducing measures to control kerbside parking.

The Liverpool City Region Combined Authority (LCRCA) have produced a number of Transport Policy documents in the past three years which set high level priorities and objectives. The *LCRCA Transport Plan (2019)* recognises that making local journeys by sustainable modes, rather than a private motor vehicle, will contribute significantly to achieving the LCRCA objective of inclusive economic growth across a transport network that effectively and efficiently connects people, freight, businesses and visitors. The stadium proposals are considered to align with the Transport Plan requirements. The *LCRCA Local Cycling and Walking Infrastructure Plan* and *Local Journeys Strategy* provide a framework and a detailed strategy for the development of services and infrastructure that support sustainable short trips. The stadium proposals are designed to encourage match day access for the “last mile” to be walked (either to the City Centre, to the nearest public transport, or north) and are therefore considered to align with these policy documents.

Although not specifically a transport policy document, the *Ten Streets Spatial Regeneration Framework SPD* covers a specific regeneration zone close to the stadium proposals, and the proposed kerbside parking restrictions will include the Ten Streets area. The parking controls proposed by the stadium align with the requirements of the SRF and will help to control on-street parking across the Ten Streets area, as development activity increases, by the introduction of a business permit parking scheme.

#### **4. Site Accessibility**

The proposed stadium will be circa 2km from the City Centre (a 20-30 minute walking time) and 3.5km from Bootle Town Centre (a circa 40 minute walking distance). Sandhills Rail Station is circa 1.2km walking distance from the stadium. The nearest significant bus corridor to the development site is along Vauxhall Road, although some services utilise Great Howard Street. On match days, it is proposed to introduce a match day shuttle bus to assist with the movement of spectators to and from the City Centre and target modal

splits have been developed in the Transport Assessment which indicate significant numbers of spectators walking the circa 20-30 minutes required to take them to the City Centre (where direct connections can be made with the wider transport network, via the Liverpool One and Queen Square Bus Stations, and Moorfields, Central and Lime Street Rail Stations). The LCRCA have requested the development contribute towards a regular bus service linking the Northern Docks with the City Centre and Sandhills Rail Station on non-match days. Highways Officers are in agreement that this will be required to ensure the sustainable travel objectives within the Transport Assessment are realised

The presence of the river to the west of the stadium and the United Utilities Wastewater Treatment works to the north are limiting factors to the accessibility of the site. A crowd modelling exercise was undertaken during consultation and showed that with additional pedestrian access points through the dock wall, spectators could be safely moved away from the stadium, onto the public highway network. Concerns raised during the consultation period about the movement of pedestrians “across” Great Howard Street and Leeds Street / The Strand on match days have been addressed in the Match Day Transport Strategy (and the Framework Event Transport Strategy). The accessibility of the site for pedestrians moving to and from the City Centre will, in the short to medium term, be restricted to Regent Road and Great Howard Street. During consultations, the significance of ensuring that the proposals will in the longer term link with the three pedestrian routes proposed through the Liverpool Waters development (Mersey View Promenade, Inland Promenade and Dock Boundary Wall Promenade) was discussed, and the proposals include for two gates which should be maintained until such time as the pedestrian routes can be linked to the stadium. This is in line with the representations received from the *Canal and River Trust* in respect of the proposals, which highlighted the need to maintain pedestrian access through the northern docks, to the City Centre.

The stadium is well placed to make good use of the recently introduced segregated, off-road cycle route on Regent Road, with good east-west connectivity to the wider cycle network provided via Blackstone Street and Sandhills Lane (to the Vauxhall Road Cycle Route and beyond). During consultation it was necessary for the off-site highway works to be amended to ensure the integrity of the Regent Road cycle route was not compromised. Although some elements of design remain to be agreed, Officers are satisfied that access to the stadium can be gained, without detriment to the Regent Road cycle route.

The stadium location is well placed to take advantage of the local and strategic highway network, with Great Howard Street offering a high quality north-south dual carriageway linking to Dunningbridge Road, and the wider motorway network at Switch Island. This will be of benefit during the construction of the stadium (currently forecast to take three years) and on non-match days, when the proposed conferencing facilities may be accessed by users from further afield. On match days, the strategic highway network will require significant traffic management measures introducing to ensure the safety of the travelling public and the spectators is maintained. Significant input and review by the LCC Traffic Management Team has resulted in an outline set of match day and event day traffic management proposals which are broadly agreed and detailed in the Match Day Transport Strategy and Framework Event Transport Strategy documents.

The non-match day uses of the stadium have been analysed and a “worst case” vehicle trip generation and distribution exercise undertaken. The exercise has included all the

vehicle trips from the known nearby committed developments. A number of isolated junctions have been modelled, including the Blackstone Street / Great Howard Street traffic signal controlled junction. In the analysis, this particular junction was seen to be the one at which some traffic delay was predicted even without the stadium proposals, on a standard commuting day. The additional traffic generated by the worst case non-match day use of the stadium increased the delay at this junction marginally, in the morning peak hour. Consequently, it is recommended that the introduction of a localised scheme of highway signage be introduced which directs non-match day users of the stadium facilities to utilise the traffic signal controlled junctions to the north (when approaching from Bootle) or the south (when approaching from the City Centre) when accessing the stadium.

## **5. Parking, Servicing and Access Arrangements**

As outlined previously, all access into the stadium grounds (for pedestrians and vehicles) will initially be from Regent Road. Vehicle access will be via the two existing “turreted” entrance portals to the north and south of the site, with vehicles accessing via the north portal and exiting via the south portal (on match days some access will also be via the south portal). During the consultation it became clear that in order to safely accommodate the larger vehicles accessing and egressing the stadium, some further changes would be required to the kerbs and footways on Regent Road, and these works will be secured via planning condition. Furthermore, localised parking restrictions would be required at some kerbside locations on Regent Road to ensure swept path routes are kept clear. Officers are satisfied that the stadium can be adequately serviced off-highway, providing the off-site highway works are undertaken on Regent Road.

Pedestrian access will also be catered for via the existing turreted portals, with three additional large openings created in the dock wall, to accommodate the movement of large volumes of pedestrians on match days only. In the longer term, as the Liverpool Waters development is built out, additional off-highway north-south pedestrian routes will become available to access the stadium from the City Centre, and although these are being secured via the introduction of gates on the southern boundary of the stadium grounds, they remain a longer term access proposal. Further review of the suitability of the existing street lighting on key east-west routes is required to ensure its suitability for the large crowds anticipated on match days (Sandhills Lane, Blackstone Street, Boundary Street) and this will be secured under planning condition.

A total of 159 car parking spaces is proposed at the stadium. A small area for informal short-stay car parking / pick-up (10 cars) is proposed adjacent to the proposed club shop (close to the northern turreted access portal) and a further surface level car park with 149 car parking spaces is proposed to the west of the stadium. In the main surface level car park there will be 71 standard car parking bays, 24 further standard parking bays equipped with electric vehicle charging facility, 52 accessible bays (blue badge) and a further 2 accessible (blue badge) bays equipped with electric vehicle charge facility. In addition, there will be 4 motorcycle parking bays and 152 bicycle parking spaces (30 under cover) and space set aside for a further 60 cycle parking spaces to be introduced if demand for space exceeds supply.

On match days, the available car parking at the stadium will be reduced to 85 in order to accommodate the Outside Broadcast Compound, but blue badge holders will not be disadvantaged by this reduction, with all blue badge parking retained. Parking will be

reduced to 25 standard car parking bays, 6 further standard parking bays equipped with electric vehicle charging facility, 52 accessible bays (blue badge) and a further 2 accessible (blue badge) bays equipped with electric vehicle charge facility.

Concern has been raised during the consultation stage, that ad hoc off-highway parking sites will be identified and brought into use across the industrial area which is proposed to be subject to the kerbside parking controls. This would be contrary to the proposals to limit the number of vehicles driving to and from the stadium on match and event days, and it will be necessary for the City Council to implement planning controls to limit the number of locations where this occurs (it is accepted that this is outside of the Club's control).

Parking at the stadium is broadly in line with the principles of the *Ensuring a Choice of Travel SPD* which aims to reduce or remove non-sustainable transport modes from the network, providing suitable capacity exists in other transport modes to accommodate transport demand. Cycle parking provision is in excess of the SPD requirements for the non-match day uses at the stadium, and in excess of the club's predictions for cycle parking demand on match days (based on their most recent fan travel survey). The club have also committed to extending cycle parking provision should demand begin to exceed supply.

## **6. Match Day and Framework Event Transport Strategies**

A *Match Day Transport Strategy* (MDTS) has been submitted alongside the Transport Assessment and outlines the traffic management measures which are proposed to be introduced to manage the flow of vehicles and pedestrians on Match Days. Significant consultation has taken place with the Traffic Management and Parking Services Teams in respect of the MDTS and it has been agreed that the Strategy will be subject to ongoing review and refinement via a Transport Working Group, which will include LCC Highways Officers, and which will be a S106 requirement on the development. At planning application, the MDTS includes proposals to reduce Great Howard Street to one running lane in each direction during and after each match and event, and to introduce a series of hard and soft road closures close to the stadium, (including Regent Road) to ensure the safety of pedestrians. It is possible that traffic flows on Great Howard Street may need to be halted for short periods, post-match, to safely accommodate pedestrian movements across Great Howard Street. Marshalls will be deployed at key road junctions to help manage the movement of pedestrians, including the Great Howard Street / Leeds Street junction. The MDTS relies heavily on the proposed kerbside parking restrictions within the 30 minute walking distance of the stadium, and those parking restrictions will also be the subject of a S106 (and S278) Agreement. Three taxi ranks and extensive coach parking are required to be introduced at kerbsides within the area covered by the MDTS, and these measures will be secured by S106 and S278 Agreement. As a result of concerns raised during the consultation stage, the footways on Regent Road across the "Bascule Bridge" will be closed to pedestrians under the MDTS proposals, with the carriageway reduced in width, and pedestrians allowed to use the carriageway. Vehicle access to and from the stadium will be prohibited for a period of time before, during, and after each match / event.

The MDTS is supported by a *Framework Event Transport Strategy* which is proposed to be implemented when large events are held at the stadium. The document follows the same principles as the MDTS and will be subject to ongoing scrutiny by the Transport



Working Group, which includes key transport stakeholders across the City and neighbouring authorities.

## **7. Interim Staff Travel Plan**

The Transport Assessment is supported by an *Interim Staff Travel Plan* which sets out the principles the club intends to adopt to reduce staff reliance on the private motor car and to promote staff travel via sustainable transport modes. It includes proposals for staff shuttle buses to transport staff to and from the stadium on match days. The Interim Staff Travel Plan will require additional work, and ongoing update in order to adequately address both the match day and the non-match day uses of the stadium and will therefore need to be the subject of a specific planning condition.

## **8. Comments from Transport Stakeholders**

### Canal and River Trust

Representations dated 30<sup>th</sup> March 2020 were received from the Canal and River Trust (CRT) in respect of the proposals, with subsequent additional comments to the revised planning application dated 14<sup>th</sup> October 2020. Alongside Heritage and Water Management / Pollution concerns, the CRT identified two specific transport related concerns.

The CRT identified that the proposed boundary treatment for the stadium included a perimeter fence which would sever the “River Walk” link between the stadium and the City Centre (passing through the Northern Docks) as proposed under the Liverpool Waters development. LCC Highways Officers were in agreement that maintaining this link is crucial to the future accessibility of the stadium as the Liverpool Waters development is realised. Consequently, the plans now include for gates on the southern perimeter of the stadium, which will connect at a future time to the pedestrian routes through Liverpool Waters.

As a separate issue, the CRT requested that the Club enter a S106 legal agreement to secure £250k to provide 200m of new towpath adjacent to the offside of the Stanley Lock flight on the Leeds & Liverpool Canal and a package of signage / wayfinding to promote sustainable transport routes between the Stanley Lock site and stadium. The CRT provided a thorough explanation of why it considers the contribution requested is justified (indicating that the towpath will be a valuable pedestrian link to and from the stadium but is in poor condition and in need of improvement). However, LCC Highways Officers do not believe the section of towpath referred to will be subject to significant increase in pedestrian footfall, and therefore do not consider the package of improvements requested by the CRT to be necessary to facilitate the development. They have scrutinised the pedestrian access arrangements for the stadium as part of the Transport Assessment and consider that any increase in footfall on the towpath is more likely to be realised where the canal passes beneath Boundary Street, as this would provide a more direct route between the stadium and the towpath, and in this location, the towpath is considered fit for purpose

### Sefton Council Highways

Sefton Council Highways Officers have been consulted throughout the development of the stadium proposals, and in their final representations to the City Council (25<sup>th</sup> November 2020) have indicated their support for the proposals.

The club have agreed that the match-day marketing strategy will include specific travel advice for supporters moving between Bootle and the Stadium, and that the Transport Working Group will include an Officer from Sefton Council's Highways Department. In addition, Sefton Highways Officers have asked that the approval of a Construction Traffic Management Plan be a requirement of the development, and that Sefton Highways Officers be consulted on the content of the plan at the appropriate time. LCC Highways Officers are supportive of this request.

#### Merseytravel / Liverpool City Region Combined Authority

Merseytravel / Liverpool City Region Combined Authority (LCRCA) have been in regular dialogue with Club and LCC Highways Officers through the development of the transport proposals for the stadium. The principles of the mitigation measures required to accommodate the public transport demand generated by the stadium within the existing public transport network have been agreed and fall within two broad areas:

##### *Measures at Sandhills Rail Station*

The Transport Assessment identifies rail travel as a significant component in the sustainable transport mix which will be used to access the stadium on match days and non-match days. It is considered necessary to implement measures at Sandhills Rail Station to ensure the station can be used safely on match days, (primarily "crowd management" measures) and offers an appropriate facility on non-match days to allow efficient transfer between bus and rail travel, for travel between the stadium and the rail station. Sandhills Station is significant on the Merseyrail Network in that all three Northern Line routes pass through the station (Ormskirk, Kirkby and Southport); thereby accommodating up to 16 services per hour at peak times to / from the City Centre, and to the northern suburbs.

The exact details have not yet been taken through a detailed design process, but it is considered appropriate for the Club to enter into a S106 legal agreement to fund a package of works to allow crowd management measures to be implemented at Sandhills Rail Station on match days and when events are held at the stadium, as outlined below:

- Design and construction of a facility to be used for the corralling of passengers queuing to access the platform, on land within Merseyrail's ownership. The site is required to be levelled, paved, fenced, drained, bollarded, externally illuminated, signed and under the surveillance of Merseyrail controlled CCTV such that it can be brought into use when passenger numbers are such that safety on the platforms at Sandhills, or on the highways approaching the station could be compromised.
- Suitable welfare facilities for the Merseyrail staff required to manage the passenger corralling facility, to be constructed on land within Merseytravel's control.
- A storage facility to be used solely for the storage of pedestrian crowd control / corralling barriers required to be used when the corralling area is brought into use.

Existing transfer between rail and bus is already available at Sandhills station via existing on-street bus stops. However, it is considered appropriate for the Club to contribute towards Merseytravel's future improved Interchange Facility at Sandhills Station. Such a facility would offer an improved transfer facility in the future for people moving between the Sandhills Rail Station and the stadium, and indeed the whole of the northern docklands regeneration area. The facility is an existing aspiration of the LCRCA, and the land upon which it is proposed to be constructed is not entirely within Merseyrail's ownership. Accordingly, the Club's financial contribution to the bus interchange should be set at a level which reflects the fact that the facility will serve the wider regeneration of the northern docklands, including the Liverpool Waters development and the Ten Streets Regeneration area. The contribution should therefore be limited to the funding of the introduction of a kerb and paving within the land proposed for the pedestrian corraling (land within Merseytravel's ownership), with Merseytravel delivering the remainder of the interchange at a future date, when the adjacent land and access rights are secured.

#### *Measures to Ensure the Stadium is within Reasonable Reach of a Viable Bus Service*

The Transport Assessment recognises that buses will form a part of the sustainable transport mix to and from the stadium on match days and non-match days, although it is recognised that it is difficult to accurately predict the numbers of bus trips that will be generated. The nearest viable bus stops to the stadium (stops used by existing regular bus services) are located on Vauxhall Road, some 850m distant, which is not considered a suitable walking distance to make bus travel a viable option. Accordingly, it is considered appropriate that the Club should enter into a S106 legal agreement to make a financial contribution to the provision of a regular (non-match day) bus service linking the northern docklands regeneration area (including the stadium) with the City Centre and Sandhills Station. The "Northshore regeneration bus service" is required to be operational at stadium opening, and the level of funding provided by the Club must be at a level to fund any financial shortfall required to ensure the service is commercially viable, at 30 minute frequency during the daytime, taking into account fare paying passengers and contributions from other developments, for a period of 5 years. Consequently, a regular review of the funding levels will be required until such time as the service operates on a commercially viable basis, at which time the Club will be relieved of the need to make contributions.

## **9. Summary and Conclusions**

In summary, LCC Highways Officers consider the development, with the proposed mitigation measures implemented, to be in line with current transport policy at national, regional and local levels. It is considered that the traffic generated by the non-match day use of the stadium (café, restaurant, club house and conferencing facilities) will have only a minor impact upon the operation of the local, or strategic highway network, and will not disadvantage the traveling public or businesses.

The mitigation measures required will ensure the walking environment in the locality of the stadium is better equipped to deal with the anticipated crowd movements and will (in the future) link with the Liverpool Waters development when it is fully realised.

On Match Days, and on the occasions where events are planned to be hosted at the stadium, a package of traffic and pedestrian management measures are proposed which will manage and mitigate the impact of the traffic generated and ensure the safety of

people moving to and from the stadium. Kerbside parking and loading controls are proposed to be implemented across a wide area which broadly aligns to a 30 minute walking distance from the stadium, to ensure local residents and businesses are not disadvantaged.

The capacity of the rail and bus network has been analysed, and a crowd corralling system is proposed to be introduced at Sandhills Station on match days to ensure the platforms do not become overcrowded post-match. Additional shuttle buses are proposed to be operated on match days to take spectators to and from the transport hubs in the City Centre and Bootle, helping to relieve some of the potential demand placed on the Northern Line of the Merseyrail network. Match day shuttle buses will also operate for staff and disabled supporters. Contributions towards the funding of a regular, frequent bus service linking the stadium with Sandhills station and the City Centre (via the Northern Docks regeneration area) will ensure non-match day access to regular bus services is realised. These measures will be supplemented by three additional taxi ranks which will come into operation on matchdays, although it is predicted that large numbers of spectators will walk between the stadium and the city centre. On match days, coach parking will generally be accommodated to the north of the stadium, on Regent Road, with additional coach parking to the north of Sandhills Rail Station.

In summary, providing the mitigation measures identified as either specific planning conditions or with a S106 Agreement are implemented, LCC Highways Officers are satisfied that the development will comply with national, regional and local transport policy and will not prejudice the safe and efficient operation of the transport network.

### **General Highways Related Conditions**

1. Require a Staff Travel Plan to be developed, implemented, and updated annually to cover all uses of the stadium.
2. Set up and regularly run a Transport Working Group.
3. On-site parking to be limited to a maximum of 159 car parking spaces; 26 of which are to have access to an Electric Vehicle Charging Facility and 54 of which are to be designated for use by Blue Badge holders. Maintain a minimum of 4 motorcycle parking spaces at the stadium at all times.
4. Provide a minimum of 152 on site cycle parking spaces, with at least 30 of these spaces protected from the elements.
5. Implement a package of kerbside waiting and loading restrictions, the exact details of which are to be agreed and approved by the City Council, but which are generally defined on the *Proposed Parking Restrictions Plan* in Appendix I of the Transport Assessment, to include as a minimum;
  - a. Extending the existing FMPZ to include those additional residential areas identified in the Transport Assessment

- b. Introducing a new Business Permit Parking Area to the immediate east of the stadium identified in the Transport Assessment;
  - c. Introducing more general, location specific kerbside parking and loading restrictions in the Northern Industrial Area outlined in the Transport Assessment,
  - d. A package of kerbside use restrictions to accommodate Coach Parking facilities, as outlined in the Transport Assessment;
  - e. Permanent taxi-ranks on Sandhills Lane and Boundary Street;
  - f. A temporary (match and event day use only) taxi-rank on Dublin Street;
6. Construction Management Plan, Wheel washing facilities, etc
  7. Have, maintain, implement and regularly review and update, a Car Park Management Plan, to cover match days, event days, and non-match or event use of the stadium.
  8. Pedestrian gates to be included within the southern boundary treatment of the stadium grounds to ensure that the three pedestrian routes required to be implemented under the Liverpool Waters planning permission will link to the stadium, and permanent pedestrian routes can be maintained through the Northern Docks at all times. These gates to be brought into use when the Liverpool Waters development is suitably advanced, to allow unrestricted pedestrian access from the Northern Docklands area through the stadium grounds.

### **Specific Match Day / Event Day Conditions**

9. Limit the number of “Events” to a maximum of 4 per year, with a clear definition that an event is one which requires a Licence from Liverpool City Council in order for it to be run.
10. Have, maintain, implement and regularly review and update, the Match Day Transport Strategy.
11. Have, maintain, implement and regularly review and update, the Event Transport Strategy
12. Prohibit vehicle movements in, out and within the stadium grounds on Match and Event Days from 1 hour before kick-off, until 45 minutes after final whistle, except where those vehicles are under the direction of the emergency services.
13. Provide staff and disabled supporter shuttle buses on match and event days, to run between a designated staff parking area (Stanley Park Car Park or similar facility)

and the stadium. Shuttle buses also to be provided to shuttle disabled supporters between Sandhills station and stadium.

14. Provide match day (supporter) shuttle buses between the stadium and Bootle Town Centre, and the stadium and Liverpool City Centre.
15. Establish provision for the staffing of the Urban Traffic Control Centre on Match and Event Days to allow the City Council to implement remote operation of key traffic signal-controlled junctions on the Great Howard Street corridor.
16. Provide Marshalls at key highway junctions to help manage conflicts between pedestrians and motorists. The exact junctions are to be agreed with the City Council but will initially include the Great Howard Street / Blackstone Street junction and the Great Howard Street / Leeds Street junction.
17. Close Bascule Bridge Footways on Match Days and an Event Days in line with the Match Day and Event Day Transport Strategies.

### **Merseytravel Related Conditions**

18. A package of measures at Sandhills Rail Station to ensure the increased footfall on match and event days can be safely accommodated, the exact details of which are to be agreed between the Club, the City Council and Merseytravel, but should include:
  - a. The design and construction of a facility to be used for the corralling of passengers queuing to access the platform, on land within Merseyrail's ownership. The site is required to be levelled, paved, fenced, drained, bollarded, externally illuminated, signed and under the surveillance of Merseyrail controlled CCTV such that it can be brought into use when passenger numbers are such that safety on the platforms at Sandhills, or on the highways approaching the station could be compromised.
  - b. Suitable welfare facilities for the Merseyrail staff required to manage the passenger corralling facility, to be constructed on land within Merseytravel's control.
  - c. A facility to be used solely for the storage of pedestrian crowd control / corralling barriers required to be used when the corralling area is brought into use.
  - d. A financial contribution towards Merseytravel's proposed future internal interchange facility at Sandhills Station. The contribution should be limited to the funding of the introduction of a kerb and paving within the land proposed for the pedestrian corralling (land within Merseytravel's ownership), with Merseytravel delivering the remainder of the interchange at a future date, when the adjacent land and access rights are secured.

19. A financial contribution towards the provision of a regular (non-match day) bus service linking the northern docklands regeneration area (including the stadium) with the City Centre and Sandhills Station. The “Northshore regeneration bus service” is required to be operational at stadium opening, and the level of funding provided by the Club to be at a level to fund any financial shortfall required to ensure the service is commercially viable, at 30 minute frequency during the daytime, taking into account fare paying passengers and contributions from other developments, for a period of 5 years. Consequently, a regular review of the funding levels will be required until such time as the service operates on a commercially viable basis, at which time the Club will be relieved of the need to make contributions.

### **Specific Highways Conditions**

20. A Scheme of Highway Works, the exact details of which are to be approved by LCC and implemented under S278 Agreement, based upon the recommendations of the Transport Assessment, to include as a minimum:

- Improvements to Street Lighting on Blackstone Street, Sandhills Lane, Walter Street, all areas proposed for coach parking and taxi ranks (subject to lighting review / assessment);
- A scheme of highway signage local to the stadium to direct the traveling public to the stadium. Traffic approaching from the north to use Boundary Street, and traffic approaching from the south to use Blackstone Street;
- Amendments and additions to the existing scheme of directional approach signing on the strategic routes (and pedestrian routes) to the existing football stadia, to direct EFC traffic to Bramley-Moore Dock, and not Goodison Park;
- Amendments and improvements to Regent Road to facilitate vehicle and pedestrian movements in and out of the stadium grounds without detriment to the two-way cycle lane on Regent Road.
- Upgrade of footways on Blackstone Street to be more suited to the high footfall anticipated, subject to review and assessment via pedestrian audit;
- A pedestrian wayfinding signage scheme to direct pedestrians to the Stadium from the City Centre and the nearest public transport options, to include additions to the City Council’s existing city-wide pedestrian signage scheme;
- Two new VMS Signs on north and southbound approaches, exact locations to be agreed with LCC, to be coordinated with the wider VMS programme;
- A scheme of works to introduce a taxi-rank on Boundary Street, the exact nature and location to be agreed with LCC, to take full account of the existing low bridge restriction and existing cycle lanes;
- A scheme of highway works to introduce a temporary (match and event day use only) taxi rank on Dublin Street;

- A scheme of works on Sandhills Lane to re-designate kerbside space to taxis, coaches and buses;
- Removal of deterrent paving on Great Howard Street and associated improvements to footway at junction with Boundary St.

If you require any further assistance, please contact me.

**Andy Dingwall**  
Highway Development Control



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## **DEVELOPMENT MANAGEMENT ADVICE**

To: Peter Jones  
Organisation: Development Management  
Liverpool Council

From: Lucy Atkinson

Your Ref: 20F/0001  
File Ref: LI20-014  
W/P Ref:  
Date: 21<sup>st</sup> October 2020

### **Development of stadium and associated works, including infilling of dock and demolition of existing structures Bramley Moore Dock, Regent Road, Liverpool ES Addendum September 2020**

1. Thank you for consulting Merseyside Environmental Advisory Service in respect of this updated planning application. The proposals comprise the development of a new stadium and associated works, including the infilling of a dock and demolition of existing structures.
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. Should the Council decide to adopt an alternative approach to MEAS Part 1 advice, I request that you let us know. MEAS may be able to provide further advice on options to manage risks in the determination of the application.
  - Part Two sets out guidance to facilitate the implementation of Part One advice and informative notes.
  - Appendix 1 provides the detailed reasoning in respect of the conclusions presented in respect of Habitats Regulations Three Tests Assessment.

In this case Part One comprises paragraphs 3 to 18, while Part Two comprises paragraph 19.



## Part One

### *Habitats Regulations Assessment*

3. A revised shadow HRA has been included as part of ES Appendix 12.1 (*Shadow Habitats Regulations Assessment Stage 1 and Stage 2 (WYG, December 2019 Updated September 2020, A100795, Issue 5)*). This has been amended following previous MEAS and Natural England advice.
4. However, before the shadow HRA can be accepted as the Council's own assessment, I advise that a further amendment to the document is required regarding construction phase effects on the water quality of Nelson Dock.
5. MEAS previously advised that the proposals could lead to a fundamental change in the ecology and water quality of Nelson Dock. Potential adverse effects on functionally linked habitat at Nelson Dock have been recognised in the submitted Construction Management Plan (CMP) (*Laing O'Rourke*) (ES Appendix 4.1 and shadow HRA Appendix C). However, they have not been considered within the shadow HRA.
6. Page 16 of the CMP states "*During construction, whilst the dock is infilled and the isolation structure in place, there is no quantifiable way of determining the impact of any hydrological disconnection with the southern Nelson dock. It is likely that salinity and dissolved oxygen levels may fluctuate over time. Baseline monitoring will therefore be undertaken of the southern water body prior to construction to indicate the natural variation in salinity and dissolved oxygen. Monitoring would then continue through the construction period. If the salinity and / or dissolved oxygen of the southern water body falls below a historic minimum, then over pumping from north to south may be undertaken to address the reductions.*"
7. I therefore advise that the above potential effect on Nelson Dock, and the proposed mitigation set out in the CMP, is included within the shadow HRA. When this is done, I advise that the shadow HRA could be adopted by the Council as its own assessment. Further information is provided in Part Two.

### *Ecology*

8. Bat mitigation measures have now been provided in paragraph 12.12.14 of ES Appendix 12.1 and this has enabled the three test assessment (Habitats Regulations) to be completed (Appendix 1). As the proposals involve the destruction of a bat roost, the applicant will require a Natural England European Protected Species licence prior to any works commencing on the hydraulic pump house (B1). To ensure this is in place the following planning condition is required:

#### CONDITION

Works will not commence unless the local planning authority has been provided with a copy of a licence issued by Natural England pursuant to Regulation 55 of the Conservation of Habitats and Species Regulations 2017 (as amended) authorising

the specified development to go ahead or evidence that the site has been registered under the bat mitigation class licence.

9. I advise that the undertaking of the bat mitigation measures, as described in paragraph 12.12.14 of ES Appendix 12.1, are secured by a suitably worded planning condition.
10. I advise that the applicant prepares 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 expand upon the measures outlined in the submitted CMP for avoiding and minimising effects of noise and construction related pollutants during the works. The CEMP should also include, but not be limited to, the following:
  - The fish capture and translocation methodology (submitted as Appendix A of the CMP);
  - Details of the biosecurity measures which will be adopted during the dock infilling works in order to prevent the spread of invasive non-native species;
  - Details of the water quality monitoring of Nelson Dock, including the parameters which will be monitored and the frequency of monitoring. The water quality triggers / thresholds that will stop infilling works should be specified; and
  - Measures that will be undertaken to avoid harm to roosting bats and breeding birds.
11. 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. I advise that the CEMP can be secured through a suitably worded planning condition.
12. A Biodiversity Net Gain (BNG) report has now been submitted as part of ES Appendix 12.1. BNG is not yet mandatory, although I welcome that it has been given consideration by the applicant. The results of the BNG assessment highlight the need for the landscaping scheme to maximise the opportunities for biodiversity. Previous MEAS advice regarding the proposed landscaping therefore still applies.

#### *Sustainability and Low Carbon Energy*

13. Section 10 of the Design and Access Statement Addendum (*The People's Project MEIS dated September 2020*), the Updated Sustainability Statement (*BuroHappold Engineering Ref: BMD01-BHE-ZZ-XX-RP-Y5-003 September 2020*) and the Energy Statement (*Buro Happold Engineering dated September 2020*) provide details of how sustainability has been addressed through the amended design process including amendments to the proposed solar photovoltaic array moving it from the surface car park canopy to an integrated array on the southern roof of the stadium. This has resulted in a slightly larger array and higher yield. It is also proposed to have back up battery storage and space, design and cost allowances to enable connection with the



proposed district heat network for Liverpool Waters alongside resource efficiency measures.

14. This is sufficient to demonstrate compliance with UDP policies GEN8 (Environmental Protection) and HD21 (Energy Conservation) and emerging Local Plan policies R7 (Renewable and Low Carbon Energy) and R9 (Solar Panels) subject to heritage and visual elements being satisfactorily addressed. The Updated Sustainability Statement and Energy Statement should be secured by a suitably worded condition as approved documents.

#### *Archaeology*

15. The Bramley-Moore Dock – Planning Addendum Design & Access Statement Addendum, Parts 1 to 9, September 2020 were reviewed for additional design information with potential to impact on archaeological heritage assets.
16. The content was reviewed against the Environmental Statement Addendum Volume III Appendix 9.1 Archaeological Desk-based Assessment (OAN October 2019 with an addendum August 2020) and the subsequent OAN Bramley-Moore Dock Archaeological Building Survey and Evaluation (September 2020).
17. There are no new archaeological issues to be considered as part of this amended application. Our previous comments in relation to archaeology still apply.

#### *Waste*

18. Previous comments (Memo from Lucy Atkinson (MEAS) to Peter Jones (Liverpool Council) dated 30<sup>th</sup> April 2020) on operational and construction waste still apply.

## **Part Two**

#### *Habitats Regulations Assessment*

19. Due to the potential effects on water quality on Nelson Dock, I advise that the amended shadow HRA considers there to be a likely significant effect due to degradation in water quality of the dock during the construction phase. The Appropriate Assessment (Stage 2) should then conclude no adverse effects on site integrity with the adoption of the mitigation measures set out in the CMP. This approach will ensure compliance with the Sweetman (2018) ECJ ruling.

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

Lucy Atkinson  
Environmental 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*



## Appendix 1: Application 20F/0001 Three test assessment

The three tests are set out in Regulation 55 of the Habitats Regulations 2017 (as amended). The three-test assessment of the proposals is set out below.

Test 1: Regulation 55(1)(e): *“preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”*

The proposed new stadium will deliver a range of social and economic benefits which include the creation of jobs, during both the construction and operational phases of the project, and helping to bring about the acceleration of key regeneration projects including Ten Streets and the wider Atlantic Corridor. Social benefits that the project will provide include the creation of new public open space at Bramley Moore Dock. **This test has been met.**

Test 2: Regulation 55(9)(a): *“that there is no satisfactory alternative”*

The hydraulic pump house is currently in a disused and in a deteriorating state. Continued deterioration of the pump house will result in the eventual loss of the bat roosting features which are currently present. The proposed development will ensure that potential bat roosting habitat is retained upon the site in perpetuity. **This test has been met.**

Test 3: Regulation 55(9)(b): *“that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range”*

The bat surveys confirmed the presence of low numbers of common pipistrelle roosting bats within the pump house (B1) in the north-eastern corner of the site. The building is due to be refurbished as part of the proposed development. Paragraph 12.12.14 of the revised ES Appendix 12.1 includes details of bat mitigation measures. These include the provision of temporary alternative roosting provision prior to the commencement of works in the form of a Schwegler 1FF box (or similar), a tool box talk to be delivered by an ecologist on bats to construction operatives, pre-works inspection of roosting features on the pump house by a licensed ecologist, supervised soft-strip of potential roosting features and use of one-way exclusion devices to prevent bats from re-entering the pump house when they've left. Permanent replacement roosting provision will be provided in the form of 2no. Schwegler 1FF bat boxes that will be installed on site away from direct illumination. The proposed mitigation and compensatory measures described in ES Appendix 12.1 are acceptable and, provided that they are secured by a suitably worded planning condition, this test has been met.

Merseyside Environmental Advisory Service  
2<sup>nd</sup> Floor, Magdalen House  
Trinity Road, Bootle, L20 3NJ  
Director: Alan Jemmett, PhD, MBA

Enquiries: 0151 934 4951

Contact: Peter McKeon  
Email: measdconsultations@eas.sefton.gov.uk

## **DEVELOPMENT MANAGEMENT ADVICE**

To: Peter Jones  
Organisation: Liverpool City Council

From: Peter McKeon  
Principal Ecologist

Your Ref: 20F/0001  
File Ref: LI20-014  
Date: 7 January 2020

### **Bramley Moore Dock, Regent Road, Liverpool Revised shadow Habitats Regulations Assessment (December 2020)**

1. Thank you for consulting Merseyside Environmental Advisory Service in respect of this planning application. The proposals comprise the development of a new stadium and associated works, including the infilling of a dock and demolition of existing structures.
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.
  - Should the Council decide to adopt an alternative approach to MEAS Part 1 advice, I request that you let us know. MEAS may be able to provide further advice on options to manage risks in the determination of the application.
  - 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 7, whilst there is no Part Two.

#### **Part One**

3. Following previous advice by MEAS and Natural England, the applicant has submitted a revised shadow HRA report (*Shadow Habitats Regulations Assessment Stage 1 and Stage 2, WYG, December 2019 Updated December 2020, A100795, Issue 5.3*).
4. I advise that the amended shadow HRA has adequately addressed the issues previously identified by MEAS and is now acceptable. In summary, the shadow HRA

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concludes that the proposed development will proceed without any adverse effects on the integrity of European sites provided that the works adhere to the submitted Construction Management Plan (*Laing O'Rourke (2020)*) and mitigation measures described in section 6.6.4, and illustrated on Figure 2, of the shadow HRA are implemented.

5. Subject to any further comments from Natural England, I advise that the shadow HRA can be accepted as the Council's own assessment. The outcome of the shadow HRA report must be included within the Planning Committee/Delegated Report to show how the Council has engaged with the requirements of the Habitats Directive.
6. To ensure that the conclusions of the shadow HRA remain valid, I advise the following:
  - That the submitted Construction Management Plan (*Laing O'Rourke (2020)*) (submitted as Appendix 4.1 of Environmental Statement Volume III) is accepted by the Council as an approved document; and
  - The provision and monitoring of the two floating pontoons in Nelson Dock, as described in section 6.6.4 and illustrated on Figure 2 of the shadow HRA, is secured by a suitably worded planning condition.
7. If there are any amendments to the proposals, I advise that they will need to be re-assessed for likely significant effects. This includes amendments prior to determination and subsequent approval/discharge of conditions.

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

Peter McKeon MCIEEM  
Principal Ecologist

Date: 08 January 2021  
Our ref: 337227  
Your ref: 20F/0001



Peter Jones  
Liverpool City Council  
[peter.jones2@liverpool.gov.uk](mailto:peter.jones2@liverpool.gov.uk)

cc. Adrian Clarke  
Marine Management Organisation  
[Adrian.Clarke@marinemanagement.org.uk](mailto:Adrian.Clarke@marinemanagement.org.uk)  
In reference to MLA/2020/00109

Customer Services  
Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

T 0300 060 3900

## BY EMAIL ONLY

Dear Peter

**Planning consultation:** Application for Full Planning Permission in accordance with submitted drawings for the demolition of existing buildings/structures on site (listed in the schedule); remediation works; foundation/piling works; infill of the Bramley-Moore Dock, alteration to dock walls and dock isolation works with vehicular and pedestrian links above; and other associated engineering works to accommodate the development of a stadium (Use Class D2) predominantly for football use, with the ability to host other events, with ancillary offices (Use Class B1a); Club Shop and retail concessions (internal and external to the stadium) (Use Class A1); exhibition and conference facilities (Use Class D1); food and drink concessions (internal and external to the stadium) (Use Classes A3 / A4 / A5); betting shop concessions (Sui Generis); and associated infrastructure including: electric substation, creation of a water channel, outside broadcast compound, photo-voltaic panels, storage areas/compound, security booth, external concourse / fan zone including performance stage, vehicular and pedestrian access and circulation areas, hard and soft landscaping (including stepped plaza, canopies, lighting, wind mitigation structures, public art, tree planting and boundary treatments), cycle parking structures and vehicle parking (external at grade) and change of use of the Hydraulic Tower structure to an exhibition / cultural centre (Use Class D1) with ancillary food and drink concession (Use Class A3).

**Location:** Bramley Moore Dock Regent Road Liverpool

Thank you for your consultation on the above dated and received by Natural England on 10 December 2020.

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.

For clarity the advice within this letter is based on our review of Shadow Habitats Regulations Assessment Stage 1 and Stage 2 Issue 5.3 by WTG, December 2019 Updated December 2020.

### **No objection subject to appropriate mitigation being secured**

In summary, Natural England advises that the proposed development will not result in adverse effects on the integrity of any of the sites in question, providing that appropriate mitigation is secured through the planning permission. We advise that the identified impacts on the designated sites can be appropriately mitigated with the measures outlined within the shadow HRA. Therefore, we do not object to the proposed development.

### **Internationally and nationally designated sites**



This application is adjacent to Liverpool Bay Special Protection Area (SPA) and within 1.2km of the Mersey Narrows and North Wirral Foreshore SPA and Ramsar, and the Mersey Narrows Site of Special Scientific Interest (SSSI).

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have<sup>1</sup>. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

Please see the subsequent sections of this letter for our advice relating to SSSI features.

### **Habitats Regulations Assessment (HRA)**

We have reviewed the updated Shadow HRA and welcome the additional evidence and information that has been provided in this version of the document.

We provide the following advice on the assumption that your authority intends to adopt this document to fulfil your duty as competent authority.

Natural England has reviewed the shadow HRA by WYG and notes that the document concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the details of the assessment, and the all of the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises overall that we concur with the assessment conclusions, providing that the following mitigation measures are appropriately secured in any permission given.

- **A detailed Construction Environment Management Plan (CEMP)** to be produced and agreed prior to commencement of any works on site. The CEMP should provide the detail on how certain activities associated with all aspects of the works will be limited in time, location or noise level to minimise the risk of disturbance to SPA birds.

This should also include details of:

- Acoustic and visual mitigation measures and appropriate noise monitoring to ensure to reduce noise disturbance to interest features of the designated sites
- Pollution prevention measures to reduce risk of pollutants entering watercourse s
- Details of fish rescue and release to the dock network
- Water quality monitoring measures for Nelson Dock

Once agreed the CEMP is to be implemented in full.

- **Implementation of the cormorant mitigation measures.** The shadow HRA outlines the proposed mitigation measures for the development via the provision of two permanent cormorant rafts in the adjacent Nelson Dock with monitoring and maintenance for the first year to be undertaken by the applicants, following this period of time Peel Land and Property are to be responsible for ongoing monitoring and management in line with the Liverpool Waters Strategic Ecological Mitigation Plan.

We advise that a detailed Cormorant Mitigation Plan be provided and agreed prior to the commencement of any works, this should set out the specification for the rafts (including confirmed locations and size) and the installation within Nelson Dock.

No works should commence until the permanent mitigation rafts are installed in Nelson Dock.

- **Works should be timed to avoid periods of severe winter weather.** In order to further limit disturbance to wintering non breeding birds (cormorant) particularly during periods of severe cold weather (when birds are most sensitive to disturbance impacts) we advise a condition as follows is placed on the permission to restrict high disturbance works (i.e. piling) during this time:

High disturbance works must be temporarily suspended if local temperatures (as recorded by nearest Met Office data and/or available site specific measurements) are below zero degrees centigrade for a period of 7 consecutive days, and remain suspended until temperatures reach above zero degrees centigrade for a period of 3 consecutive days. The relevant nature conservation bodies should be informed of when works are suspended and re-commenced.

This measure is aimed at reducing disturbance to overwintering (and passage) bird species associated with the designated sites during periods of severe winter weather and is consistent with other applications within the Liverpool Waters development area (and wider within Wirral Waters developments).

We request that Liverpool City Council consult Natural England on the discharge of the conditions as outlined above, as relevant to our remit. This is in order to ensure that appropriate measures have been included particularly in reference to the cormorant mitigation measures.

We further advise that there are two minor errors within the text of the HRA that should be amended to ensure that a thorough and robust version of the HRA is available allowing for a clear audit trail to support the application. These are updates to the Summary of Results of HRA Stage 1: Screening section (page 3), to ensure this text reflects the changes that have been made to the LSE stage of the assessment (e.g. Air quality has been included here and shouldn't be, and other impacts are missing from the list), also a correction to the Screened LSE – Alone column within Table 17 for the Mersey Narrows and North Wirral Foreshore SPA & Ramsar (page 68), impacts relating to construction have been duplicated within the operational section.

### **Mersey Narrows SSSI**

Our concerns regarding the potential impacts upon the Mersey Narrows SSSI coincide with our concerns regarding the potential impacts upon the international designated sites, therefore we are content that providing the application is undertaken in strict accordance with the details submitted and providing the above conditions are secured, the development is not likely to damage the interest features for which the site has been notified.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

If you have any queries relating to the advice in this letter please contact me on the details below.

Should the proposal change, please consult us again.

Yours sincerely

Angela Leigh  
Planning & Development Lead Adviser  
Cheshire to Lancashire Area Team  
[Angela.Leigh@naturalengland.org.uk](mailto:Angela.Leigh@naturalengland.org.uk)

Peter Jones  
Development Control Division  
Liverpool City Council  
4<sup>th</sup> Floor Cunard Building  
Water Street  
Liverpool L3 1AH

Phil Redman  
HM Inspector of Health and Safety  
Construction Division  
Health and Safety Executive  
1.1 Redgrave Court  
Merton Road, Bootle  
Liverpool L20 7HS

Tel: 0203 028 3694  
Email: [phil.redman@hse.gov.uk](mailto:phil.redman@hse.gov.uk)

Your Reference 20F/0001

-+  
<http://www.hse.gov.uk/>

Date 22<sup>nd</sup> October 2020

Dear Sir

#### **THE PEOPLE'S PROJECT – BRAMLEY-MOORE DOCK, REGENT ROAD, LIVERPOOL.**

Following on from our recent telephone conversation in relation to the above-named application, I wish to briefly clarify HSE's position as an interested party in this proposed development.

You will be aware that HSE are the regulating authority for the Construction Industry in this country, our goal is to prevent workplace death, injury or ill health. We achieve this by working with dutyholders to help them understand the risks they create and how to manage them. Our Enforcement Policy Statement (EPS) sets out the general principles and approach which HSE and local authorities are expected to follow <https://www.hse.gov.uk/enforce/enforcepolicy.htm>

The Health and Safety at Work etc. Act 1974 is the primary piece of legislation covering occupational health and safety in Great Britain and below it falls a raft of Statutory Regulations including the Construction (Design and Management) Regulations 2015 which apply to the whole construction process, from concept to completion, and what each dutyholder must or should do to comply with the law to ensure projects are carried out in a way that secures health and safety.  
<https://www.hse.gov.uk/pubns/priced/l153.pdf>

As the Project Lead Inspector for HSE in relation to the proposed Stadium Build, I can confirm that HSE have held a number of constructive meetings / discussions & presentations over the past year with the relevant dutyholders as described within the CDM Regulations; Everton Stadium Development Ltd (Client), Pattern Architects (Principal Designer) and Laing O'Rourke (Principal Contractor). A visit was also undertaken as part of this process to the Bramley-Moore Dock site.

Further engagement is planned between HSE and the afore mentioned dutyholders in the coming months, and should the proposed development be granted planning permission, the project during the build process will be subject to a number of site visits by HSE inspectors during our regulatory inspection programme to ensure the Health, Safety and Welfare of those persons working at site. It is important to make clear during these difficult times for the Construction Industry and wider society as a whole, that discussions continue to take place with relevant parties to ensure that during the current Coronavirus Pandemic, suitable and sufficient COVID-19 policies & procedures are in place for the Bramley-Moore Dock site prior to any commencement of work on site, and that they will be subject to regular and ongoing review by the relevant dutyholders.

The proposed site is approx. 1mile from the Headquarters of the Health and Safety Executive at Redgrave Court in Bootle, and as well as Regulatory Occupational Health and Safety Inspectors such as I, we have a raft of Specialist Inspectors to call on should that be required.

I am aware that our Land Use and Planning Advice Team have already provided you with an update by means of an advice note during a recent enquiry.

Should I be able to be of any further assistance to you, please get in touch

Yours Sincerely

A handwritten signature in blue ink, appearing to read 'P. Redman', with a horizontal line underneath.

Phil Redman

HM Inspector of Health and Safety.



23<sup>rd</sup> October 2020

*By email:*

Mr Peter Jones  
Development Control Division  
Liverpool City Council

Dear Mr Jones

**Amendments to Planning Application 20F/0001  
Development of stadium predominantly for football use with associated  
development and infrastructure: Land at Bramley Moore Dock, Regent  
Road, Liverpool**

On behalf of the Liverpool City Region Combined Authority (LCRCA), I am pleased to set out the authority's response to the amended planning application. For clarity, this response reflects the Combined Authority's local transport authority powers and its adopted transport policy context. It incorporates the operational response of Merseytravel as the Authority's transport delivery body and the numerous pre-application discussions with officers.

Importantly, this response does not address issues of strategic planning policy fit, given the embryonic nature of the authority's planning policy framework through its Spatial Development Strategy. The SDS will provide the basis of the authority's future strategic planning policy input and development management input.

Recognising that the application has been subject to earlier detailed consultation and discussions with officers, this response supplements that as presented previously by Merseytravel in March 2020.

The salient considerations that arise from the revised proposals are set out below:-

1. The application's consideration of the transport policy context remains thorough, and clearly recognises the priority to decarbonise transport, shift to clean forms of mass transit and make walking and cycling modes of access of choice. The recognition of the site's locational attributes by sustainable mass travel (e.g. proximity to Sandhills station and access via recent transport schemes such as the North Liverpool Key Corridors cycle route) remains important.
2. However, the recognition in the application that additional infrastructure and development-related investment is needed to meet the additional



demand associated with the development, in ways that do not lead to private car reliance and danger for road users is critical. Through any grant of planning permission, the need for associated planning conditions and commitment to the issues set out in the draft Heads of Terms for the proposed s106 planning agreement will be needed to secure these enhancements. Officers commit to ongoing engagement with the applicant and officers from the city council to oversee and refine these details in discharge enabling conditions and planning agreements.

3. The focus of Sandhills station as the principal rail hub is recognised and supported. As above, the LCRCA would wish to see a requirement upon the developer to continue to refine the provision of facilities for fan / passenger management at Sandhills. Measures to secure and construct the waiting facility by the developer, and to formulate and implement an appropriate fan management strategy funded and resourced by the developer should be implemented prior to development coming into first use. This should include measures to ensure the effective management of all fan movements between the stadium and its principal public transport arrival and departure points, including Sandhills Station and the Shuttle Bus arrival / departure point(s).
4. As identified, the closure of Sandhill Lane, between Derby Road and Commercial Road for a suitable period at the conclusion of football matches and events is likely to be an essential requirement, in order to allow fans to safely access Sandhills Station. However, the safe management and movement of fans should also allow for the convenient flow of cyclists from the adjoining highway network and cycle lanes to cycle parking areas proposed within the stadium. Notwithstanding the importance of the proposed road closures, means to allow access by cyclists require further consideration as part of any grant of planning approval.
5. The LCRCA would request further clarification and discussion of the transport requirements for the proposed stadium on non-match days and non-event days and how these will be accommodated. This takes into account the removal of the proposed multi-storey car park and the significant hospitality and conference use during these periods. The transport assessment also highlights a point of inaccuracy in showing the proposed construction of the City Centre Connectivity Scheme's southern link road from Leeds Street to the Cruise Liner terminal at Princes Dock. This has recently been de-scoped from the scheme. The implications of these changes on assumptions relating to the movement of people from the city by shuttle bus, on foot or by cycle will need to be addressed through the details of appropriate planning conditions and proposed s106 planning agreement. This is to ensure that demand is satisfied in ways that meet the aims of the city region's adopted transport framework.



6. Operationally, and in design terms it will be vital to ensure that the details of fan waiting areas satisfy the requirements of key agencies, including Merseyside Police, British Transport Police, Network Rail, Merseyrail Electrics Limited and Merseytravel (as the concession holder for rail services at Sandhills). A Service Level Agreement, or other similar mechanism, should cover all principal public transport facilities at which fans will alight and board public transport, and the fan movement routes between the proposed stadium and these public transport facilities. To this effect it should include the proposed Sandhills Station Fan / Passenger Management Area. Measures for fan management around the principal public transport arrival and departure points for the stadium, should be designed and equipped in line with current counter-terrorism guidance.
7. In order to ensure that the new Stadium has appropriate digital connectivity we would request that the developer provides appropriate ducting as part of the associated highway works (as promoted by the Dig Once approach). This would ensure that all digital connectivity is laid out during construction rather than the highways and hard landscaping having to be dug up at a later date to accommodate new digital provision. If you require any further information pursuant to this please do not hesitate to contact me.

I trust that this aids Liverpool City Council in its consideration of the amendments to the planning applications and would be very happy to discuss any aspect in further detail with you or with your colleagues.

Yours sincerely

**Kirsty McLean**  
**Director of Policy and Strategic Commissioning**  
**Liverpool City Region Combined Authority**



Liverpool City Council  
Cunard Building  
Water Street  
Liverpool  
Merseyside  
L3 1AH

Your Ref 20F/0001

Our Ref CRTR-PLAN-2020-30778  
CRTR-PLAN-2020-29311

Wednesday 14 October 2020

Dear Mr Jones

Proposal: Additional Information - Application for Full Planning Permission in accordance with submitted drawings for the demolition of existing buildings/structures on site (listed in the schedule); remediation works; foundation/piling works; infill of the Bramley-Moore Dock, alteration to dock walls and dock isolation works with vehicular and pedestrian links above; and other associated engineering works to accommodate the development of a stadium (Use Class D2) predominantly for football use, with the ability to host other events, with ancillary offices (Use Class B1a); Club Shop and retail concessions (internal and external to the stadium) (Use Class A1); exhibition and conference facilities (Use Class D1); food and drink concessions (internal and external to the stadium) (Use Classes A3 / A4 / A5); betting shop concessions (Sui Generis); and associated infrastructure including: electric substation, creation of a water channel, outside broadcast compound, photo-voltaic panels, storage areas/compound, security booth, external concourse / fan zone including performance stage, vehicular and pedestrian access and circulation areas, hard and soft landscaping (including stepped plaza, canopies, lighting, wind mitigation structures, public art, tree planting and boundary treatments), cycle parking structures and vehicle parking (external at grade) and change of use of the Hydraulic Tower structure to an exhibition / cultural centre (Use Class D1) with ancillary food and drink concession (Use Class A3) (revised description)

Location: Bramley Moore Dock, Regent Road, Liverpool

Waterway: Liverpool Link

Thank you for your consultation on the amended application.

We are the charity who look after and bring to life 2000 miles of canals & rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation. The Trust is a statutory consultee in the Development Management process.

Based on the amended information available our substantive response (as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)) remains as detailed in our previous letter dated 30<sup>th</sup> March 2020 (ref: CRTR-PLAN-2020-29311) in terms of **a condition relating to the production of a pollution prevention plan and a legal agreement to secure £250k to provide 200m of new towpath adjacent to the offside of the Stanley Lock flight on the Leeds & Liverpool Canal and a package of signage/wayfinding to promote sustainable transport routes to the site.** We would ask that our previous comments are read in conjunction with our further advice on the amended plans detailed below:

#### Canal & River Trust

Fradley Junction, Alrewas, Burton-upon-Trent, Staffordshire DE13 7DN

T 0303 040 4040 E [canalrivertrust.org.uk/contact-us](http://canalrivertrust.org.uk/contact-us) W [canalrivertrust.org.uk](http://canalrivertrust.org.uk)



### Impact on Trust Heritage Assets

As previously advised, the Trust owns and manages the Leeds & Liverpool Canal and associated Stanley Lock Flight which are located approximately 0.5km to the southeast of the application site. The canal enters into the dock system via Stanley Dock and the Trust has a right of navigation through Stanley Dock, Collingwood Dock and Salisbury Dock; before continuing through Trafalgar Dock via the Liverpool Link to the wider dock network to the south.

Along with the application site, the stretch of the Leeds & Liverpool Canal through the Stanley Lock Flight is located within the Liverpool Maritime Mercantile City World Heritage Site (WHS) and Stanley Dock Conservation Area. The Stanley Lock Flight is also Grade II listed.

We previously advised that the roof of the proposed stadium, at 48m in height would be clearly visible from, and within the setting of, the Stanley lock flight. Views would however diminish as users of the canal corridor travel down the lock flight. The amendments include moving the stadium footprint eastwards by 4.5m and reducing the overall height of the stadium by 2.1m. These changes would make the stadium marginally less visible from the Stanley Lock flight and as such marginally diminish any harm on the Trust owned heritage assets. As such the package of design amendments are welcome.

As previously advised, if the Council is minded to approve this application we would ask it to ensure that those public benefits and design interventions referenced in the application (specifically the external cladding of the stadium; the landscaping; retention of the dock wall; retention of the channel of water to aid legibility of the former interlinked complex of basins; retention of historic features and markers) which seek to mitigate the harm, are all secured and delivered as part of the development.

### Sustainable Access utilising the Leeds & Liverpool Canal

As set out in our previous response, we consider that opportunities for opening up access to the Leeds & Liverpool Canal and Stanley Lock Flight, which are acknowledged as being part of the WHS and playing an important role in providing connectivity and historic access to the Northern docks, should be provided. We consider that if the Council is minded to approve the application that appropriate measures to improve access between the Northern docks and the Leeds & Liverpool Canal via the Stanley Lock Flight should also be secured as part of the package of public benefits.

As set out previously we consider that the legal agreement for this development should secure 200m of new towpath adjacent to the offside of the Stanley Lock flight on the Leeds & Liverpool Canal and also include a package of signage/wayfinding to promote sustainable transport routes to the site. We note that the applicant has rebutted our initial request for this contribution in their letter dated 9<sup>th</sup> July 2020.

Since providing our initial comments other matters connected to this development have emerged which the Trust consider should be taken into account and support our initial request for a financial contribution.

Firstly, the package of design amendments now includes the removal of the multi-storey car park from the scheme. This will reduce the total number of parking spaces on site from 481 to 149, and would also likely put greater emphasis on people traveling by more sustainable means of transport including by foot or cycle, potentially via the Leeds & Liverpool Canal. Clearly this will require a significant modal shift for those journeying to and from the stadium especially as the Economic Impact Assessment dated August 2020 paragraph 4.23 states as existing *“the scale of car travel to matches is high at nearly 80%.”* We consider that the canal corridor has a role to play in providing a route to support this modal shift for those accessing the stadium.

### **Canal & River Trust**

Fradley Junction, Alrewas, Burton-upon-Trent, Staffordshire DE13 7DN

**T** 0303 040 4040 **E** [canalrivertrust.org.uk/contact-us](https://canalrivertrust.org.uk/contact-us) **W** [canalrivertrust.org.uk](https://canalrivertrust.org.uk)

Since we provided our previous comments Sefton Borough Council have also announced that they are developing plans to regenerate the Strand Shopping Centre in Bootle Town Centre with a multi-million-pound project. The Leader of Sefton Council announced that as part of this regeneration their intention is to utilise the canal corridor *“not only as an attractive environment and space for leisure, but also ‘a green transport corridor’ for walking, cycling and travel by water to link Bootle to the proposed new Everton Football stadium at Bramley Moore Dock”* and beyond. Further details can be found by following the link below from 14<sup>th</sup> August 2020.  
<https://mysefton.co.uk/2020/08/14/exciting-future-ahead-for-bootles-landmark-shopping-centre/>

This redevelopment in Bootle which focuses on utilising the connectivity potential of the canal corridor would likely see a significant uplift in usage of the towpath between Bootle and Bramley Moore Dock, via the Leeds & Liverpool Canal corridor and down the Stanley Lock flight. There is a clear synergy between the two developments with the canal corridor providing a key connectivity between the sites. The opportunity for enhancing connectivity along the canal and ensuring it is fit for purpose for all users should be utilised and related developments contribute towards any required improvements to the route.

The applicant already considers Bootle Town Centre as one of the key hubs for those accessing the stadium, as set out within the Transport Assessment (page 14) which states that the Match Day Transport Strategy objectives include: *“Encourage supporters to use Liverpool city centre and Bootle town centre as transport hubs,”* as well as *“Establish travel patterns which are safe, convenient and sustainable”* and *“Wherever practical, encourage sustainable modes of travel for supporters.”*

It is approximately a 2.5 mile distance from The Strand in Bootle to the bottom of the Stanley Lock Flight. Based on the Transport Assessments baseline walking speed of 5mph, it would take approximately 30-35 minutes to walk this route via the canal. This would be a viable option as confirmed by the Transport Assessment at paragraph 4.5.16 which states *“Journeys by foot to key wider residential areas are also shown to be viable within a 40-minute walk, especially to those to the north of Liverpool such as **Bootle**, Kirkdale and Walton.”*

Furthermore, the Transport Assessment at paragraph 4.5.20 notes that from residential areas within Bootle that the stadium would be within 20 minutes cycle ride. As such this would be an option from Bootle for local residents. As acknowledged at paragraph 4.4.22 of the Transport Assessment *“the Canal forms an important part of the Sefton and Liverpool Cycle network.”* And paragraph 4.5.2 *“The off-road cycle route in the area is provided via the Leeds-Liverpool Canal, to the east of the application site”*. Clearly therefore cycling to the Stadium via the canal towpath is being relied upon by the applicant as part of the sustainable route to the Stadium.

Given Bootle Town Centre is already assessed by the applicant as a key hub for those accessing the stadium by foot and cycle and that Bootle Town Centre is proposed to be redeveloped/regenerated and the canal corridor maximised as a sustainable transport route, then uplift in usage of the canal corridor is highly likely. In addition to this in the future, as part of the redevelopment of the Strand, there may also be options to run a water taxi from Bootle to the top of the Stanley Lock flight as part of the *‘green transport corridor’* which would further contribute to the sustainable access options for those accessing the Stadium.

It is acknowledged that the plans for the regeneration of the Bootle Strand are emerging and will be guided by a masterplan, however the Trust considers that regard should be given to the Bootle Strand and Sefton Councils proposal for the key role the canal corridor would play in providing linkage to the Stadium.

In the applicant’s response to our request their transport advisor concluded that the proposed connection, *‘as a high capacity route, is not essential to the delivery of the stadium or to make it more acceptable in accessibility or sustainability terms’*. The Trust are not suggesting that the canal would necessarily form a *‘high capacity route’*, but nevertheless it would be one of the sustainable routes which those accessing the Stadium could use. In particular the existing population immediately to the east of the canal and those accessing from the north would be highly likely to use the canal corridor as an alternative off-road route to reach the Northern docks and

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Stadium. Even a relatively small percentage of the 52,888 stadium capacity (with expansion potential to 62,000) would still be a significant uplift in current usage of the canal towpath. We consider the number of people using the canal towpath to access the Stadium is only likely to rise, especially with the Bootle Strand redevelopment. Indeed, as set out in the Economic Impact Assessment para 6.25 *"In total, the new stadium should expect to attract approaching 1.15 million football fans to the city each season."* Regard also has to be given to the fact that the visitors to the stadium for non-football events are likely to be a different demographic to those attending football matches, which would further add to the amount of potential people accessing the Stadium via the canal corridor. Regard also has to be given to general tourism/visitors and how those people may travel to and from the Stadium.

Therefore, regardless of the Bootle Strand redevelopment there would be an uplift in usage of the canal towpath via the Leeds & Liverpool Canal and Stanley Lock flight as a direct consequence of the development for the reasons set out above and in our previous response. This would be intensified by the redevelopment at Bootle Strand.

Within the **applicant's** rebuttal letter dated 9th July 2020, it is stated that the canal towpath is narrow and unsuited for large crowds. As mentioned previously the Ashton Canal towpath in Manchester is used by those accessing the Etihad Stadium (in addition to the recently approved Manchester Music Venue at the Etihad (AO Arena) when built)). The width of the canal towpath has not been a barrier to its use, in fact quite the opposite. Indeed, the main potential 'bottleneck' along the Leeds & Liverpool canal towpath is that which has been identified by the Trust at the bottom of the Stanley Lock Flight and is what we are seeking a contribution towards to address.

The applicant also mentions the canal is unlit and not overlooked and people using the route would not feel safe. We know that the canal towpath here is currently used by local residents for leisure and recreation and like many of our towpaths has seen significant uplift in usage during the recent Covid-19 pandemic as people looked to local greenspace for recreation and wellbeing opportunities demonstrating the value of this accessible and free to use asset for local communities. Daily usage of the towpath monitored by towpath counters at Bootle Strand increased by in excess of 190% during lockdown. In addition, towpath surveys between 2017 -2019 along the stretch of towpath between Sefton and Stanley Lock Flight indicated that 75% of users strongly agreed they felt safe and 83% strongly agreed that they enjoyed using the canal. Increased activity and usage of the canal corridor would also likely have a positive impact on the perception of safety.

As previously outlined, we consider that this request for a financial contribution is justified and meets the statutory tests as set in the Community Infrastructure Levy Regulations 2010 (and paragraph 56 of the NPPF). The works are necessary to support this sustainable transport route and to provide public access to the development and Northern docks as part of the transport strategy for the development. The uplift in towpath usage here would be as a direct consequence of the proposed development. The scale of the development would be significant and would have a large catchment, as does the canal corridor. The creation of 200m of new towpath would therefore be commensurate to this scale and fairly and reasonably related in kind to the development. The agreement should set out that the design and specification of the towpath would need to be agreed with the Trust. The towpath works would need to be delivered before the development comes into use.

In any case to ensure that the sustainable transport routes are fully utilised a package of wayfinding and signage measures would need to be considered and secured as part of the application via the s106 agreement as the signage would be sited outside of the application site. The signage should include wayfinding to/from the Leeds & Liverpool Canal. Similarly, any interpretation to be provided should include and acknowledge the role the Leeds & Liverpool Canal has played and its integral connection with the Docks.

As outlined above we believe that this request meets the necessary tests. If the Council is minded to approve this application and agrees with us on this matter then we would be happy to work with the Council in terms of the precise nature and level of contribution to be secured as part of the s106 agreement in light of any concerns

#### **Canal & River Trust**

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raised by the applicant on impact on the overall viability of the proposed scheme. Whilst there is no obligation on the Local Planning Authority to make the Trust a party to such an agreement where it has no legal interest within the application site boundary, the Trust would wish to be a signatory to any legal agreement where works are to be undertaken on our land.

Please do not hesitate to contact me about matters raised in this response.

Yours sincerely,

**Tim Bettany-Simmons MRTPI**  
Area Planner

Tim.Bettany-Simmons@canalrivertrust.org.uk  
07342 057926

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design>

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## Garner, Brian

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**From:** Planning  
**Sent:** 16 October 2020 14:12  
**To:** Jones, Peter  
**Subject:** FW: Planning Reference: 20F/0001: Site Address Bramley Moore Dock, Regent Road, Liverpool, L3 0AP. Sport England Reference: PA/20/NW/LV/54932

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**From:** Melanie Hughes <Melanie.Hughes@sportengland.org>  
**Sent:** 16 October 2020 13:57  
**To:** Planning <Planning@liverpool.gov.uk>  
**Subject:** Planning Reference: 20F/0001: Site Address Bramley Moore Dock, Regent Road, Liverpool, L3 0AP. Sport England Reference: PA/20/NW/LV/54932

Peter,

Thank you for consulting Sport England on the additional information.

Sport England have no further comments to add to those below.

Kind Regards,

Melanie

**Melanie Hughes** Planning Manager **T:** 07765897897 **M:** 07765897897

We have updated our Privacy Statement to reflect the recent changes to data protection law but rest assured, we will continue looking after your personal data just as carefully as we always have. Our Privacy Statement is published on our [website](#), and our Data Protection Officer can be contacted by emailing [Gaile Walters](#)

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**From:** Melanie Hughes  
**Sent:** 12 March 2020 16:50  
**To:** [planningandbuildingcontrol@liverpool.gov.uk](mailto:planningandbuildingcontrol@liverpool.gov.uk)  
**Subject:** Planning Reference: 20F/0001: Site Address Bramley Moore Dock, Regent Road, Liverpool, L3 0AP. Sport England Reference: PA/20/NW/LV/54932

FAO Peter Jones

Dear Peter

Thank you for consulting Sport England on the above named application.

The Government, within their Planning Practice Guidance (Open Space, Sports and Recreation Facilities Section) advises Local Planning Authorities to consult Sport England on a wide range of applications. <https://www.gov.uk/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space#open-space-sports-and-recreation-facilities>

This application falls within the scope of the above guidance as it relates to the creation of a major sports facility.

Sport England assesses this type of application in light of the National Planning Policy Framework (NPPF) and against its own planning objectives, which are Protect - To protect the right opportunities in the right places; Enhance - To enhance opportunities through better use of existing provision; Provide - To provide new opportunities to meet the needs of current and future generations. Further information on the objectives and Sport England's wider planning guidance can be found on its website:

<https://sportengland-production-files.s3.eu-west-2.amazonaws.com/s3fs-public/2020-01/planning-for-sport-guidance.pdf?V91Twg6jajoe7TpardJDn9h6s9AiSqw0>

<https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport>

In terms of the proposal for the new stadium, the redevelopment of the existing site was considered through the process, however the redevelopment of the site, including the expansion of the seating bowl is not considered possible in consideration of modern safety standards. This was not possible due to land ownership constraints and the proximity of existing housing. A site search was completed within the location of the clubs catchment however identified no alternative locations. The Bramley-Moore Dock has therefore been identified as the only site that meets the clubs requirements. It is therefore considered imperative that the Club seeks to increase the capacity of the stadium and improve the stadium facilities to compete commercially with top tier EPL and European Clubs.

It is noted that the issue regarding the current location of the club at Goodison Park was considered at length through the Kirby appeal (APP/V4305/V/08/1203375) with the Inspector concluding *"Goodison Park is agreed by all to be in need of very significant work to improve to a suitable level, and that would require, a much larger site than Everton Football Club possess at Goodison Park. The matter has been exhaustively explored by the club over the past ten years. There is no credible evidence that a stadium of the kind that Everton Football Club needs can be provided at or near Goodison Park. It is clear that had it been feasible to stay at or near the current site, Everton Football Club would have done so"*.

This being the case, Sport England offers its **support** for this application as it is considered to meet planning for sport principle 6 which is to; *Support improvements to existing sport and physical activity provision where they are needed.*

It is noted that the submitted application is for a new stadium at Bramley-Moore Dock and the stadium has been designed for the use of Everton Football Club. Whilst this application only considers the new stadium, it is noted that the development of a new stadium represents one of the two strands of the "peoples project". The second element will involve the demolition of the existing Goodison Park stadium and redevelopment of the site for mixed use, including housing, commercial space, community/ leisure and open space. The planning statement is therefore clear that although the second element of the proposal does not form part of this application, the second element should be considered alongside the stadium development as they form part of the peoples project.

Sport England has therefore considered the application on this basis and has considered the application in light of the National Planning Policy Framework (in particular Para. 97), and against its own Playing Fields Policy, which states:

'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing field and remains undeveloped, or
- land allocated for use as a playing field

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'

Sport England's Playing Fields Policy and Guidance document can be viewed via the below link:

[www.sportengland.org/playingfieldspolicy](http://www.sportengland.org/playingfieldspolicy)



It is noted that the demolition of the existing Goodison Park Stadium will involve the loss of the existing playing field and/or the provision of replacement playing field. It therefore needs to be considered against Exception 4 of the above policy, which states:

'The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:

- of equivalent or better quality, and
- of equivalent or greater quantity, and
- in a suitable location, and
- subject to equivalent or better accessibility and management arrangements.

The submitted proposal therefore seeks to relocate the existing stadium at Goodison Park to Bramley-Moore Dock and therefore in consideration of the planning statement, the application is considered to meet the requirements set out under Exception E4 of Sport England's Playing Field Policy.

In terms of quality, the proposal sets out a number of improvements, including:

- Improved capacity to meet current the demand
- Improved spectator viewing experience
- Overall improvements to the facilities accessibility – The opportunity and ability of families with small children and disabled supporters to circulate around the stadium.
- Improved Information communications technology
- A dedicated concourse for managing crowds
- Improved team and players facilities, including dug out, tunnel and area surrounding the pitch
- Improved corporate and media facilities
- Enhanced office space.

In light of the above, Sport England is satisfied that the proposal will meet playing field policy – Exception 4, and as such Sport England does not wish to raise a statutory objection to the development.

Whilst this application only considers the new stadium, it is noted that the development of a new stadium represents one of the two strands of the "peoples project". The second element will involve the demolition of the existing Goodison Park stadium and redevelopment of the site for mixed use, including housing, commercial space, community/ leisure and open space. The planning statement is therefore clear that although the second element of the proposal does not form part of this application, the second element should be considered alongside the stadium development as they form part of the "peoples project".

Sport England, in conjunction with Public Health England, has produced '**Active Design**' (October 2015), a guide to planning new developments that create the right environment to help people get more active, more often in the interests of health and wellbeing. The guidance sets out ten key principles for ensuring new developments incorporate opportunities for people to take part in sport and physical activity. The Active Design principles are aimed at contributing towards the Government's desire for the planning system to promote healthy communities through good urban design. Sport England would commend the use of the guidance in the master planning process for new residential developments. The document can be downloaded via the following link:

<http://www.sportengland.org/activedesign>

The absence of an objection to this application, in the context of the Town and Country Planning Act, cannot be taken as formal support or consent from Sport England or any National Governing Body of Sport to any related funding application, or as may be required by virtue of any pre-existing funding agreement.

If this application is to be presented to a Planning Committee, we would like to be notified in advance of the publication of any committee agendas, report(s) and committee date(s). We would be grateful if you would advise us of the outcome of the application by sending us a copy of the decision notice.

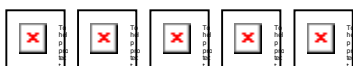
Yours sincerely,

**Melanie Hughes**  
Planning Manager

**M: 07765897897**

**F: 01509 233192**

**E: [Melanie.Hughes@sportengland.org](mailto:Melanie.Hughes@sportengland.org)**



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Mr Peter Jones  
Liverpool City Council  
Cunard Building  
Water Street  
Liverpool  
L3 1AH

Direct Dial: 0161 242 1416

Our ref: P01176530

22 October 2020

Dear Mr Jones

**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 24 September 2020 regarding further information on the above application for planning permission. On the basis of this information, 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 19<sup>th</sup> 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, 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.

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



SUITES 3.3 AND 3.4 CANADA HOUSE 3 CHEPSTOW STREET MANCHESTER M1 5FW

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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 deliver a new stadium that is sensitive to its surroundings and of a standard of design respectful of its context.

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 large/very large harmful impact to a World Heritage Site, an asset of the highest/international significance and one which is identified by the 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.

Amended plans have been submitted in support of the current application for the infill of Bramley-Moore Dock for the construction of a new Everton Football Stadium. We have reviewed the amended documents and this letter is our consolidated position on the proposals.

## Historic England Advice

### 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 late 19<sup>th</sup> century 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-18<sup>th</sup> 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 19<sup>th</sup> century dock design



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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 19<sup>th</sup> 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-19<sup>th</sup> 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-20<sup>th</sup> century onwards and the once thriving docks and surrounding industrial areas have fallen into notable decline. This has not only impacted on



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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



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issues created by the proposed infilling, this would provide a level of mitigation to the harm caused by the dock's infilling.

Since the submission of the scheme, Everton Football Club has continued to refine the design of the stadium, looking to seek approval for a fully worked up and deliverable scheme rather than a 'concept' design which would be altered afterwards.

We welcome this approach as it gives greater certainty on the final form of the scheme. It also increases our ability to accurately assess the proposals. The club's commitment to delivering a high quality stadium is reflected in this way of working.

The amended plans have been refined including changes to:-

- The West Terrace
- West Quay
- Simplification of the facade
- Wind mitigation measures
- Massing
- Dock Boundary Wall openings

These amendments are positive and result in improved stadium design.

The West Terrace and Quay have been reimagined. The removal of the multi-storey car park and its replacement with a public, stepped terrace, over a covered walkway, creates a more symmetrical building. The influence of the Liverpool warehouses is stronger as a result. Simplifying the elevation design, by reducing the number of differently sized brick columns has also helped create a more solid body of the building, strengthening the architectural links between the stadium and the neighbouring warehouses.

By proposing to create a high level terrace, the public would be able see over the sea wall to the River Mersey. It would allow the relationship between the historic dockland and river to be better appreciated.

The detail of the public realm is a critical element of the scheme. We would encourage Liverpool City Council's urban designers to carefully review this element, with particular consideration to the treatment of the water edges.

Notwithstanding the above, the stadium design improvements have not altered the fact that Bramley-Moore Dock would require infilling to allow the construction of the stadium. This would have 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 give 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.

We note that both the applicant's heritage assessment and their ICOMOS Heritage Impact Assessment have been revised, specifically the levels of harm identified to the Conservation Area and World Heritage Site. The impact and levels of harm now identified broadly conform to our own conclusions.

## **POLICY**

The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out in section 16 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.

### **National Planning Policy Framework**

The National Planning Policy Framework (NPPF) sets out in Section 16 the policies 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.

## Local Policy

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.



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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



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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.

## **Alternative Sites Assessment**

The Alternative Sites Assessment has been revised following concerns raised by ourselves, and others, in response to the original consultation.

Elements of those concerns have been addressed. The document now includes an evidence-based explanation of how the minimum site size was established. The minimum plot size has also reduced from 8 hectares to 7.2 hectares.

Goodison Park has been considered in much greater detail than the original assessment with Bramley-Moore Dock now also being considered in the assessment. As a result, we accept that Goodison Park is not a feasible location to rebuild the stadium and that the search for an alternative site is justified.





The consideration of Bramley-Moore Dock in the assessment is welcomed. However, its assessment highlights the serious concerns we continue to have with the document.

It continues to discount sites on local rather than national policy constraints. A number of sites have been discounted as they are identified as public green space or employment land where it is considered that landowners would be unwilling to dispose of their land or that there would be a complex acquisition process; while Bramley-Moore Dock, a heritage designation of the highest importance, supported by robust local policy in the World Heritage Site Supplementary Planning Document, has not been similarly discounted.

We do not consider that sufficient weight has been afforded to the importance of protecting designated heritage assets of the highest importance over and above the full exploration of local policy constraint or issues of the feasibility of ownership and acquisition.

We are concerned that the evaluation of Bramley-Moore Dock is inaccurate through giving insufficient weight to the issue of overriding planning constraints in accordance with the NPPF. Nor have the unacceptable environment or visual impacts of the proposed stadium given sufficient weight, despite it being accepted that the proposal would result in substantial harm to heritage designations.

The hierarchy of planning policy used to undertake the assessment is unconventionally weighted, as well as being inconsistently applied. This greatly undermines the validity of the assessment.

The document continues to be 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 fan travel times and 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 to be delivered on a different, and potentially less harmful, site.

In determining this application, the continued 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 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.

Yours sincerely

Marie Smallwood

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