

Appendix 12

Executive Summary



20F/0001

Bramley Moore Dock

Regent Road

Liverpool

Appendix 12: Executive Summary

The application seeks full planning permission for the construction of a circa 52,000 seat stadium at Bramley Moore Dock to provide a new home for Everton Football Club. The stadium is designed primarily for football use but may also be used to host other events such as music concerts.

The site covers an area of 8.67 hectares which includes the water body of the dock and the surrounding quaysides. Bramley Moore Dock is grade II listed and lies within the Stanley Dock Conservation Area and Liverpool's World Heritage Site. The scheme requires the creation of 3 new openings in Regent Road dock boundary wall which is also grade II listed and is accompanied by separate applications for listed consent for the works required. An application for outline planning permission has been submitted for the re-development of the club's current ground at Goodison Park in order that those proposals may be considered alongside the stadium application.

The stadium application was first submitted 24.12.19 and validated 12.2.20 when the additional information required including the Environment Impact Assessment was received. Public consultation on the application proposals commenced 20.2.20.

The general tone of the comments received was very positive reflecting the feedback the club received during its own pre-app public consultation with messages of support sent in from across the world. Taking note of the views expressed by key consultees and stakeholders a number of changes were made to the original design including the re-design of the West Terrace and removal of the multi storey car park. The façade treatment was simplified and wind mitigation refined to improve the external appearance of the stadium and landscaping. The extent of the new openings proposed in the dock boundary wall were reduced and changes made to improve inclusive access provisions. A second round of formal consultation was undertaken in Sept/Oct 2020 to inform interested parties of the changes made which consolidated the position made in the representations received on the application.

The proposed re-location of the EFC from its present ground at Goodison Park to a new stadium at Bramley Moore Dock would be a significant event in the history of the city and this application is a major decision for the local planning authority.

Understandably there has been substantial public interest in the proposals, evident from the volume of representations received on the applications, and whilst there have been a few objections it is clear the proposals have broad popular support overall.

The club have combined both the new stadium and the re-development of Goodison Park as 'The Peoples Project' as the two development proposals are inter-dependent. The stadium application must be determined on its own merits, but the future of Goodison Park is an important concern for the Club and the City and relevant to the stadium application. It is for this reason the Goodison Park Legacy Project has been developed in parallel with the new stadium scheme and is the subject of an outline application which is also reported on this committee agenda.

The proposed stadium development would clearly be a considerable undertaking for the club and an investment on such a scale has the potential to rejuvenate the docks and re-energise the North Liverpool area. Although the Northern Docks are hardly used at present, and derelict in parts, they are vital component in the city's maritime heritage and the reason for the designation of Liverpool Maritime Mercantile City World Heritage Site.

The waterfront location of BMD provides a unique opportunity to create a new landmark on the city skyline. The stadium proposals would open up access to the part of the WHS which is not currently available to the public, creating a modern attraction that would enhance the area and draw more visitors to the city. The potential of the site's waterfront location and the historic fabric of the area were recognised by the club from the outset and through positive pre-application engagement with the city council and other key stakeholders the stadium design has been developed to reflect and take advantage of the site's exceptional attributes.

It is certain that the proposed scheme will have a major impact on the site and its surroundings. Different opinions have been expressed in response to the application about whether the proposed scheme will damage or benefit the area. It is acknowledged that filling in the dock will harm the Outstanding Universal Value of the WHS possibly with significant consequences for the WHS designation. The counterview is that the development will enhance waterfront and breathe life back into the unused dock estate.

To determine the application, it is necessary to consider the development plans dispassionately having due regard to land use planning considerations alone and not emotions that affinity to football can generate. The application must be assessed objectively in accordance with local and national planning policy taking account of any planning considerations material to reach a balanced judgement.

To achieve this the application has been subject to a thorough assessment over an extended period with close consultation with statutory consultees and other key stakeholders. This report has outlined all the relevant concerns and the analysis undertaken to reach a considered recommendation.

Section 38(6) of the Planning and Compulsory Purchase Act (2004) and Section 70(2) of the Town & Country Planning Act (1990) require applications to be determined in accordance with the statutory development plan, unless material considerations indicate otherwise.

Section 1 of the committee report describes how the proposed development is in general accordance with a wide range of relevant policies of the UDP, but there are a number of policies where there is either non-compliance or only partial compliance. Many of these relate to heritage considerations, which it is acknowledged in the application are of most importance to the case.

Taken overall it is considered the development does not conform to the development plan when taken as a whole, and the application has been advertised as a departure from the development plan and assessed accordingly.

The site is allocated for Port Use under Policy E3 in the UDP, and it is accepted that this policy is now redundant in relation to Bramley Moore Dock as permission has been granted for the site to be developed for non-port related uses through the granting of Liverpool Waters outline planning permission in 2013. As the NPPF has been published since the UDP was adopted in 2002 where policy is out of date the guidance contained in the later NPPF prevails. In these circumstances paragraph 11 d (ii) of the NPPF applies.

NPPF (para 11d) states where there are no relevant development plan policies, or the policies most important for determining applications are out of date, permission should be granted unless:

The application policies in the NPPF which protect areas or assets of particular importance provide a clear reason for refusing development; or

Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against NPPF policies as a whole.

Although it is acknowledged that the development will result in varying degrees of harm to heritage assets and would thereby contravene heritage policies of the development plan, it is considered the development would also have significant public benefits in terms of the transformational regeneration benefits the stadium would bring to North Liverpool, the city and the wider region.

The public benefits that would result from an investment of this nature in this location are unique. The application has demonstrated why the club need to move to a new ground, the reasons BMD is the most appropriate location for a new stadium and the extent of public benefits the development would provide. On this basis it is considered that despite the acknowledgment that the proposed development will result in heritage harm there are compelling reasons why the development is necessary to achieve the substantial public benefits that outweigh the substantial harm that would occur.

In accordance with NPPF para. 11d(i) the application of Framework policies regarding the conservation and enhancement of the historic environment do not provide a 'clear reason' for refusing the development; and for the reasons set out in this report, it is concluded that there are no adverse impacts which would significantly and demonstrably outweigh the identified benefits (para. 11d(ii)).

On that basis, whilst the proposals do not comply with the policies of the development plan taken as a whole; having due regard to the planning matters set out in the whole of this report and the presumption in favour of sustainable development in the NPPF in particular it is concluded that the application is acceptable in principle.

In regard to other policy considerations it is agreed that the most important policy concerns relate to heritage assets as the site is located within the WHS and Stanley Dock Conservation Area. Also several listed buildings are contained within the site and the proposals affect the setting of other listed buildings.

The heritage assessment in section 2 of the report describes the impact of the proposed development on heritage assets and the mitigation measures incorporated in the design. The NPPF requires consideration of the adverse impacts of development to understand whether such impacts demonstrably outweigh the benefits. As the UDP pre-dated the inscription of the WHS it is accepted the NPPF should take precedent where any inconsistency in policy arises.

The design of the stadium and the public realm has evolved following extensive engagement with LCC and HE and benefited from a constructive design review process. The re-design of the West Terrace, the removal of the MSCP and re-configuration of the West Quay have by broad agreement enhanced the design. The West Terrace is a significant new element and creates a major new civic space on the waterfront that will be open to the public on non – match/event days. The removal of the MSCP improves the massing by giving the building more symmetrical balance. The western quay has been de-cluttered by the removal of the PV canopy creating more flexible space which can now be used for a range of purposes as well as parking. The original wind mitigation solution has been rationalised and the alternative solution improves the quality and appearance of the public realm and provides additional amenity space. The façade has been refined and the simpler approach makes the distinctive Leitch Truss pattern more legible and gives the base of the building a more solid appearance which is welcomed.

The functional requirements of the stadium have informed the design of the building and the space around it. As a result of the removal of the MSCP the access and parking arrangements have been revised. Most supporters and other users will access the site on foot via Regent Street through the new openings which it is proposed to create in the dock boundary wall. These openings have been re-designed and reduced in size to reduce the impact on the Grade II listed dock wall whilst still facilitating safe access and egress. On-site parking provision has been reduced from 481 spaces available to 149 on non-match days and 85 on match days. The accessibility of the site is constrained due to its location next to the river and docks and this presents a challenge for how disabled people's ability to access the stadium by public/private transport which remains a concern.

LCC Highways, Merseytravel and other transport stakeholders have been involved in the stadium plans and a full and robust transport assessment undertaken in the ES. This assessment has informed the scheme design and transport interventions necessary to support the operation. Temporary road closures will be required in periods before and after matches and major events similar to those found at other stadiums and details of the measures required have been agreed and are the subject of recommended planning conditions. In addition to the conditions the Club have committed to continue to establish a Transport Working Group to monitor the effectiveness of the transport strategies and improve measures where possible. This commitment is secured as a legal obligation in the S106 Agreement.

The potential environmental effects of the development have been fully assessed during the EIA process. The ES has been scrutinised by MEAS and Natural England

and additional information provided to support the technical requirements so that the LPA and its advisors can be satisfied that an appropriate assessment has been undertaken of the scheme in accordance with the Habitats Regulations. Where an adverse impact has been identified mitigation measures have been proposed to remove or reduce the impact. The implementation of such measures can be secured through the recommended conditions.

The stadium will transform the site and inevitably have a major impact on surrounding businesses and neighbouring residents. At present BMD is situated within an industrial dockland but once the stadium is built activity in the area will dramatically increase, particularly on match days and when major events are held. The EIA has assessed how the development will effect exiting conditions in the surrounding area and demonstrated that the stadium building and associated works will not have a significant adverse impact in terms of daylight / sunlight / overshadowing; noise and vibration; wind/microclimate; and air quality either during construction or upon operation once complete subject to the recommended mitigation measures being implemented. In this regard it is noted whilst the development will have a significant impact on the local environment it is believed that overall these changes will be positive for the neighbouring businesses and residents.

The site lies within the boundary of the Liverpool Waters regeneration scheme so is already earmarked for development. The difference is that the Liverpool Waters permission envisaged the dock water space would be retained and surrounded by residential blocks rather than filled in and developed for a stadium. Also under the Liverpool Waters outline permission the Northern Docks were scheduled as the final phase of development between 2036 – 2041, whereas the intention is for construction of the stadium to commence almost as soon as permission is granted.

As the Liverpool Waters project is a key regeneration scheme for the city it is necessary to consider how the stadium would affect the delivery of the Liverpool Waters development in general. As section 6 of this report explains the stadium will introduce an entirely different use to the site but this is seen as a positive change.

The proposals include the provision of new public realm that will connect to the proposed river walk, an important component of the Liverpool Waters masterplan, and help tie the development into the surrounding area. Appropriate management strategies and mitigation measures are planned to ensure potential problems of noise, air-quality, waste, ground contamination, water quality, and flooding will be suitably mitigated to protect residential and environmental amenity once the stadium is operational.

Taking these factors into account it is considered the stadium proposals will not prejudice the delivery of the remainder of the Liverpool Waters scheme but will, in fact, attract interest to the area so assist the Liverpool Waters scheme.

The application is supported by an Economic Impact Assessment which examines the potential value of both the stadium development and the Goodison Park legacy project in regeneration terms. The assessment seeks to quantify the benefits of the development during construction and once operating with estimates of the number of

jobs created and the value the schemes will add to the local economy. The conclusion of the assessment confirms that the development will deliver significant returns in the proposed £505m investment measured in jobs and additional spend and accelerate development interest in the Ten Streets and Liverpool Waters regeneration initiatives.

The primary concerns with the application relate to heritage. The application includes a Heritage Statement and Heritage Impact Assessment (HIA) that follows the ICOMOS guidelines. These reports consider the impact of the proposed development upon the identified heritage assets, taking account of the various mitigation measures inherent in the design. The Heritage Statement and HIA have been independently reviewed for the LPA through the application process with the findings set out in Section 2 of this report. This provides details of the significance of the heritage assets concerned and the magnitude of impact on them. It also outlines the relevant legislation and policy considerations, so the extent of compliance is clear.

The assessments have identified that the proposed development will result in substantial harm to the Outstanding Universal Value of the World Heritage Site, the Grade II listed BMD retaining walls and the Stanley Dock Conservation Area. It is anticipated that the proposed development will result in less than substantial harm to the Grade II listed Regent Road Dock Wall and the setting of the Grade II listed Hydraulic Engine House.

The level of harm is considered 'common ground' between the Club the LPA and Historic England who have objected and recommended refusal of the application on the basis that it has not been proven the development is necessary, so this harm has not been justified.

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 application has been assessed having special regard to those statutory duties to establish the significance of heritage assets and quantify the impact of the development on that significance. 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. Therefore, 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.

Section 1 of the report describes the reasons provided within the application why the Club needs to move from its current home at Goodison Park and the considerable efforts to find a suitable site to build a new ground. The Alternative Site Assessment (ASA) details the extensive site search and appraisal of potential sites. The ASA report explains why there are no alternative sites to BMD which could accommodate the Club's requirements. It reviews 51 other possible sites within the search area and explains why for different reasons these are considered not to be feasible, practical or realistic options for a new stadium development.

Historic England have been critical of the approach adopted in the ASA and the original report was updated with an extended catchment area to address this criticism. However, Historic England continue to have serious concerns that sites are discounted on local rather than national policy constraints and they do not consider enough weight has been afforded in the exercise to protecting heritage assets of the highest importance including the WHS. To satisfy itself that the ASA is sound and sufficiently credible to inform the planning assessment the LPA has sought advice from Leading Counsel. The original ASA report has been updated with an expanded area of search agreed with Historic England. The minimum size for the site has been reduced and more robust explanation provided for this change. An assessment of Goodison Park has been added to the updated ASA with a comparison to explain why the alternative sites considered are not better than BMD when all relevant factors are taken in consideration overall. Counsel has reviewed the revisions undertaken and confirmed the ASA is now fit for purpose.

In accordance with paragraphs 194, 195 and 196 of the NPPF it is necessary to consider whether the development proposals would deliver substantial public benefits that outweigh the heritage harm.

The application sets out the various public benefits associated with the development. These include environmental enhancements, social and cultural benefits for community, economic value and heritage benefits. As explained in section 1 of this report these impacts can be considered 'public benefits' which should be considered when weighing the identified harm against the advantages of the development as national policy requires.

By any measure North Liverpool is an economically and socially disadvantaged area which would benefit very significantly from the scale of investment involved. A point made repeatedly in the majority of public consultation responses which were overwhelmingly in support of the application.

EFC have strong roots in North Liverpool which they want to maintain and LCC support. Historic England accept the Club's desire to remain in the area is a valid consideration and although they dispute the search process the LPA has had advice from Leading Counsel that the ASA is sound and provides a credible and comprehensive appraisal on which to make an informed planning judgement.

In this respect although it acknowledged that the development will result in harm to heritage assets of the highest importance and that level of harm has been assessed to be at the substantial end of the scale, it is considered that there are wholly exceptional grounds for approving the application in that the development would bring significant public benefits to an area that is in real need. The application is a unique opportunity and it is considered there are compelling reasons why on balance the development is necessary to achieve substantial public benefits that outweigh the harm that would occur.

For all the reasons set out in this report the application is considered acceptable and recommended for approval subject to proposed conditions, referral to the Secretary of State and completion of a s106 legal agreement reflecting the terms outlined in this report.