

Agenda Item

Ward:	Kirkdale		
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 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).		
Applicant:	Everton Stadium Development Ltd		
Application No.:	20F/0001	Committee Date	
D.C. Team:	City Centre		
Recommendation:	Approve Subject to SOS not wishing to intervene		
Contact Officer:	Peter Jones		

Any supporting or background documentation referenced within the Case Officer Report may be available for inspection at the City Council offices by prior appointment in accordance with the provisions of Section 100D of the Local Government Act 1972. Note that the right to inspect such materials is contingent on the provisions of both Schedule 12A Local Government Act 1972 (as amended) and the Data Protection Act 2018.

Case Officer Report

Site Description

The application site comprises an area of 8.67 hectares that includes the water body and quaysides of Bramley Moore Dock (BMD) which are Grade II listed and the Grade II listed Nelson Dock northern 'wet wall' face. The docks are surrounded by hard standings and a number of buildings in various states of use and condition. The most notable being the Grade II listed Hydraulic Engine House to the north-east of the site and the large blue warehouse building situated along the southern flank of Bramley Moore Dock.

The site lies approximately 2 km north of the Pier Head and 2.9km to the south west of the Club's current home at Goodison Park. It is bound to the north by the United Utilities Wastewater Treatment Works (WwTW) which now occupy the infilled Wellington Dock. Sandon Half Tide Dock is situated to the north of the site, lying to the west of the WwTW and connects to the BMD waterbody at the north west corner of the site. The eastern boundary of the site is delineated by the Grade II listed Dock Boundary Wall which runs the length of Regent Road from Liverpool city centre to Bootle. The dock boundary wall lies within the application site and contains two turreted entrances at the north eastern and south eastern corners of the site. The southern boundary of the site abuts Nelson Dock and includes the northern quayside and Grade II listed Nelson Dock retaining wall.

The waterbody in BMD is connected to Sandon Half Tide Dock, and the docks beyond, via lock gates situated in the north western corner of the site. To the south BMD is linked to Nelson Dock although access is obstructed by a concrete isolation structure. This isolation structure controls water flows via a series of pipes and prevents water borne traffic. This means boat passage is currently available to and from BMD to via Sandon Half Tide to the northern docks but the dock network to the immediate south of BMD is non-navigable. Water levels within the dock system are currently controlled by lock gates at Langdon Dock which is approximately 1.8km to the north of BMD.

The western boundary of the site is formed by the River Mersey sea wall which separates the application site from the River Mersey. The sea wall is a concrete structure, elevated in parts, which falls outside the application site and is in the ownership of Mersey Docks and Harbour Company ('MDHC').

The following buildings are present on the site:

- The Grade II Hydraulic Engine House which is currently derelict and in need of repair having been vacant and disused for a long period;
- An unlisted two storey brick structure located at the western end of the north wharf;
- An unlisted shed structure (the blue warehouse) which is occasionally used for music events;
- A substation located to the eastern site boundary; and
- Two small brick structures on the western quayside.

The dock retaining walls that enclose BMD & Nelson Dock are Grade II listed and there are a number of other unlisted heritage features that populate the quayside such as capstans, cobbled setts and railway tracks which typically characterise the historic dock environment.

Access to the majority of the active dock network is restricted for operational reasons. Access to BMD is currently controlled on site via two existing gated openings in Regent Road Dock Wall. Both these access and egress points provide authorised pedestrian and vehicular access to the site. Like most of the dockland environment the site is not publicly accessible and there are no other routes available into the site.

The area surrounding the site is generally industrial in character. The dock system runs north to south adjacent to the River Mersey covering a length of approximately 6 km from Royal Seaforth Dock in Sefton to Brunswick Dock south of the Pier Head. The area to the east of the application site is known as Ten Streets and Wellington Employment Area and predominantly comprises commercial and industrial properties and storage yards including a timber retailer and tyre business. Immediately to the east of BMD a small row of two and three storey properties front onto Regent Road which contain business and residential premises and to the South, the Bramley Moore public house. To the south east lies the Titanic Hotel and Stanley Dock Warehouse which is undergoing conversion into residential apartments. Sandhills Station is located approximately 1km to the north-east of the site and serves Merseyrail's Northern Line which links Southport, Ormskirk and Kirkby to Liverpool City Centre and ends at Hunts Cross Station.

BMD was previously used for aggregate storage and distribution operated by Mersey Sands until their lease expired in August 2019. At present the dock remains in use by Svitzer which operates a tugboat service and the company Cataclean which also has a lease for holding events. The leases for these businesses expire in 2021.

Heritage Assets

The site forms part of United Nations Educational, Scientific and Cultural Organisation (UNESCO) World Heritage Site (WHS) Liverpool – Maritime Mercantile City designation. The WHS was designated in 2004 and comprises six areas within the historic city centre and docklands. The application site also lies within the Stanley Dock Conservation Area. The Conservation Area is one of the six areas that make up the WHS and covers several historic docks including BMD and contains a number of listed structures and parts of the Liverpool – Leeds Canal.

The application site contains the following listed structures:

- BMD Dock retaining walls - Grade II;
- Hydraulic Engine House - Grade II;
- Regent Road Dock Boundary Wall - Grade II;
- Nelson Dock retaining walls (North Quay) - Grade II.

Ecology

The following ecological designations are within a 2 km area surrounding the application site:

- Mersey Narrows and North Wirral Foreshore Ramsar Site;
- Mersey Narrows and North Wirral Foreshore Special Protection Area (SPA);
- Mersey Narrows Site of special Scientific Interest (SSSI);
- Liverpool Bay SPA extension (SPA).

There are also two Local Wildlife Sites within 2km of the site:

- Melrose Cutting LWS; and
- Leeds Liverpool Canal LWS

Policy Designations

Within the Liverpool Unitary Development Plan (UDP), adopted 2002, the application site is allocated as Port land within the Developed Coastal Zone and is situated within the WHS & Stanley Dock Conservation Area. Policies E3, OE4 and HD7 – HD14 apply. Within the emerging Local Plan (draft submission version May 2018), the site is situated within the 'Waterfront & its Fringes' area and is designated as Mixed-Use Area. Emerging policies CC10, CC11, CC12, HD1, HD2 and EC6 are relevant.

The site also lies within the Liverpool Waters policy area. This major regeneration project received outline planning permission (LPA ref. 10O/2424) in June 2013 for the comprehensive redevelopment of 60 hectares of former dockland for mixed use development. Bramley Moore Dock along with Nelson Dock form the Northern Docks Neighbourhood of the Liverpool Waters scheme.

The Application Proposals

The application seeks detailed planning permission for the construction of a new stadium within BMD for the use of Everton Football Club. The description of the proposed development is as follows:

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).

In addition to the full planning application, separate applications have been submitted for listed building consent (LBC) for openings to the Grade II Regent Road Dock Wall (ref: 20L/2543); works affecting the Grade II listed BMD retaining walls (ref: 20L/2611); with a further application works in relation to the Grade II listed Hydraulic Engine House (to secure the building during the construction phase, make good the structure and convert

the building to its future use) to be submitted post committee determination. The re-development of the club's current ground Goodison Park is subject to an outline application ref: 20O/0997 with details on the Goodison legacy provisions set out later in this report.

The stadium has been designed primarily as a football ground for the use of Everton Football Club. In addition to its primary function, the stadium may also host other events, such as non-football related sporting events or concerts (details below). It is proposed the operation of the stadium for such events will be subject to appropriate controls as will the use of the stadium for football matches e.g. maximum capacity, levels of amplified sound, lighting. These controls will be enforced mainly through the licensing process should planning permission be granted.

This planning application seeks permission for up to four major non-football events at full capacity being held at the proposed stadium per year (e.g. concerts or other sporting events such as boxing). In addition to these major events, the following smaller events may also take place throughout the year:

- Meetings/Conferences - potential for up to 261 days per year;
- Exhibitions/Conventions - potential for up to 339 days per year;
- Weddings - potential for up to 79 days per year;
- Funerals - potential for up to 261 days per year;
- Banqueting - potential for up to 339 days per year;
- Christmas Parties - potential for up to 27 days per year; and
- Stadium Tours - potential for up to 339 days per year.

It is also intended that once refurbished the Grade II listed Hydraulic Engine House will function as an exhibition space, potentially with a small café / coffee shop and approval for this change of use is sought as part of this application. The club have committed that refurbishment of the building will be completed prior to the first use of the stadium which is secured through the proposed s106 agreement.

On a non-match, non-event day, it is proposed the site will remain open to the public, subject only to limited exceptions. The club shop, restaurants and box office within the stadium will be open during business hours. The exhibition space within the Hydraulic Engine House will also be open on non-match / non-event days. The public realm will be accessible to all on a non-match / non-event day (subject to security and safety considerations) which will allow people to walk throughout the site and enjoy the space provided.

Structure of Application

To enable the Local Planning Authority (LPA) to assess the acceptability of the proposed development with regard to the statutory development plan and other material considerations the applicant has submitted the drawings and documents listed below.

This includes an Environmental Impact Assessment (EIA), submitted in accordance with The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (i.e. it was scoped prior to the EIA regulations amendment in 2017 and is therefore to be assessed under the 2011 Regulation). The regulations require projects of a certain scale

to be assessed to establish whether they would have any significant impact on the environment. The aim of the EIA process is to provide the decision maker with the information necessary to consider potential environmental impacts, to ascertain whether these are acceptable and to inform measures to mitigate any impacts likely to result in significant effects, or remove them completely, prior to the granting of planning permission.

The content of the EIA has been informed by a Scoping Exercise through consultation with the LPA, statutory consultees and other stake holders. As the proposed scheme comprises both marine and terrestrial elements consent is required from both the LPA and the Marine Management Organisation (MMO) the scope of the EIA was agreed by both authorities to allow a single EIA report to be prepared that meets the requirements of both authorities.

The application was initially submitted on 23.12.19 with the balance of the documents required to complete the registration process, including the EIA, provided on 12.2.20. The application validation date is therefore 12.2.20.

As a result of the feedback received following consultation on the application several design changes were made to the original proposals. Revised plans were then submitted on the 04.09.20 and a number of the application documents updated.

A full list of the application drawings and documents is provided in appendix 8. These include the following forms, plans and reports:

- Planning application forms and detailed drawings
- Planning Statement (& September 2020 Addendum)
- Alternative Sites Assessment (September 2020)
- Design & Access Statement (& September 2020 Addendum)
- Statement of Community Engagement
- Section 106 Draft Heads of Terms
- Desk Top Utilities Search
- Security Planning Report
- Sustainability Statement
- Energy Statement
- Hydraulic Engine House – Design Intent Report
- Hydraulic Engine House - Visual/Structural Condition Appraisal
- Social and Heritage Value Report (incl. Post Covid Update)
- The Societal Value of the Relocation of Everton Football Club (& Update)
- Bathymetric survey
- Bramley-Moore Dock Condition Survey
- Utilities Status Report
- Interim Staff Travel Plan
- Match Day Transport Strategy Summary
- Framework Event Transport Strategy Summary
- Environmental Statement - including the following topics;
 - i. Transport
 - ii. Air Quality
 - iii. Noise & Vibration
 - iv. Ground Conditions

- v. Water Resources, Flood Risk & Drainage
- vi. Flood Risk and Drainage
- vii. Terrestrial Ecology
- viii. Aquatic Ecology
- ix. Wind Microclimate
- x. Daylight, Sunlight & Overshadowing
- xi. Lighting
- xii. Townscape & Visual Impact
- xiii. Built Heritage
- xiv. Archaeology
- xv. Socio-Economics

Details of the Proposed Development

The proposed development comprises a new stadium which has been designed as a football ground but with the ability to be used for other events with associated facilities as described above.

The proposed stadium building is orientated in a North-South position. It comprises four stands (north, east, south and west) and will have a seated capacity of 52,888 people. Parts have been designed to be adaptable so there is the potential to increase capacity in the future, if safe standing were to be introduced in England (subject to conditional approval).

There are four levels of stadium accommodation (including ground level), which includes space for Back of House, General Admission (GA), Hospitality, Catering, Media, Medical, Parking, Plant & Risers, Players, Retail, Security and other Stadium Facilities. The fourth level contains mechanical equipment and plant, enclosed by a screen.

The Hospitality and GA concourse areas include toilets, food & beverage sales points and other retail areas. Hospitality areas are located within both the east and west stands. Of the 52,888 seats, around 5,000 are hospitality seats. Within the west stand a publicly accessible riverside restaurant is proposed, with a café facility available in the east stand, both of which are proposed to be open on non-match / non-event days.

For a typical match at the stadium, capacity is set at 52,888. It should be noted that this includes all people who will be seated within the stadium on match days, both revenue seats (paying supporters) and non-revenue seats (officials, media, teams, directors). This figure can be broken down as follows:

- Standard home seats: 43,880
- Premium seats: 5,334
- Box seats: 448
- Away seats: 2968 (typically 15%)
- Non-revenue seats: 258
- Total 52,888

It is envisaged that for a typical fixture, approximately 2,968 seats will be available to away supporters. This allocation will fluctuate depending on the type of fixture, such as FA Cup or European fixtures. The above figures represent a ticket breakdown for a typical league

fixture. For fixtures where the away supporter allocation is increased, this will come at the expense of the home seats and vice versa.

The away fans section is located at the north-east corner of the stadium. The main home end is the southern stand which has been designed with the greatest number of seats with the steepest rake possible given the stadium metrics to maximise the impact of home support supporters and optimise the spectator experience. The east and west stands also accommodate home fans.

The proposed stadium is located mostly within the proposed infilled section of the waterbody of BMD. The foundations of the stadium and all other proposed structures have been designed to ensure that they bridge over the listed retaining walls of BMD with the building effectively spanning the dock walls.

The stadium building has a height of 44.75m. In order to mitigate the risk of flooding, accounting for future climate change, it is proposed that the Level 00 Finished Floor Level (FFL) is raised to 7.3m AOD. Taking this into account, the proposed maximum height of the stadium (at the highest point) is therefore 52.05 m AOD. To the top of the bowl, the proposed height is 36.135 m AOD.

The stadium has a contemporary design that takes its cue from the site's industrial dockland past. The building has a broadly rectangular form with four clear sides surrounding the pitch. It has a modern barrel shaped roof that leaves the pitch open to the elements whilst providing shelter to the seating underneath. The roof is formed from perforated aluminium cladding laid over a lightweight truss and is partially covered by photovoltaic panels.

The base of the stadium is predominantly brick which is aimed to replicate the rectangular massing of the warehouse examples in the area. The base comprises alternating columns of perforated metal panels and brick pillars. The design includes a pattern within the façade to represent the criss-cross steelwork used by original Goodison Park architect Archibald Leitch. This will be included across the base of the stadium using different brick / mortar tones to create a pattern within the materials and add interest and texture to the structure.

At both the north and south elevations a large window features across the length of each elevation providing views out over the city which will be particularly dramatic looking south to the Pier Head and the Liver Building.

The Grade II listed Hydraulic Engine House is required by the proposed planning obligation to be refurbished and converted into an exhibition space / cultural centre potentially with a small café/coffee shop;

On non-match and non-event days the site will remain open to the public (subject to security and safety considerations). The club shop, restaurants and box office will be open during business hours and the aim is the exhibition space within the Hydraulic Engine House will open on non-match/ non-event days as well.

Alongside the stadium the proposals include significant new areas of public realm. These landscaped spaces will assist pedestrian circulation around the stadium through the

northern and southern concourses and also create opportunities for meeting and socializing whether or not the stadium is being used for a match or event.

The primary public space on the eastern side of the stadium is the proposed fan zone plaza. This is a sizeable area of new public space located behind Regent Road dock boundary wall which is to be used as a 'fan zone' plaza on match days, when it will be occupied by temporary structures associated with fan entertainment and the match day experience e.g. entertainment stage, canopies, food and beverage outlets and other activities and on a non-match / non-event day as an area of public realm.

To the west of the stadium a large terraced area is also proposed affording elevated views across the River Mersey. Referred to as the West Terrace this stepped area is located between the west stand and the eastern side of the newly created water channel and will provide access to the stadium at the upper level and allow people greater access to the water's edge and enhanced experience and appreciation of the listed BMD retaining walls.

A key heritage component of the proposals is a water channel to the west of the stadium to provide a visual connection between the interlinked docks. The channel is to be created, following excavation of infill material, between the existing isolation structure between BMD and Nelson Dock to the south and a new isolation structure proposed between BMD and Sandon Half-Tide to the north.

The exposed listed dock wall will form the channel's western edge and the new retaining wall supporting the western terrace will form the eastern edge allowing close access to the water's edge. The construction of a new isolation structure between Sandon Half-Tide Dock and the proposed water channel will provide pedestrian and vehicular access around the site.

The proposals include a mixture of both hard and soft landscaping with new street furniture and boundary treatments. The hard landscaping comprises a mix of existing, old materials – such as reclaimed granite setts, railway tracks – and new materials, including granite setts / flags and brushed concrete with steel edge.

A crucial part of the landscape strategy is the retention of the top of the Grade II listed coping stones of the BMD retaining wall, which is to be visible where exposed in the public realm, outside of the stadium footprint. The area of infill (i.e. the former water body) will be finished with a new concrete surface material with hints of blue tones and line work pattern to represent the water that used to fill this space.

An Artefact Appraisal and Heritage Asset Survey has been completed to identify and categorise the dock infrastructure present on the site, such as capstans, bollards and ladders associated with the listed retaining walls. Where possible, the identified heritage assets which can be retained will be removed and renovated during construction and then reinstated as part of the proposed landscaping strategy, thus allowing the public to access and appreciate features connected to the historic maritime use of the application site.

Although the intention is for the site to remain publicly accessible throughout the year, the proposed development includes a series of gates and fences to provide the Club with the ability to close off parts of the site for matches and events or if a security or safety situation dictates. The northern site boundary will be a secure steel mesh fence, as no

movement is possible between the stadium site and the operational United Utilities wastewater treatment works (WWtW) to the north. Fences are also proposed along the river wall in order to prevent access. Along the southern site boundary, a new balustrade is proposed along the quayside where it meets the Nelson Dock waterbody, and a 2.4m high secure fence with controlled access gate is required until Nelson Dock is developed as part of the Liverpool Waters scheme. However, once Nelson Dock is developed the gates will be opened as part of the wider dockland River Walk. The eastern site boundary will remain defined by the Grade II listed Regent Road Dock and three new pedestrian entrances are proposed through the Regent Road dock wall.

On a matchday, the primary space for fans to gather will be the fan plaza located to the east of the stadium, between the stadium and the Regent Road dock wall. Within this area a number of temporary structures will be provided to enliven the match day experience. The structures include: performance platform with screen and overhead canopy; bag drop area; canopies offering shade and shelter to groups of supporters. With temporary seating and tables; TV screens; temporary concession stands; games venues; gaming areas; temporary wheelchair accessible toilets and areas for assistance dogs.

There are two parking areas within the site. A small car park with space for 10 vehicles situated in the north eastern corner of the fan plaza which is to be used for short stay parking on non-matchdays only and a larger parking area located on the West Quay. Full details of the access and parking arrangements are set out in the Match Day Transport Strategy and Event Transport Strategy. All vehicle access to the site is provided directly from Regent Road through the two exiting gated openings in the dock boundary wall. Pedestrians and cyclists will also be able to use these openings and there will also be three new pedestrian only openings created through the grade II listed Regent Road wall to increase pedestrian capacity and provide safe accessibility on match and non-match days.

The main parking area on the West Quay will be able to accommodate 149 cars plus 4 motorcycle spaces. On match days part of this area will be used as an Outside Broadcasting Compound (OBC) for media and broadcasting vehicles reducing the capacity to 85 spaces. This will include 52 accessible bays, plus 2 electric accessible bays which will be formally marked out on site. The standard bays will be left unmarked to reduce the impact on the West Quay public realm and so that it can be used as a flexible space. On match and event days staff will be used to make the most efficient use of the area available. A proportion of the car parking spaces will have electric charging facilities for electric vehicles and provision is included for 152 bikes to be parked within dedicated cycle parking facilities primarily located within the fan plaza. The parking area will also be 'future-proofed' so additional electric charging facilities can be introduced if required.

All servicing will take place to the north of the stadium where internal service bays will be created with the bulk of hospitality facilities accommodated within the western stadium structure.

Two vehicle and pedestrian bridges will connect across the water channel to the West Quay where the surface car park will be created and allow for vehicle circulation. To the west of the surface car park adjacent to the river wall, a 'River Walk' route will be created. It is envisaged that this route will eventually connect to the River Walk Route that The Peel Group will create as part of Liverpool Waters which will run to the city centre. The

River Wall Route will be one of three north-south pedestrian - cycle routes that will be created through Liverpool Waters as development unfolds.

A site access strategy has been established for the stadium, which varies between match days and non-match days, to account for the difference in transport demand across various scenarios. On match days and for major events a Transport Strategy will be employed to regulate access to the stadium and control parking in the surrounding area. Further details of the site access strategy for match days and non-match days are set out in section 3 of this report.

Design Changes

The following changes have been made to the original design in response to the feedback provided during the first round of consultation including the advice provided through the Places Matter Design Review and by Planning Officers:

West Terrace - The multi-storey car park (MSCP) adjoining the west stand has been removed resulting in the re-design of the western elevation. A new stepped plaza is incorporated in the scheme which creates a public terrace with links to the stadium building and water channel to the west. Referred to as the West Terrace this feature creates a covered fan zone with sheltered access / egress to the west stand turnstiles below. The re-design includes introduction of a large glazed portal in the centre of the west façade aligned with level 01 of the stadium building so terrace can be used as a breakout space for the hospitality on match or event days. At the lower level the central opening marks the player drop off area and entrance to the changing area.

Scale and Massing – Following the removal of MSCP the Stadium footprint moved eastwards by 4.5m to restore a symmetrical balance to the building composition when viewed from the south. Minor adjustments have also been made to the roof design resulting in the reduction in overall height of the stadium by 2.11m (to below 45m 'mid-rise' building height as defined in the WHS Supplementary Planning Document);

Wind Mitigation Measures – The removal of the MSCP and inclusion of the Western Terrace has allowed an alternative wind mitigation solution. Several large wind baffles previously proposed have been removed and replaced with trees and seating areas;

West Quay – The canopy over the surface car park has been removed (which included the array of photovoltaic (pv) panels). The Outside Broadcasting Compound (OBC) has been relocated and sub-station reduced in size and re-positioned to northern section the of West Quay. These changes have been designed to improve views from the West terrace out to the River Mersey and create a flexible space so the area can be used for event day parking, as an OBC or as an outdoor event space eg: market area;

Façade Simplification – The design of the brick façade has been simplified to enhance the appearance of the 'Archibald Leitch' lattice work in memory of this signature architectural feature of Goodison Park's Bullens Road stand. This has been achieved by removing the thinnest brick pier which also contributes towards creating a more solid presence to the brick base to the stadium. Also the 'Archibald Leitch' pattern has been limited to the brick piers only and removed from the metal and glazing panels to simply the façade and make the pattern clearer;

Regent Road Dock Wall – The proposed openings through the Grade II listed dock boundary wall have been re-designed and reduced in size. The previous design proposed three sets of four openings with each opening extended to 4.11m (total 49.32m). Following a review of structural and buildability requirements the proposals are now to create three openings, each extending to 8.15m, with 0.825m either side finished in salvaged granite. This results in 24.45m of new openings (29.4m of wall affected when including the ends). This represents a reduction of 24.8m in the extent of wall to be left removed compared to the original proposals.

Inclusive Design – A number of changes are proposed to the internal facilities and seating configuration to improve inclusive access. These include an increase in the number of wheelchair seating positions, accessible amenity seating identified, additional toilet facilities including gender neutral toilets and extra changing place facilities, lift access added to West Terrace and provision of accessible minibus drop off and pick up route.

Sustainability - The solar panels have been re-positioned onto the stadium roof de-cluttering the West Quay for non-match day use and allowing additional disabled parking to be provided. The solar panels will not be visible from street level;

Access & Parking - The parking arrangements have been revised following the removal of the MSCP. On non-match days 149 cars can be parked on the West Quay (down from a former total of 481) On match days 85 spaces are available as part of this area will be used as the Outside Broadcasting Compound. 54 of the spaces will be accessible. Also the non-match day short stay parking area has been re-located from the south-east corner of the eastern Fan Zone Plaza to the north east corner of the site next to the security building and the number of vehicles that can be accommodated has reduced from 27 to 10. Arrangements for disabled supporters and visitors to access the site have been revised and an accessible minibus route proposed to improve access to and from the stadium on match days and for major events.

Construction & Phasing

A Construction Management Plan (CMP) has been submitted with the application as part of the EIA. The CMP outlines the various stages of the construction process. It is expected that it will take 37 months (150 weeks) and carried out as a single phase covering the demolition, construction and fit out works. For the purpose of the application it has been assumed that the opening year for the development will be 2024 with construction to commence in Q1 2021 (pending referral to the Secretary of State).

The construction programme activities can be divided into the following construction stages:

Stage 1 – Site preparation including establishment of hoardings, protection of listed structures, dock wall repairs, fish transfer, construction of permanent northern isolation structure, dock infilling, material compaction and installation of geotextile membrane.

Stage 2 – Substructure including piling

Stage 3 – Superstructure concrete works for East and West stands

Stage 4 – Steelwork and precast terracing

Stage 5 – Roof steelwork

Stage 6 – Construction of the polycarbonate roof and mesh cladding to the barrel roofing system.

Stage 7 – Façade works including secondary steel, brickwork piers, glazing, and mesh and brick infills between brick piers, doors, gates turnstiles, etc.

Stage 8 – Mechanical, electrical and plumbing installation, internal fit out works including installation of lifts & escalators fit-out of accommodation, corporate spaces, concessions, concourses and bowl including seating.

Stage 9 – Pitch works.

Stage 10 – Excavation of new Western Water Channel.

Stage 11 – External works including hard and soft landscaping and completion of Regent Road wall openings.

Stage 12 – Testing, commissioning and move to fully operational.

Weeks 1–25	Substructure to North and South stands, main dock filling works
Weeks 25–50	Steelwork and precast to North and South stands, substructure to East and West
Weeks 51–75	Roof steelwork North and South stands, concrete superstructure to East and West
Weeks 76–100	Roof coverings and facade as well as fit-out to North and South, steelwork and precast terrace units, immediately followed by steelwork roof trusses, as well as commencing lower facade and flat roof to East and West stands
Weeks 101–125	Roof coverings and fit-out to East and West, fit-out continuing to North and South
Weeks 126–150	Fit-out and complete roof coverings to East and West, pitch under construction

The proposed methodology for infilling the dock is set out in Dock Infill Method Statement submitted with the application. This methodology has been prepared based on experience of other dock infill projects, including the works to infill Wellington Dock adjacent to Bramley More Dock, which was infilled in 2012 to accommodate the United Utilities Waste Water Treatment Works. The works have been designed to minimise harm to the listed dock retaining walls and minimise the risk of contamination and impact on ecology.

The proposed infill material is sand which has been chosen to as it reduces the risk of damage and means that the infill works are technically reversible.

In accordance with the Construction Management Plan (CMP) 'noisy' activities, such as piling, generally must be carried out within the following hours:

Monday – Friday 07:00-19:00

Saturday – 07:00- 13:00

It is noted that some essential construction activities will be necessary outside these hours, particularly in the early stages of the development in relation to the dock infill and details of these works will need to be agreed through the recommended CMP condition. No working is to be undertaken on Sundays or bank holidays unless prior written consent is obtained beforehand from LCC and neighbours notified in writing.

The Future of Goodison Park

An important planning consideration and key element of the 'The Peoples Project' is the club's plans for Goodison Park following the relocation to BMD. The Planning Statement submitted with this application provides details of the proposed Goodison Legacy Project explaining the club's plans for the redevelopment of its existing ground at Goodison Park.

Those proposals are the subject of a separate application for outline planning permission - *To demolish existing buildings and redevelop the site for a mix of uses, comprising residential units (Use Class C3); residential institution (Use Class C2); shops (Use Class A1); financial & professional services (Use Class A2); food and drink use (Use Class A3); drinking establishments (Use Class A4); hot food takeaways (Use Class A5); business use (Use Class B1); non-residential institutions (Use Class D1); and open space, with associated access, servicing, parking and landscaping. (Outline application with all matters (Access, Appearance, Landscaping, Layout and Scale) reserved) (Ref:200/0997).*

The club's connections to North Liverpool are central to the area of search which has then led to the identification of BMD as the location for a new stadium. The club have fully acknowledged the importance of Goodison Park to the economic and social fabric of North Liverpool. A socio-economic assessment has been undertaken by the club in relation to their development plans. Whilst both proposals are the subject of separate applications, both the BMD stadium and Goodison Park plans are inherently linked as part of the same project and the club recognise completely the value of the club's role in the community and the importance of the legacy project for the local area. The plans for Goodison Park aim to provide new residential accommodation, including a substantial proportion of residential care units, and new commercial, retail & leisure floorspace. The plans provide for a mixture of properties and space for community uses and publicly accessible amenity space. The re-development of Goodison Park is proposed to be phased with reserved matters applications being submitted for individual blocks. Works would commence with demolition of the existing ground once the new stadium is completed at BMD.

Although the plans are the subject of separate applications on different sites the club has confirmed its commitment via a S106 which requires the club to commence redevelopment of Goodison Park with an agreed period of Bramley Moore Dock being first used for league football or hosting an event with more than 10,000 spectators following the grant of planning permission.

Since the submission of the application, the next phase of Everton in the Community's (EitC) investment in the local area surrounding Goodison Park has obtained planning approval in the form of The People's Place, a new drop-in mental health facility located on land adjacent to 46 Spellow Lane (application ref; 19F/3055 approved 20.4.20).

Relevant Site History

20NM/1801 Application for non-material amendment to Liverpool Waters Outline
Permission ref:10O/2424. Approved 18/09/20

19NM/1121 Application for non-material amendment to Liverpool Waters Outline
Permission ref:10O/2424. Approved 23/08/2019

18NM/2766 Application for non-material amendment to Liverpool Waters Outline
Permission ref: 10O/2424. Approved 16/11/2018

12C/0173 Application to demolish transit storage shed on south wayside of Bramley-Moore Dock and brick shed on north wayside so as to enable the comprehensive mixed-use redevelopment of land at Liverpool Central and Northern Docks (Liverpool Waters). Approved 28/06/2013

10O/2424 Outline application for Liverpool Waters - The comprehensive redevelopment of up to 60 hectares of former dock land to provide a mixed use development of up to 1,691,100 sq m, comprising: up to 733,200 sq m residential (Class C3) (9,000 units), up to 314,500 sq m business (Class B1), up to 53,000 sq m of hotel and conference facilities (Class C1) (654 rooms), up to 19,100 sq m of comparison retailing (Class A1), up to 7,800 sq m of convenience retailing (Class A1), up to 8,600 sq m of financial and professional services (Class A2), up to 27,100 sq m of restaurants and cafes (Class A3), up to 19,200 sq m of drinking establishments (Class A4), up to 8,900 sq m of community uses (Class D1), up to 33,300 sq m of assembly and leisure (Class D2) up to 17,600 sq m for a cruise liner facility and energy centre (Sui Generis), up to 36,000 sq m for servicing (Sui Generis), and up to 412,800 sq m for parking (Sui Generis) together with structural landscaping, means of access, formation of public spaces and associated infrastructure and public realm works. Approved 19/06/2013

12L/0847 Listed Building Application To carry out works in connection with re-opening of existing entrance to Bramley-Moore Dock, demolish brickwork and replace with palisade fencing/gate Bramley-Moore Dock Regent Road Liverpool L3 7DS. United Utilities Plc Approved 17/05/2012

12F/0845 Full Planning Application To re-open existing entrance to Bramley-Moore Dock, demolish brickwork and replace with palisade fencing/gate Bramley-Moore Dock, Regent Road, Liverpool L3 7DS United Utilities Plc, Approved 17/05/2012

11F/1581 Full Planning Application To infill Wellington Dock with approximately 250,000 cubic metres of dredged sand and erect replacement secondary treatment plant with associated plant and machinery, Sandon/Wellington Dock, Regent Road Liverpool. Approved 12/01/2012.

04L/0825 Listed Building application to construct fixed isolation structure blocking passage between Bramley-Moore Dock and Nelson dock in connection with the Liverpool Leeds Canal Link to Canning Dock (Planning application Nelson Dock, Liverpool, L5 British Waterways Board 04F/0823 refers) Approved 06/06/2006

Consultations

Scope

In accordance with the statutory requirements of the Town and Country Planning (Development Management Procedure) Order 2015 (DMPO), the application has been publicised by way of neighbour notification letters being sent to nearby properties and notices being posted around the site and in the local press. Local councillors and various other internal and external consultees were also consulted as detailed below.

As the original proposals have developed two rounds of formal consultation have been undertaken on the application by the LPA. The first was carried out in February 2020 in the relation to the scheme initially submitted in December 2019. The second to publicise and seek views on the amendments to the application submitted in September 2020. On both occasions the application has been publicised in the same way by means of neighbour notification letters, site notices and press notices.

On each round of consultation 2,350 letters were sent out to neighbouring residents/businesses and a range of local resident's groups were notified direct, including Kirkdale Neighbourhood Council; Vauxhall Neighbourhood Council; Macbeth & Celia Street Council; Eldonians; West Waterloo Dock and Waterloo Quay residents Associations and the Save Waterloo Dock Campaign Group.

All those directly notified under the second consultation were advised that any comments previously submitted did not need to be repeated as they would be still taken into account when the application was considered although further comments in relation to the proposed changes were welcome.

As the application is currently zoned for Port uses in the Liverpool Unitary Development Plan (UDP) the stadium proposals represent a departure from the Development Plan, the application has been publicised as such by means of site and press notice in accordance with article 15 of the DMPO. Also as the application constitutes a development that requires Environmental Impact Assessment under the Town and Country (Environmental Impact Assessment) Regulations 2011 it has also been publicised by means of site and press notice in accordance with articles 15 and 16 of, and schedule 3 to, the DMPO.

In addition to the formal consultation undertaken by the City Council the applicant carried out its own consultation prior to submitting the application. This involved a two stage public engagement campaign with fan survey, formal stakeholder meetings, dedicated project website, resident's leaflet drop and questionnaire, and city-region wide roadshow. The first stage of the exercise focused on the principle of the club moving to Bramley Moore Dock. The second round presented emerging designs for the new stadium and the illustrative masterplan for the Goodison Park Legacy Project. These events were wide ranging and well attended. Over 63,000 responses were produced, of which approximately 4,600 were from non-football fans or followers of Clubs other than Everton.

96% of respondents expressed support for the proposals overall and to the club's re-location to Bramley Moore Dock, 2% of respondents expressed no preference 1% preferred not to say and 1% favoured leaving the dock undeveloped. The proposed stadium design revealed in the second consultation attracted significant support with 98% either supporting or strongly supporting the design. Full details are set out in the Statement of Community Engagement report submitted with the application.

Responses to the LPA's first consultation regarding original application proposals submitted December 2019 (in summary – full details provided in appendix 5).

Cllr Joe Hanson – No comments
Cllr Malcolm Kennedy – No comments
Cllr Lisa Gaughan – No comments

External

Historic England - Advise Liverpool's docks were the heart of the city and the principal source of its spectacular wealth. In 1844 five new docks, the Stanley Dock complex, were built in one phase, creating a sequence of inter-connecting basins designed by renowned dock engineer Jesse Hartley. This was the pinnacle of 19th century dock design and cargo-handling and influenced ports around the globe. The Grade II listed Bramley Moore Dock, the largest of the five docks, was built for use by the largest steamers of the time. The Stanley Dock group therefore forms a critical component of Liverpool's mercantile history and is a key area and principal attribute of the Outstanding Universal Value of the Liverpool Maritime Mercantile City World Heritage Site, sustaining a very high level of integrity and authenticity; the management of the World Heritage Site is a very important consideration.

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

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

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 Historic England also

consider the application should be determined by the Secretary of State and indicated they shall ask that it be called in for his determination.

Natural England – Advise the application site 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) which are nationally and internationally designated sites. Further information is required to determine the impacts of the proposed development on these designated sites and the mitigation measures proposed to reduce any impacts as uncertainty remains regarding the effects of the scheme both alone and in-combination.

In considering the European site interest, Natural England reminds the City Council that it is the council's responsibility as competent authority to produce a Habitats Regulations Assessment and Natural England consider the assessment contained within the Shadow HRA submitted with the application does not currently provide enough information and/or certainty to justify the assessment conclusion. Natural England advise planning permission should not be granted until the additional assessment work recommended has been undertaken to understand the potential impacts upon the designated sites and inform the appropriate mitigation measures.

Furthermore, if the Local Planning Authority is minded to grant planning permission contrary to the advice in this letter, it is 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, the authority has taken account of Natural England's advice.

Environment Agency – Advise no objection in principle to the proposed development subject to recommended conditions regarding the provision of a Biosecurity Plan to prevent the spread of invasive non-native species; provision of a Fish Rescue Plan to detail how fish will be protected and allowed to relocate to the neighbouring docks in advance of the dewatering and dock infill works; Development being carried out in accordance with the submitted Flood Risk Assessment; Works to be carried out in accordance with the approved Contaminated Land Risk Assessment, Remediation Strategy and Verification Report; Measures to prevent infiltration of surface water drainage into the ground where land contamination is known or suspected to be present to protect the water environment from risks arising from land contamination; No piling or any other foundation designs using penetrative methods to be permitted unless it has been demonstrated that there is no resultant unacceptable risk to groundwater; Details to ensure any dock deposits that are left in place at the base of the current dock feature do not pose an unacceptable risk to the water environment. Further advice is also provided on the Environment Agency's standing guidance on Model Procedures for the Management of Land Contamination; Codes of Practice for Waste Management; and Piling and Penetrative Ground Improvement Methods.

United Utilities – Confirm that following a review of the submitted Drainage Strategy, UU have no in principle objection to the proposed approach subject to conditions regarding the appropriate drainage approach and protection of water assets being attached to any permission as recommended.

Note the site is adjacent to UU's wastewater treatment works at Sandon Dock and in proximity to a range of water and wastewater assets including the Mersey Estuary Pollution Alleviation Scheme. Request prior to determination of the application the club confirm what plan exists to ensure that 24 hour access can be maintained to all our assets especially during event days. Also note the details of the Flood Risk Assessment submitted and advise the Environment Agency and Lead Local Flood Authority should be consulted to ensure any necessary mitigation and appropriate conditions are included within any permission granted, particularly in relation to tidal flood risk.

Health and Safety Executive – HSE's Land Use and Planning Advice Team have reviewed the application proposals and confirmed they do not advise, on safety grounds, against the granting of planning permission.

Canal and Rivers Trust – Advise the main issues relevant to the Trust as statutory consultee on this application are:

- a) Heritage considerations and potential impact on Trust owned heritage assets.
- b) Sustainable Access utilising the Leeds & Liverpool Canal.
- c) Securing future access along the Waterfront
- d) Water management and pollution prevention

Advise that a condition relating to production of a pollution prevention plan and request that the club be required to enter a legal agreement to secure the creation of 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.

Sefton Borough Council – The Council is supportive of the proposal in principle and believe it has significant potential to bring opportunities to the local economy and regeneration to the wider area and welcome this. However, Sefton BC consider it is not currently clear what the full extent of those economic benefits and opportunities will be and request further dialogue with the City Council and EFC in order to maximise those potential benefits with any investment made for the local communities while minimising the harmful elements which such a proposal could entail for the Borough.

In addition to those general points Sefton BC have made a number of technical comments on the application in relation to:

Air Quality - The air quality assessment that has been submitted in support of the proposal, should be updated utilising Sefton's latest monitoring data from 2018 and the modelling should also include the additional sensitive receptor comprising the flats located on the corner of Derby Road /Millers Bridge.

Highways - It is recommended that a full and robust assessment of the development, particularly with regards to the impact of the proposal on Bootle, during match days, is carried out as additional information is required in relation to additional vehicle movements and parking demand in the Bootle area. And that Sefton Council be consulted on the Full Construction Management Plan and on the Travel Plan and be invited to be a member of the Bramley-Moore Dock Transport Working Group after the construction of the proposal.

Regeneration and Social Value – Note that there is no reference to Sefton in the application documents to the potential regeneration for the Borough despite it being 1-2 miles away from the application site and request the applicant clarify how Sefton residents and businesses, particularly within Bootle Town Centre, could benefit from the proposals, given the proposed physical links into Bootle (bus, train and car movements) and potential positive impacts that could assist regeneration plans for Bootle town centre as well as North Liverpool and ensure the potential benefits of the scheme are maximised.

Highways England - No objections

Network Rail – No response

Merseytravel – Merseytravel welcomes the extensive pre-application discussions, that has been undertaken by the applicant and their agents in respect of the intended transport provisions for the proposed stadium. As a consequence of this work, Merseytravel is broadly supportive of the rationale adopted within the Transport Assessment accompanying the application, whereby predicted travel demand, which is based upon current travel behaviour for the Goodison Park stadium and other relevant locations and events, has been utilised to produced proposals for travel to and from the Bramley Moore Dock stadium to be managed within defined modal targets, that would be catered for by identified and quantified, specific transport provisions.

However, in order to ensure that this rationale is successfully deployed and delivered, Merseytravel would wish to request that Liverpool City Council require the applicant and developer, to provide all of the various transport provisions detailed within the application and associated Transport Assessment, as condition of any planning approval including the following measures:

- All traffic management measures and highway enhancements within the City of Liverpool, and the Metropolitan Borough of Sefton, that would be deemed necessary by these two highway Authorities;
- the provision of Controlled Parking Zones identified in the application;
- the provision of a shuttle bus service between Liverpool City Centre and the proposed stadium (to be provided upon a commercial basis by a local bus operator or operators);
- the provision of a shuttle bus service between Bootle Town Centre and the proposed stadium (to be provided upon a commercial basis by a local bus operator or operators);
- the provision of funding for an appropriate queue management 'corralling' system and passenger holding area, at Sandhills Merseyrail Station;
- a suitable financial contribution towards the construction of the bus-rail interchange facility at Sandhills Station;
- a suitable financial contribution towards the operation of a proposed 'Northern Docks Regeneration Area' bus service, between Liverpool City Centre and Sandhills Station for a period of no less than five years from the opening of the proposed stadium;
- the provision of an appropriate City Centre bus terminal facility capable of handling the volume of pre-match (or event) and post- match (or event) passenger and bus

traffic without causing disruption to other City Centre users, at all times when this facility is likely to be in use;

- the provision of adequate taxi, and private-hire car, parking and management facilities;
- the provision of adequate coach parking and management arrangements; the full provision of the walking and cycling facilities and measures to promote and accommodate these modes, as set out in the application;
- the provision of priority disabled car parking and appropriate vehicle access for disabled 'pick-up and drop off' movements, together with suitable provision within the match day (or event day) transport arrangements for the Merseylink service Dial-a-ride;
- a requirement to continue appropriate collaboration with the Rail Industry and Merseytravel, on suitable means for enhancing potential rail travel to and from the proposed stadium, beyond the provisions currently set out for delivery for 2023, for a period of no less than five years thereafter.

Sport England - 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 people's project.

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.

Merseyside Environmental Advisory Service (MEAS) – As Liverpool City Council's local environmental advisory body MEAS have reviewed the application to assess compliance with the Environmental Impact Assessment Regulations 2011 and the Habitats Regulations.

In regard to the Habitats Regulations, it is advised that further information in relation to potential impact pathways is required before the conclusion reached in the Shadow HRA submitted with the application can be accepted that the proposed development will not lead to an adverse effect on the integrity of European sites.

In regard to Environmental Impact Assessment, MEAS have reviewed the Environmental Statement which has been submitted with the application and confirmed they are satisfied that subject to the satisfactory receipt of the additional information identified it satisfies requirements of the EIA regulations and can be used as a basis for determination of the application. Details of the information required have been provided to the applicant's consultants. Once this further information is provided (for both the HRA & EIA) it will need to be assessed to inform conditions required to secure any mitigation measures.

MEAS advise that the applicant be required to undertake a programme of archaeological work and building recording, and that such works be secured by means of appropriate condition. The site waste management arrangements proposed are welcomed and should be secured using suitably worded conditions to ensure the provision of clean efficient collection and storage. In regard to sustainability and low carbon energy provisions details have been submitted demonstrating how sustainability has been addressed through the design process including a solar photovoltaic array connection with the proposed district heat network for Liverpool Waters alongside resource efficiency measures. This information is considered sufficient to demonstrate compliance with relevant Development Plan policies and should be secured by a suitably worded condition.

Merseyside Fire & Rescue Authority – Recommend that access for fire appliances should comply with the requirements of Approved Document B5 of the Building Regulations; Water supplies for firefighting purposes should be assessed in accordance with Section 55 of the County of Merseyside Act 1980 in liaison with the statutory water undertakers with suitable and sufficient fire hydrants supplied.

Marine Management Organisation (MMO) - Confirm the MMO's intent to defer the Environmental Impact Assessment (EIA) consent decision to Liverpool City Council as the competent authority. This decision to defer is subject to the MMO being satisfied that the decision is sufficient to meet requirements of the EIA Directive in relation to the proposed development taking account of - the conclusion of EIA assessment; conditions considered necessary in relation to likely significant environmental effects; a description of features/measures to avoid, prevent, reduce and offset likely significant adverse effects on the environment; any monitoring measures considered necessary; and any further comments of relevance.

UNESCO – Object to the application on the grounds that siting a stadium as proposed in Bramley-Moore Dock Stadium would have a completely unacceptable major adverse impact on the authenticity, integrity and Outstanding Universal Value of the WHS property. UNESCO consider the stadium development should not proceed at this location. This objection is stated with reference to a Technical Review of the proposals undertaken by ICOMOS in their capacity as advisors to UNESCO. The objection also re-iterates this opposition to the scheme is consistent with UNESCO's previous advice that it is not appropriate for further new developments within the WHS property, and its buffer zone, to be approved and built until such time as the necessary input studies and plans have been fully completed and the Desired State of Conservation for the removal of the property from the List of World Heritage in Danger and Corrective Measures have been finalised, agreed, and endorsed by the World Heritage Committee. Furthermore, concerns are expressed over the consultation process undertaken for the application given the volume of application documents and time period allowed. Concern is also raised that the terminology used in the Heritage Impact Assessment is misleading and the report submitted with the application should not be seen as an ICOMOS endorsed document.

Merseyside Civic Society (MCS) – Advise MCS have been active in support of the City Council in their dealings with UNESCO. In MCS's view, the level and quality of investment, both public and private, in the heritage of the World Heritage Site has been extraordinary and overwhelmingly positive. Having considered EFC's proposals for Bramley-Moore Dock very carefully MSC's main concerns have been the loss of much of the historic water-space and the reduction of height and drama of the stadium explicit in the course of the development of the design. However, having studied the club's detailed arguments in mitigation of both these aspects, MCS have been persuaded to support the planning application whilst continuing to value the World Heritage Site.

Civil Aviation Authority (Liverpool John Lennon Airport) – Advise that the proposed works will have no impact on operations at LJLA and therefore Liverpool Airport Ltd have no objections to this application. However, in the interests of Aviation Safety request an informative be applied to any permission which states that the contractor/developer should consult Liverpool John Lennon Airport for permission to work for the crane(s) that is (are) to be used to construct the development. An Instrument Flight Procedures (IFP) assessment will need to be carried out on the crane(s). Any costs incurred in carrying out this assessment will be met by the developer.

Merseyside Police – No objections. (Ongoing advice being supplied on security and counter terrorism requirements and measures to minimise risk of anti-social behaviour).

Corporate Access Forum – Have liaised with the club and its advisors reviewing the proposals presented providing advice on measures to improve accessibility and inclusion in the proposed stadium designs. Recommended several areas the club should consider to further improve access and equality provisions as detailed designs develop, along with steps to ensure positive engagement with disabled community is maintained in future, including the Everton Disabled Supporters Association in particular.

The Ancient Monuments Society - No response

The Council for British Archaeology - No response

The Society for the Protection of Ancient Buildings - No response

Georgian Group – No response

Victorian Society – Object to the application on the grounds that the proposed development will be severely harmful to the significance of the designated heritage assets on the site (the Hydraulic Engine House, the Dock Boundary Wall and the Bramley Moore Dock retaining wall), the significance of the Stanley Dock Conservation Area, and the Outstanding Universal Value of the World Heritage Site, contrary to the NPPF and the local development plan policies.

It is acknowledged that the erection of a new stadium and the re-development of Goodison Park will bring extensive social and economic benefits to local communities. However, it is not considered that the application has proven Bramley Moore Dock is the only viable site so it has not been demonstrated that the substantial harm that the development would cause is necessary to achieve public benefits that would outweigh the harm caused to Bramley Moore Dock and the integrity of the World Heritage Site so justifying the scheme.

It is recognised that balancing these conflicting issues is ultimately a matter for the planning authority: only if the planning authority is absolutely convinced that this is the only viable site and that the predicted public benefits would outweigh the incontrovertible harm should consent be granted. In the Victorian Society's view the proposals require further justification and greater elaboration before they are given consent and the authority is urged to withhold consent from these proposals and seek further information and amendments to the documents.

Further advice is offered on measures that could be used to mitigate the harm should the application be approved.

The Twentieth Century Society – No response

Places Matter Design Review Panel- The Panel acknowledged that this would not be a straightforward application but there would be time for negotiated changes as part of the application process. The principle of a stadium development in the north of the city was supported due to the potential regeneration benefits this could bring. It was noted the key issue to be resolved would be how the impact on the open water in the dock system and the 'outstanding universal value' of the WHS would be justified. It was felt that the wholly exceptional case argument necessary had not been entirely made so far. The connections to the adjoining areas such as 'Ten Streets' and the regeneration benefits the stadium would bring needs to be further. The 'making of the place' will be very important to the case and there was a sense that the stadium could be the most significant intervention in the city since the 'Three Graces'.

The overall design approach and plans to create a four-sided stadium was applauded. The ambition for the home stand compared well with the success of that at the new White Hart Lane stadium. The larger south facing glazed window was considered a fantastic opportunity which could be enhanced further. The Panel noted opportunities for fans and visitors on non-match days alike, and suggested it was important to create a similarly

convivial place with the public realm and cultural centre and to embrace non- football visitors.

The proposed surface car park and PV canopy on the western side of the stadium were felt to be a “really wasted opportunity”. The club were asked to consider making this area a public park and key point on the riverside walkway to allow people the chance to know where they are in relation to the river and enjoy the views. Connecting this area to the riverside walkway along the southern face of the stadium towards Nelson Dock and the City beyond. The Panel was concerned about the visual impact of the PV roof and suggested wind turbines would be a preferred alternative energy source. Height was discussed and it was advised that that the stadiums functionality should in no way be compromised by the notion that this building should not exceed the height of the Tobacco Warehouse, as people view buildings in 3D so the relative heights were not considered an issue in this respect. The Panel felt that the approach to a grounded base and a contemporary roof was very clear. However, the brick piers of the stadium were not considered to be a convincing element as there were too many layers. Reducing the ingredients might make it more affordable and easier to identify with.

The western side of the building was not felt to be fully resolved. The Panel cautioned about the potentially poor environment of the undercroft, and there was a feeling that the western side is presenting itself as the back of the building which needs to be avoided. The Panel had the impression there had been insufficient working between the stadium designs and those for the public realm and recommended a fundamental rethink on the landscape proposals. The Panel did not feel that this was a place for trees given the harsh environment and cluttering of the eastern plaza, in particular, should be avoided. The lighting of the stadium will be very important, especially on match days and nigh. The positive drama that is produced through lighting at the Allianz Arena, Munich was suggested as a good example. Then the club’s strategy for naming rights and signage will need to ensure users can clearly navigate the stadium.

Taxi Operator (Hackney) – No response

Taxi Operator (mini cab) – No response

Merseyside Cycling Campaign – No response

SUSTRANS - – No response

Inter-Departmental

Highways - The application has been reviewed by LCC Highways Development Management team and regular contact maintained with the club and its Transport consultants Mott McDonald to reach an understanding about what transport interventions would need to be implemented to facilitate the development of a new football stadium at Bramley Moore Dock. Numerous meetings have been held at both the pre-app and post submission stages to discuss scheme. Technical analysis is provided in the Transport Assessment which has informed the Match Day Transport Strategy and Event transport Strategy. Consultation has also been undertaken with Merseytravel, Sefton Borough Council, Merseyside Police, The Highways Agency and local taxis representatives and bus operator groups. This dialogue has been constructive and will be maintained to inform

the transport management solutions as refinements to the proposals are considered further.

Environmental Health (Air Quality) – Confirms the relevant application documents have been reviewed and notes the Air Quality Assessment includes a narrow list of potential pollution sources so recommends additional pollution sources should be considered. Recommends clarification should be sought to confirm potential impact in relation to supporter coaches parking, outside broadcasting and fixed plant in the stadium. Advise more detail is also required regarding the proposed mitigation measures to reduce the air quality impact of the development specifically including provisions for Electric Vehicle charging and fuelling of shuttle to ensure low emissions.

Environmental Health (Noise) – Note the proposed construction working hours are slightly in excess of Liverpool City Council's standard permitted hours but acknowledge that there may be specific operations where extended hours may be justified, with LCC's standard hours applicable as the default scenario. Otherwise, the submitted details in relation to the construction phase are considered acceptable. The lighting details have been assessed and it is considered that there will not be an adverse impact from light overspill affecting nearby residents. Also it is considered the 'Ventilation & Refrigeration' document has adequately addressed the issue of fumes arising from cooking operations within the food provision elements of the proposal. The Noise & Vibration Assessment documents have been reviewed and it is considered the scheme should not give rise to a significant adverse noise impact at any existing nearby noise-sensitive receptors, other than during match days at the Titanic Hotel, where the transient nature of guests means that the noise impact is not considered to be significant; and during football matches at 62 Regent Road, where a moderate adverse noise impact is predicted; however the noise from football matches at this location is 8 dB below the ambient noise levels from existing sources (predominantly road traffic noise and industrial/dock activity), so the significance of the impact is tempered by those factors.

The noise assessment also considers up to four non-football events per year (music concerts or non-football sporting events) taking place with the stadium at full capacity. An assessment is made up until 2am "to account for unplanned overrunning events as part of this worst-case assessment". However, allowing three hours for 'over-running' [past a notional curfew time of 2300] is considered excessive as a curfew time for non-football stadium events. A limit of 23.30, similar to the curfew at Anfield stadium, is considered more appropriate for consistency and to protect future residential amenity.

Environmental Health (Contaminated Land) - Advise the approach outlined in the Environmental Statement and desk study as part of the overall Geo-interpretative Report by Burro Happold is considered suitable for the purposes of assessing the risk to human health. LCC's CL Team are available for further discussions concerning the Outline Remediation Methodology. The opportunity to review the full Phase 2 site investigation and interpretation work will be necessary before formal comments can be provided.

LCC Drainage Engineer / Lead Local Flood Authority – Advise further details are required before it can be established that all relevant drainage concerns have been satisfied.

Licensing – No response

Intra-Departmental

Conservation Specialist – The application has been reviewed and regular contact maintained with the club, its consultant team and Historic England to gain an understanding of the proposals and establish the basis on which the application would need to be considered. Numerous meetings have been held both at the pre-app stage and post submission to discuss various aspects of the scheme. The aim being to reach consensus in relation to the significance of the heritage assets effected, the degree of impact, and potential measures to mitigate any impact. This dialogue has informed the refinements to the proposals and details submitted in support of the application.

Urban Design - Notwithstanding concerns about the impact on the WHS the proposed stadium offers a significant opportunity to catalyze regeneration in the local area and make a positive contribution to the future of this part of the city. The defining markers of success for this scheme will be how it relates to the surrounding water space, how it impacts on views within and into the city and how it fits into the surrounding townscape. The design of the stadium should appear as a coherent piece of architecture in its own right and introduce a quality 'anchor' development to the waterfront which can provide a sense of place and inspire new development in the local area.

In broad terms the design concept with a simple well detailed brick plinth supporting a modern barrel roof above is commended. The building links well to surrounding warehouse typology and the use of brick is appropriate for this dockland area. The primary concerns relate to the design of the western elevation and the inclusion of the proposed plinth, the MSCP and the public realm provision in this part of the scheme. These elements compromise the balance of the composition and appear a missed opportunity to readily connect with the surrounding public realm. The car park, PV panels and associated structures will detrimentally impact on the appearance of the wider public realm along this important north south River Mersey edge. The design of the plinth at this point appears overly massive in this context. More consideration should therefore be given to breaking up the massing on this elevation by better articulating the façade and making it appear more comprehensible from the human scale.

Access Officer – Welcomes the effort the club has evidently made to consider accessibility and inclusion in the proposed stadium designs. Pleased that much of the advice provided to the club by officers and the Corporate Access Forum has been included within the proposals. A number of areas of concerns still remain particularly in regard to the level of disabled parking, the remote location of the disabled drop off/pick up areas; the accessibility of pedestrian/cycle routes to and from public transport hubs; the design of certain facilities within the stadium such as toilets, seating, viewing areas, signage etc. Recommend these areas are considered further as the plans evolve and advise the Corporate Access Forum remains on-hand to provide feedback on the detailed designs develop. Also recommend the club work with the Everton Disabled Supporters Association to explore further areas for improvement.

Tree and Landscape Officer - The proposed tree planting species and planting sizes/clear stem heights are acceptable. Enough information has been provided to support the application however further details are required which can be secured by the recommended conditions requiring the works to be implemented and maintained in

accordance the details of an appropriate landscaping scheme to be submitted and approved before any above ground works on site. Many of the trees will be planted in hard landscaped public realm hence the applicant must submit documentation to demonstrate compliance with the draft Tree Planting Parameters (attached) which will be incorporated in the proposed Public Realm SPG.

Summary of comments received from members of the public including local residents, businesses and fans in support of the proposed development (2000 plus representations received. Additional details are provided in appendix 4):

The main points in support are:

Need

- The club needs a new stadium to keep pace with premier league competitors and prosper.
- A new stadium is critical to the future of the club.
- BMD is an unmissable opportunity after previous false starts in search for site.
- Goodison Park no longer suitable for modern football needs.
- A new stadium will re-energise the club.
- The new stadium will allow increase in attendances, increasing revenue, sponsorship and allow the club to attract better players and compete at European level.
- Development will allow the club to achieve parity with Anfield.
- The stadium will improve the match day experience and increase dwell time.
- Important for city's economy to have two strong football clubs.
- The plans will provide a fantastic attraction for away fans to visit and draw more visitors into the city.
- The development will allow the club to provide a more sustainable operation with modern facilities.

Location

- BMD is the best/only viable location/there are no alternative.
- BMD is not too far from Goodison and will retain club's presence in North Liverpool.
- Site remains in the heart of the local community.
- The stadium will be a suitable addition to the waterfront.
- Stadium will transform area and provide a catalyst for development in Ten Streets area and Liverpool Waters.

Heritage

- The stadium will enhance the waterfront and complement the WHS.
- This part of the WHS is currently inaccessible and the development will open up the northern docks for the public to appreciate.
- The whole stadium development has been designed sympathetically to the site's dockland location.
- Development has been carefully designed to preserve site's heritage assets.

Regeneration

- The development will rejuvenate North Liverpool and attract investment to the City.
- The stadium will provide a useful venue for other events which will contribute to the local economy and help the city attract events currently hosted in Manchester.
- The local economy will receive a huge boost as soon as construction commences.

- The Goodison Legacy Project will have a positive impact on the L4 area of the city.
- Scheme will retain clubs social, historic and community connections to North Liverpool.

Design

- Architecture make right balance as a modern stadium designed sympathetically to the site's dockland heritage.
- The stadium will enhance the city's skyline and waterfront.
- Building will present a positive image of the city to the rest of the world.
- Stadium will be centre piece to city's architecture positively transforming the area like the Guggenheim has done for Bilbao.
- The building has been sensitively designed with the right balance of materials.
- The application is very thorough and carefully assesses all the relevant concerns.

Access

- The location is highly accessible
- The building is only a short walk to the city centre
- Proposals will increase noise in surrounding area as a result of fans travelling to stadium and by holding events.
- Design is out of character with location.

There have been a very small number of representations **objecting** to the application (less than 10) on the following grounds:

- The development is contrary to local and national planning policy
- Infilling of dock will harm the OUV of the WHS and result in its de-listing by UNESCO
- There are other preferable sites outside the WHS.
- Development is incompatible with sites current use as working dock.
- Development will have a detrimental impact on the SAC & harm biodiversity.
- Development will have a detrimental impact on the WHS & Listed Buildings.
- Scheme will increase traffic and reduce air quality.

A small number of representations have expressed neither support nor opposition but commented on the following specific aspects of the proposals –

- The plans do not provide sufficient suitable cycle/motorbike storage facilities.
- It will be essential to provide adequate facilities and access/parking for disabled supporters.
- The Transport Assessment contains a number of omissions that need to be addressed.

Responses to second consultation undertaken by the LPA in relation to the revised application proposals submitted in September 2020 (in summary – full details provided in appendix 4)

Cllr Joe Hanson – No comments
Cllr Malcolm Kennedy – No comments
Cllr Lisa Gaughan – No comments

External

Historic England – Advise that the amended documents have been reviewed and provide additional comments to accompany previous comments which represent their consolidated position on the application proposals.

Note the Club as continued to refine the design of the stadium, looking to obtain approval for a fully worked up and deliverable scheme rather than a 'concept' design that would be altered afterwards. This approach is welcomed as it gives certainty on the final form and provides the ability to accurately assess the proposals. The club's commitment to delivering a high quality stadium is reflected in this way of working.

The amendments are considered positive and to result in an improved stadium design, however the improvements have not altered the fact that Bramley Moore Dock will require infilling to allow construction of the stadium which would have implications for the listed dock and the Stanley Dock Conservation Area as well as the WHS.

Historic England acknowledges the Club's desire to develop a new stadium and commend the manner in which the club have engaged the public and stakeholders as well being sensitive to positively address the highly significant heritage of the site identified as its preferred location. Historic England also recognise the regeneration potential of the scheme and the positive social and economic benefits the stadium would bring.

Historic England remain concerned, however, that the proposal would result in substantial harm to the significance of the Grade II listed Bramley Moore Dock, through its infilling. This would result in a very high level of harm to the Stanley Dock Conservation Area and cause a very large harmful impact to a World Heritage Site, an asset of the highest (international) significance. Noting UNESCO's World Heritage Committee has identified the WHS as being in danger of being lost due to developments being permitted which the Committee regards as harmful.

The NPPF states substantial harm to such heritage assets should be exceptional and requires a clear and convincing justification that the harm is necessary. It is noted that the Alternative Sites Assessment has been revised in response to concerns raised during the original consultation and the changes are welcomed. Nevertheless, Historic England continue to have serious concerns that sites are discounted on local rather than national policy constraints. They do not consider 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. They consider the hierarchy of planning policy used to undertake the assessment is unconventionally weighted and inconsistently applied which greatly undermines the validity of the assessment. The assessment continues to be weighted towards the argument the club should remain in North Liverpool and although this is recognised as a valid consideration it is considered this should be factored in at the end of the selection process rather than shaping the consideration of alternative sites. Also a number of the benefits identified relate to the redevelopment of Goodison Park which could contribute equally if the stadium was delivered on a less harmful site.

On this basis Historic England do not consider the clear and convincing justification required by the NPPF has been provided and moreover question whether even significant

public benefits which they suggest cannot be given full weight in the absence of clear and convincing justification, could outweigh substantial harm to BMD 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 WHS.

For these reasons Historic England recommends the 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 World Heritage Site. In view of the degree of harm that would result from the proposals and the implications for the World Heritage Site, Historic England also consider the application should be determined by the Secretary of State and advise they shall request this to enable that to happen.

Natural England – Advise that having reviewed the updated documents Natural England are now satisfied that all previous concerns have been addressed. Natural England advises that the proposed development will not result in adverse effects on the integrity of any of the internationally and nationally designated sites which need to be considered in relation to the development providing that appropriate mitigation measures are implemented as part of any planning permission. They advise that the identified impacts on the designated sites can be appropriately mitigated with the measures outlined within the shadow HRA and therefore have no objections to the proposals providing that appropriate mitigation is secure through appropriate planning conditions.

Environment Agency – Confirm no objections to the proposals. Recommend that in addition to the conditions previously requested further conditions be imposed to reflect the updated submission requiring - the submission and approval of a biosecurity plan to prevent the spread of invasive non-native species; approval of the detailed design of the new water channel between the remaining docks which should incorporate artificial habitat features to make it easier for wildlife to colonise and utilise it; and the flood risk condition should be updated to reflect the latest version of the flood risk assessment.

United Utilities – Confirm UU have no objection to the proposed development based on the updated Flood Risk Assessment subject to conditions regarding the appropriate drainage approach and protection of water assets being attached to any permission as recommended.

Canal and Rivers Trust – The Canal & River Trust confirm they have reviewed the application amendments and the applicants rebuttal to their previous s106 request and advise their position remains as detailed in their earlier consultation response which asked for a condition relating to the production of a pollution prevention plan and that the LPA require the club to 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 to the site.

Sefton Borough Council – The Council is supportive of the proposal in principle and believe it has significant potential to bring regeneration to the wider area. A number of technical comments have been provided in relation to the amended plans and information submitted in regard to Air Quality, Highways, Regeneration and Social Value, Economic Development and Employment and Skills (refer to appendix 6 for full details). Request that Sefton Council is invited to be a member of the Bramley-Moore Dock Transport Working

Group and be consulted on the Construction Traffic Management Plan (CTMP) and Travel Plan before their approval and be provided with the details of the marketing strategy proposed to provide transport and travel information in relation to Bootle. Overall Sefton Council support the proposal in principle and would welcome a discussion regarding potential links between Bootle town centre and the stadium to support their regeneration plans and request the opportunity for Sefton officers to contribute to the development process to benefit from employment training and economic development opportunities the development will bring.

Highways England - No objection

Network Rail – No response

Liverpool City Region Combined Authority (LCRCA) (Merseytravel) – Advise the Spatial Development Strategy will, in due course, provide the basis of the authority's future strategic planning policy input and development management input. Meanwhile acknowledge this application has been subject to detailed consultation and discussions with officers following comments provided by Merseytravel in March 2020, in regard to the originally submitted scheme.

LCRCA consider the application's consideration of the transport policy context is robust and the site is well located for sustainable mass travel. 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. These enhancements will need to be secured through planning conditions and s106 agreement as part of any planning permission.

The focus of Sandhills station as the principal rail hub is recognised and supported and 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). 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 and also allow for the convenient flow of cyclists from the adjoining highway network and cycle lanes to cycle parking areas proposed within the stadium.

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. 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.

Operationally, and in design terms LCRCA consider 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.

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 to ensure that all digital connectivity is laid out during construction

NB: Following subsequent discussions LCRCA formally confirmed it has no objection to the planning application subject to the provisions agreed in the updated s106 Agreement and expressed its commitment to continue its joint working with the applicant and the Council to develop appropriate transportation management/arrangements for the proposed stadium and its associated uses.

Sport England - Advise Sport England have no further comments to add to those previously provided.

Merseyside Environmental Advisory Service – Advise that the revised shadow HRA report (Shadow Habitats Regulations Assessment) has adequately addressed the issues previously identified by MEAS and Natural England and is now acceptable. In summary, the shadow HRA 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. Subject to any further comments from Natural England, it is confirmed that the shadow HRA can be accepted as the Council's own assessment to fulfil the requirements of the Habitats Directive. To ensure that the conclusions of the shadow HRA remain valid it is recommended 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. Finally it is further advised that if there are any amendments to the proposals then these will need to be re-assessed for likely significant effects. This includes amendments prior to determination and subsequent approval/discharge of conditions.

Health and Safety Executive – HSE's Land Use and Planning Advice Team have reviewed the application proposals and confirmed they do not advise, on safety grounds, against the granting of planning permission.

Merseyside Fire & Rescue Authority – Recommend that access for fire appliances should comply with the requirements of Approved Document B5 of the Building Regulations; Water supplies for firefighting purposes should be assessed in accordance with Section 55 of the County of Merseyside Act 1980 in liaison with the statutory water undertakers with suitable and sufficient fire hydrants supplied. (in relation to Transportation (lorry/coach parks, multi-storey car parks, service stations) and Shopping, Offices, Recreation and Tourism.

Marine Management Organisation (MMO) – No further response.

UNESCO/ICOMOS – No further response

Merseyside Civic Society – No further response

Civil Aviation Authority (Liverpool John Lennon Airport) – No further response

Merseyside Police (Architectural Liaison Officer) – Confirmed that Merseyside Police are providing the club with counter terrorism and crowd safety advice and have no further comments at this stage.

Corporate Access Forum - No further comments.

Everton Disabled Supporters Association (EDSA) – Support the application proposals and make the following points:

- Consider the proposed stadium would provide a major step forward in inclusivity for disabled fans of both home and away teams and would significantly enhance accessibility over Goodison Park which, because of the nature of an old stadium and its location, cannot be improved.
- Report the Club have consulted EDSA, together with our committee member employed by the Centre for Access to Football in Europe (CAFE), on all relevant aspects of the design led to changes to the design and continues to be a feature of the fine tuning required to ensure the comfort, safety and security of our own and visiting disabled supporters.
- EDSA recognise the concerns regarding the continuation of the City's World Heritage status but believe that the stadium will enhance the riverside vista and become a striking feature as an integrated addition to the Liverpool Waters scheme. Outstanding contemporary architecture has its place in the "heritage of the future". Furthermore, it should be recognised that any heritage impacts must be weighed against the public benefits which will accrue from the building of the stadium,
- Bramley Moore Dock and its neighbours has been an eyesore for decades and a grim reminder of lost industrial and maritime history. Everton's plans to restore many of the original features is laudable and we should not miss this opportunity to bring life back to a derelict location

- The public consultation process, which involved over 60k thousand people taking part has revealed overwhelming support for the People's Project of the stadium build and the redevelopment of the Goodison Park site as part of Everton in the Community's continuing regeneration of this area of Liverpool 4, arguably the most deprived district in the City. This second stage of the project will bring life changing benefits to resident's but it cannot proceed without the move to a new stadium.
- The project's financial benefits will provide a welcome boost to the local economy resulting from the construction and operation of the stadium in terms of both much needed employment and income. It is believed that the new stadium will boost the region's economy by approx. £1billion, create up to 15,000 jobs and attract approx. 1.5 million visitors to the city.

The Ancient Monuments Society - No response

The Council for British Archaeology - No response

The Society for the Protection of Ancient Buildings - No response

Georgian Group – No response

Victorian Society – No further response

The Twentieth Century Society – No response

Places Matter Design Review Panel - The Panel reviewed the development proposals for a second time on 21st May 2020 as the amended design was being finalised. The Panel thanked the club and its design team for its constructive response to the previous design review and the considered approach taken to addressing the previous comments made. The introduction of the Western Terrace was felt to be a major improvement, as is the change in form, massing and symmetry to the building itself and encourage the team to keep pushing to maximise the benefits of the terrace. The Panel thought it very important this development must continue to strive to be a truly exemplary civic project, with all that that implies.

The Panel previously 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 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.

In the Panel's view 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.

The Panel understood from the previous Design Review why it was not possible 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.

Overall the Panel were comfortable with the scheme from a broad urban design perspective and consider the architecture in the revised plans 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.

Taxi Operator (Hackney) - No response

Taxi Operator (mini cab) - No response

Merseyside Cycling Campaign - No response

SUSTRANS - No response

Inter-Departmental

Highways - 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 offices 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 Major 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. 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 Town Centre. These will include staff shuttle buses and shuttle buses for the disabled which will travel to remote parking locations (likely to be Stanley Park car park) which will help to relieve some of the potential demand placed on the Northern Line of the Merseyrail network. Contributions towards the funding of a regular, frequent bus service linking the stadium with 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.

On this basis, providing the mitigation measures identified as either specific planning conditions or with a S106 Agreement are implemented, 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. (Full details of the Highways and Transport considerations are covered in section 3 of this report).

Environmental Health (Air Quality)– Has reviewed the relevant application documents and confirmed 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 can be agreed. The construction phase of the development will lead to unavoidable dust impacts are predicted, but these would be temporary and localised. It is recommended that the mitigation measures stipulated in the EIA (Chapter 8.1) should be implemented throughout the duration of the construction process. Not it is predicted that the effect on air quality will not be significant during the operational phase of the development. And overall the Air Quality Support Officer (AQSO) is satisfied that the application reports have been carried out in accordance with current guidelines and best practice and therefore can be considered approved documents.

Environmental Health (Noise) – Confirmed the relevant application documents have been reviewed including the submitted Construction and Environmental Management Plan and Construction Method Statement. Note the proposed working hours in the two documents are slightly inconsistent (0700-1900 Monday-Friday and 0700-1300 on Saturdays for the CEMP; 0730-1800 Monday-Friday and 0830-1400 on Saturdays) for the CMS), and in both cases are slightly in excess of LCC standard permitted hours (0800-1800 Monday-Friday, 0800-1300 Saturdays). Acknowledged that there may be specific operations where extended hours may be justified (e.g. the dredging of the bottom of the Bramley Moore Dock prior to infilling, if the noise from dredging operations will be shielded from propagating to residential properties by the surrounding dock walls), but those specific exemptions should be requested and justified, with Liverpool City Council's standard hours applicable as the default scenario. Otherwise, the submitted details in relation to the construction phase are considered acceptable.

The lighting details have been assessed and it is considered that there will not be an adverse impact from light overspill affecting nearby residents. Also it is considered the 'Ventilation & Refrigeration' document has adequately addressed the issue of fumes arising from cooking operations within the food provision elements of the proposal. The Noise & Vibration Assessment documents have been reviewed and it is considered that noise from fixed plant will not cause an adverse noise impact, subject to the standard condition being applied.

Noise from the following sources have also been modelled for the application:

- proposed car parking;

- on-site matchday operations (crowd footfall, food/drink vans, stadium crowd noise and PA/VA system);
- increases in off-site road traffic noise on the surrounding highways; and
- the proposed taxi rank along Boundary Street

None of those elements are predicted to give rise to a significant adverse noise impact at any existing nearby noise-sensitive receptors, other than:

- during match days at the Titanic Hotel, where the transient nature of guests means that the noise impact is not considered to be significant; and
- during football matches at 62 Regent Road, where a moderate adverse noise impact is predicted; however the noise from football matches at this location is 8 dB below the ambient noise levels from existing sources (predominantly road traffic noise and industrial/dock activity), so the significance of the impact is tempered by those factors.

In terms of potential noise impacts from the sources listed above on proposed residential receptors that will be constructed to the south of the application site as part of the Liverpool Waters scheme masterplan, those impacts will be addressed by the fact that each phase of the Liverpool Waters development will require a up-to-date noise assessment to determine a suitable package of acoustic insulation, in accordance with the Liverpool Waters planning consent 10O/2424.

The noise assessment also considers up to four non-football events per year (music concerts or non-football sporting events) taking place with the stadium at full capacity. An assessment is made up until 2am “to account for unplanned overrunning events as part of this worst-case assessment”. However, allowing three hours for ‘over-running’ [past a notional curfew time of 2300] is considered excessive. The period after 2300 is a more noise-sensitive time, when residents would be expecting to get an uninterrupted night’s sleep. For comparison, the recent planning consent granted for up to six concerts per year at Anfield Stadium requires concerts at the venue to cease by 2300, although it permits up to two non-team sporting events (such as boxing and wrestling) to go on until 2330. A similar curfew time would be more appropriate for non-football stadium events at the proposed new Everton stadium, for consistency and to protect future residential amenity.

Environmental Health (Contaminated Land) – No objections subject to standard recommended conditions.

LCC Drainage Engineer / Lead Local Flood Authority – Confirmed outstanding issues have now been resolved and proposals now satisfactory for approval subject to conditions requiring -full details of drainage design scheme to be submitted post construction to provide a true record of the installed drainage system; all works are to be carried out in accordance with Flood Risk Assessment – dated 20 August 2020 - Revision 07 and The People's Project Drainage Strategy – ref BMD01-BHE-ZX-XX-RP-C-0300 - dated 21 August 2020 - Revision P; and prior to occupation details for the implementation, maintenance and management of the sustainable drainage system.

Street Licensing – No response

Licensing – No response

Intra-Departmental

Conservation Specialist – The application has been reviewed by LCC's Heritage Consultant who has prepared an independent assessment of the heritage considerations associated with the stadium proposals at Bramley Moore Dock. This Heritage Review considers the revised application (submitted in September 2020) which follows initial advice regarding the content and structure of the original application. In summary it confirms the applicant has responded positively to planning officer's initial advice, for example ensuring that all relevant heritage assets have been considered, including non-designated heritage assets. The Heritage Review has considered the Heritage Statement and ICOMOS style Assessment submitted with the application and provides advice in relation to the heritage considerations, the significance of the relevant heritage assets, the assessment of impact, compliance with legislation and policy and makes recommendations on the conditions that would be appropriate if planning permission is granted. (Full details of the Heritage considerations based on guidance provided by LCC's Heritage advisor are covered in section 2 of this report).

Urban Design - There have been significant improvements made to the proposed stadium design, in terms of how it relates to its surroundings. The revised design removes mass in the form of the MSCP from the western end of the stadium and helps reconfigure this elevation as a primary frontage to the building. This has created the opportunity for a large pedestrian terrace with steps down to the water's edge on the western elevation which has considerably improved the stadium's interface with the surrounding public realm. The terrace creates a high profile and animated frontage which will ensure that this immediate area becomes a destination space in its own right and a fitting 'book-end' to the River Walk. It will provide visual impact and a grandeur to this elevation which is befitting of a building of this status.

The form of the stadium has been simplified to reduce its height, with the levelling of the barrel roof angle. The revised form is less dynamic in appearance than the original concept, but the resulting stadium form still provides the appropriate degree of visual impact befitting of a landmark building such as this. The siting of photovoltaic cells to the southern end of the roof will not appear unduly prominent as a result of the height reduction and their low profile design on the roof structure should ensure they don't unduly project above the roof skin.

The revised plans have made improvements to the character and appearance of the stadium's public realm provision. The space used for match-day surface car parking to the western side of the site has been greatly enhanced by removing the canopy. This declutters the space and enhances the new western terrace by improving the views to and from the river. This space is also now well suited to accommodating a multitude of outdoor activities and has a clear purpose in its own right, independent of the stadium. It will help to bring diverse groups of people to this part of the northern docklands. Other public realm improvements include the removal of a number of the unduly prominent wind

baffles from the southern side of the site alongside Nelson Dock and replacing with groups of trees with smaller trunk baffles to reduce wind speed. The trees will help soften the dockside landscape, to the benefit of the wider public realm. Another notable improvement is the revised entrance portals through the listed Regent Road dock wall. The size of the openings has been reduced and they now appear to be 'punched' into the wall, with original stone used to rebuild the wall above the openings. This maintains the integrity of the wall and preserves the sense of continuous enclosure it provides over the highway.

Access Officer – The various constraints are appreciated but concerns remain about disabled people's ability to access the stadium by private/public transport.

The stadium will have a relatively small number of car parking spaces (i.e. 85 spaces on match days, 149 on non-match days) in comparison to other football stadiums and whilst it is noted that on match days the majority of these spaces will be designated for disabled people, it is considered the accessibility of the stadium would be significantly improved if a larger car park was provided within a reasonable travelling distance of the stadium.

The Club has responded positively to previous concerns around the limited transport options for disabled people by proposing two additional shuttle bus services which will be free of charge by prior appointment. These shuttle bus services will provide disabled people with an additional travel option and the service should be promoted by the club and be available for as long as there is demand. Unfortunately, there is still a concern that disabled people, particularly wheelchair users and people with mobility and sensory impairments, will find it difficult to get to the stadium via private or public transport. Note the provisions for wheelchair and amenity seating have been improved so a good range of options are provided for disabled supporters and the provision of three Changing Places facilities will ensure that the stadium is accessible to people with most profound disabilities.

It is evident that the Club has worked diligently to design a stadium which will be an exemplar of accessibility and inclusion in so many respects and suggest it is imperative that this positive engagement with EDSA and CAF continues as the Club further develops and refines its proposals.

Tree and Landscape Officer – Confirms the proposed tree planting species and planting sizes/clear stem heights are acceptable. Enough information has been provided to support the application and the further details required can be secured by the recommended conditions.

Summary of comments received from members of the public including local residents, businesses and fans in support of the proposed development:

Main points in support are:

Need:

- The club needs a new stadium to keep pace with premier league competitors and prosper.
- A new stadium is critical to the future of the club.
- BMD is an unmissable opportunity after previous false starts in search for site.

- Goodison Park no longer suitable for modern football needs.
- A new stadium will re-energise the club.
- The new stadium will allow increase in attendances, increasing revenue, sponsorship and allow the club to attract better players and compete at European level.
- Development will allow the club to achieve parity with Anfield.
- The stadium will improve the match day experience and increase dwell time.
- Important for city's economy to have two strong football clubs.
- The plans will provide a fantastic attraction for away fans to visit and draw more visitors into the city.
- The development will allow the club to provide a more sustainable operation with modern facilities.

Location:

- BMD is the best/only viable location/there are no alternative.
- BMD is not too far from Goodison and will retain club's presence in North Liverpool.
- Site remains in the heart of the local community.
- The stadium will be a suitable addition to the waterfront.
- Stadium will transform area and provide a catalyst for development in Ten Streets area and Liverpool Waters.
- Heritage
- The stadium will enhance the waterfront and complement the WHS.
- This part of the WHS is currently inaccessible and the development will open up the northern docks for the public to appreciate.
- The whole stadium development has been designed sympathetically to the site's dockland location.
- Development has been carefully designed to preserve site's heritage assets.
- Regeneration
- The development will rejuvenate North Liverpool and attract investment to the City.
- The stadium will provide a useful venue for other events which will contribute to the local economy and help the city attract events currently hosted in Manchester.
- The local economy will receive a huge boost as soon as construction commences.
- The Goodison Legacy Project will have a positive impact on the L4 area of the city.
- Scheme will retain clubs social, historic and community connections to North Liverpool.

Design:

- Architecture make right balance as a modern stadium designed sympathetically to the site's dockland heritage.
- The stadium will enhance the city's skyline and waterfront.
- Building will present a positive image of the city to the rest of the world.
- Stadium will be centre piece to city's architecture positively transforming the area like the Guggenheim has done for Bilbao.
- The building has been sensitively designed with the right balance of materials.
- The application is very thorough and carefully assesses all the relevant concerns.

Access:

- The location is highly accessible
- The building is only a short walk to the city centre

There has been a small number of representations (less than 10) objecting to the application on the following grounds:

- The development is contrary to local and national planning policy
- Infilling of dock will harm the OUV of the WHS and result in its de-listing by UNESCO
- There are other preferable sites outside the WHS.
- Development is incompatible with sites current use as working dock.
- Development will have a detrimental impact on the SAC & harm biodiversity.
- Development will have a detrimental impact on the WHS & Listed Buildings.
- Scheme will increase traffic and reduce air quality.
- Proposals will increase noise in surrounding area as a result of fans travelling to stadium and by holding events.
- Design is out of character with location.

A small number of representations have expressed neither support nor opposition but commented on the following specific aspects of the proposals -

- The plans do not provide sufficient suitable cycle/motorbike storage facilities.
- It will be essential to provide adequate facilities and access/parking for disabled supporters.
- The Transport Assessment contains a number of omissions that need to be addressed.

Additional details of the public comments are provided in appendix 4:

Planning Policy

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

The statutory development plan for Liverpool City Council currently comprises:

- Liverpool Unitary development Plan (UDP) (adopted 2002); and
- Joint Merseyside & Halton Waste Local Plan (adopted 2013).

The following local and national policies have been identified as being the most relevant to the assessment and determination of this application:

The Revised National Planning Policy Framework (2019) (NPPF)

The NPPF sets out national planning policies and how these are expected to be applied. The NPPF does not change the statutory status of the development plan as the starting point for decision making. The Framework re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The NPPF establishes the overarching principles of the planning system, including the requirement of the system to drive and support development through the local development plan process and supports approving development proposals

The NPPF also expresses “a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking”.

The NPPF has 12 core principles these include clear statements about the importance of the need to plan creatively, and actively promote growth while considering local characteristics, securing high quality design and amenities and supporting the move to a low carbon economy, whilst optimising land use and densities and conserving and respecting heritage assets.

Paragraph 7 of the Framework states that the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Paragraph 8 establishes there are three dimensions of sustainable development: economic, social and environmental. These dimensions are defined as:

- an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change including moving to a low carbon economic.

These objectives are interdependent and need to be pursued in a manner which is mutually supportive. Decision-making should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area (Paragraph 9).

Paragraph 10 details that at the heart of the NPPF is a presumption in favour of sustainable development.

Paragraph 11 sets this out for decision taking as follows:

‘For decision-taking this means: approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

1. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
2. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.’

Paragraph 12 establishes that the presumption in favour of sustainable

development does not change the statutory status of the development plan, which is the starting point for making decisions on planning applications.

Relevant parts of the NPPF are referred to in the officer assessment below.

Unitary Development Plan (UDP)

The following Saved UDP policies are relevant to the determination of this application and are considered to align with the principles, aims and objectives of the NPPF and are considered to carry significant weight.

GEN1 Economic Regeneration
GEN2: Open Environment
GEN3: Heritage & Design in the Built Environment
GEN6: Transportation
GEN7: Community Facilities
GEN8: Environmental Protection
C7: The Football Clubs
E3: Port Development*
E8: Tourist Attractions and Facilities
HD1: Listed Buildings
HD4: Alterations to Listed Buildings
HD5: Development Affecting the Setting of a Listed Building
HD8: Preservation and Enhancement of Conservation Areas
HD9: Demolition of Buildings in Conservation Areas
HD11: New Development in Conservation Areas
HD17: Preservation of Archaeological Remains
HD18: General Design Requirements
HD19: Access for All
HD20 Crime Prevention
HD21: Energy Conservation
HD23: New Trees and Landscaping
HD24: Public Art
OE4: The Mersey Coastal Zone
OE5: Protection of Nature Conservation Sites and Features
OE6: Development and Nature Conservation
OE7: Habitat Creation and Enhancement
OE14: Open Space in New Residential Developments
OE17: The Recreational Route Network
T4: Taxis
T6: Cycling
T7: Walking and Pedestrians
T8: Traffic Management
T9: Road Safety
T11: Major Road Corridors
T12: Car Parking Provision in New Developments
T13: Car Parking for the Disabled
T15: Traffic Impact Assessment
EP1: Vacant, Derelict and Neglected Land
EP2: Contaminated Land

EP9: Waste Storage
EP11: Pollution
EP12: Protection of Water Resources
EP13: Flood Prevention
EP15: Environmental Impact Assessment
S12: Out of Centre Retailing
S14: Use of Shops and Other Premises for Class A3 (Food and Drink) Use

(* NB: Policy E3 is obsolete in relation to BMD following grant of Liverpool Waters outline permission).

Liverpool Local Plan 2013 - 2033 (LLP)

NPPF para. 48 advises:

“Local planning authorities may give weight to relevant policies in emerging plans according to:

a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”

The Liverpool Local Plan 2013 - 2033 (LLP) is at a relatively advanced stage of the preparation process. Examination hearings have concluded and the Inspector has issued his interim advice letter on 10 November 2020. The Council is now preparing a consolidated schedule of all the potential main modifications ('MM', 'MMs') identified prior to and during the hearing sessions. None of the emerging policies can be given full weight or nearly full weight because the outcome of the main modification consultation process cannot be pre-judged. However, many policies are considered to have significant weight.

The Degree of Consistency:

The LLP has now been independently examined by an Inspector. It is considered that the LLP (as proposed to be modified by way of MMs) is consistent with the current NPPF in its approach and content.

Overall, it is considered that there are many LLP policies which can carry considerable weight having regard to the stage of preparation, consistency with NPPF and absence of unresolved objections.

In regard to the development proposal the following policies in the LLP are considered to be most relevant and the weight given to different policies, and the reasoning for such attribution of weight is noted below:

The following policies have **Very Significant weight** which is defined as the policies with no proposed Main Modifications, and thus cannot be commented on at the MM consultation stage, (although may have representations):

STP6 Developer Contributions VSW
CC20 Convenience Retail Provision and Community Facilities VSW
CC21 The Night Time Economy VSW
CC22 Food and Drink Uses and Hot Food Take-aways in the City Centre VSW
CC26 Protection and Enhancement of green Infrastructure VSW
UD1 Local Character and Distinctiveness VSW
UD2 Development Layout and Form VSW
UD4 Inclusive Design VSW
UD5 New Buildings VSW

The following policies have **Significant weight** which is defined as the policies having Early Schedule Main Modifications and limited representations either of support or had only minor criticisms of the policies, or in several cases were irrelevant:

EC3 Delivering Economic Growth
EC4 Major Culture, Tourism and Sports facilities and Events
EC6 Mixed Use Areas
CC10 Waterfront Design Requirements
CC11 Recreational Use of Dock Water Spaces, Quaysides and the Waterfront
CC12 Liverpool Waters
CC13 Ten Streets
UD3 Public Realm
UD8 Public Art
HD1 Heritage Assets: Listed Buildings; Conservation Areas; Registered Parks and Gardens; Scheduled Ancient Monuments
HD2 Liverpool Maritime Mercantile City World Heritage Site
GI 1 Green Infrastructure Resources
GI 4 Water Spaces
GI 7 New Planting and Design
GI 9 Green Infrastructure Enhancement
R1 Air, Light and Noise Pollution
R3 Flood Risk and Water Management
R4 Coastal Protection
R7 Renewable and Low Carbon Energy
R9 Solar Panels
R10 Non Fossil Fuel Energy Sources
TP1 Improving Accessibility and Managing Demand for Travel
TP2 Transport Assessments
TP5 Cycling
TP6 Walking and Pedestrians
TP7 Taxis
TP8 Car Parking and Servicing
TP9 Public Transport

The following policies have **Moderate weight** which is defined as being subject to Main Modifications. This weighting also covers policies where even if a Main Modification was an early one there were a higher number of representations:

STP1 Spatial Priorities for the Sustainable Growth of Liverpool
STP2 Sustainable Growth Principles and Managing Environmental Impacts

STP3 Protecting Environmentally Sensitive Areas
GI 5 Protection of Biodiversity and Geodiversity

The following policies have **Limited weight** which is defined as having usually lots of substantial objections and a range of Main Modifications especially ones that came forward later in the examination period:

STP5 Infrastructure Provision
UD6 Tall Buildings

Joint Waste Local Plan (Adopted 2013):

Policy WM8 Waste Prevention and Resource Management
Policy WM9 Sustainable Waste management Design and Layout for New Development

Other Material Considerations

- Liverpool Maritime Mercantile City World Heritage Site – Supplementary Planning Document (October 2009).
- The World Heritage Site Management Plan (2017-24).
- Tens Streets Spatial Regeneration Framework (2018)
- Liverpool City Centre Strategic Investment Framework (November 2012).
- Ensuring a Choice of Travel – Supplementary Planning Document (2008).
- Design for Access for All – Supplementary Planning Document (July 2010).
- Council's Executive Board Report for Planning Obligations (November 2008).
- Liverpool's Local Transport Plan.
- Spatial Development Strategy (SDS) – About Liverpool City region: Our Places (2019)
- National Design Guide (2019)
- North Shore Vision

Issues

The main planning issues raised by the proposed development are:

1. Principle of Development
2. Heritage Considerations
3. Highways Matters
4. Environmental Considerations
5. Design
6. Conformity with Liverpool Waters
7. Impact on surrounding Area/Businesses
8. Regeneration

The Officer Assessment section of this report also covers the following:

9. Other Planning Considerations
10. Decision Process
11. Conclusion

Officer Assessment

1.0 Principle of Development

- 1.1 Section 38(6) of the Planning and compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require planning applications to be determined in accordance with the statutory development plan, unless material considerations indicate otherwise.
- 1.2 The statutory development plan for Liverpool City Council currently comprises:
 - Liverpool Unitary development Plan (UDP) (adopted 2002); and
 - Joint Merseyside & Halton Waste Local Plan (adopted 2013).
- 1.3 Other relevant policy considerations include, the emerging draft local plan (LLP), SPDs and the National Policy/Guidance (NPPF).
- 1.4 The Planning Statement (and Addendum) submitted in support of the application contains an assessment of the compliance of the proposed development with the Development Plan referencing each individual policy and the reasons for compliance or otherwise. This assessment contends that whilst the development is not fully compliant with all policies the proposals are in broad accordance with the development plan overall.
- 1.5 The site is currently allocated as Port land within the Developed Coastal Zone within the Unitary development Plan (adopted 2002) and is situated within Stanley Dock Conservation Area and World Heritage Site. Within the emerging Local Plan (draft submission version 2018) the site is proposed as a Mixed Use designation within the Liverpool Waters area which in turn is situated within the 'Waterfront and its Fringes' area.
- 1.6 The application proposals are for the construction of a stadium development with associated facilities and infrastructure. The stadium is defined primarily as a leisure use (formerly use class D2 now comprising uses that fall within classes e, f & sui generis). The proposed development therefore represents a departure from the statutory development plan (as constituted by the UDP) and has been advertised as such.
- 1.7 As established in the legislation referred to above, the application must be determined with regard to the statutory development plan unless material considerations indicate otherwise. Key material considerations in this case are the NPPF and emerging Local Plan Policies CC10, CC11, CC12, HD1 and EC6 and the WHS SPD.
- 1.8 The 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:
 - i. The application policies in the NPPF which protect areas or assets of particular importance provide a clear reason for refusing development; or

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

- 1.9 Having regard to the low level of port related activity at BMD and Nelson Docks it is considered the most important policies to the determination of the proposed development concern the heritage assets as the site is located within the WHS and Stanley Dock Conservation Area and contains several Grade 2 Listed buildings.
- 1.10 The heritage policies within the statutory development plan (UDP 2002) pre-date the inscription of the WHS and the publication of the NPPF and are inconsistent with its approach so in terms of relative weight they have diminished weight and the more up to date approach of chapter 16 of national policy takes precedence. The fact that the heritage policies are out of date is part of the consideration as to whether the development plan as a whole is out of date and whether or not the provisions of the NPPF (para 11d) apply.
- 1.11 Chapter 16 of the NPPF (Paragraphs 184 to 200) contains the heritage specific policies. The objective of these policies is to maintain and manage change to heritage assets in a way that sustains and where appropriate enhances their significance. Paragraph 193 advises LPA's when considering the impact 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. Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset should require 'clear and convincing justification'. In relation to Grade II listed buildings, substantial harm to or loss of, such assets should be exceptional and assets of the highest significance including World Heritage Sites should be wholly exceptional.
- 1.12 Para 195 of the NPPF states:
- "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."*
- 1.13 BMD waterbody is currently in use as a tug berth and the quayside has recently been used for sand import and storage. The blue dockside warehouse has also been used on occasions as a venue for music events and retains a valid licence for this purpose. Given the dock has recently been in active use, albeit at a low level, the evaluation that needs to be undertaken in line with p195 is not whether points a – d apply but whether the scheme gives rise to sufficiently significant public benefits to clearly outweigh the substantial harm.

- 1.14 To establish whether the application is acceptable in principle it is, therefore, necessary to assess how the proposal measures against this requirement and crucially whether the development is so exceptional that the degree of harm it would cause to the site's heritage is justified.
- 1.15 To make this judgment the background to the application needs to be understood including the reasons the club needs a new stadium; the stadium requirements such as seating capacity and the minimum site area; the site selection process and what other possible locations have been considered; the importance the club have placed on remaining in North Liverpool and the reasonableness of this; why BMD was chosen; what efforts have been made to mitigate the impact; and what benefits the development would have for the city and its residents if the proposed development was delivered. These factors will inform the judgement, weighing the harm against the benefits, upon which the application decision depends.

Reasons New Ground needed

- 1.16 The application explains EFC have been seeking a site for a new ground for over 20 years. Goodison Park opened in 1892 with a capacity of 11,000 and is recognised as the first major purpose-built stadium in England. The stadium has been significantly altered over the years and now has a capacity of 39,572. However, due to the age of the building there are various limitations which mean despite significant capital expenditure on maintenance the club's existing facilities are falling behind those of its rivals in the English Premier League. For these reasons the club consider it imperative to increase the stadium capacity and modernise its facilities in order to stay commercially competitive. While Goodison Park has been expanded over the years, with the last major addition the replacement of the Park End stand in 1994, the age and condition of the current building and constrained location mean the site has, in the club's view, reached its limit for expansion and a new ground is required. In summary the club consider Goodison Park is severely constrained and does not provide the level of integrated facilities or accessibility required for a top tier club to meet modern day spectator's expectations. These deficiencies also have major financial implications and are imposing significant costs on the club meaning it is losing significant potential revenue which it needs to compete at the highest level in the EPL.
- 1.17 The application explains in detail the deficiencies of Goodison Park which exacerbate its operational weaknesses and make it difficult, inefficient and costly to redevelop within its existing footprint. These deficiencies include insufficient capacity to meet demand; a high proportion of obstructed views which diminish spectator viewing experience; restricted accessibility and facilities; outdated team and coaching facilities; commercial limitations that constrain the club's ability to generate revenue; and operational issues.
- 1.18 Goodison Park sits within a tight urban setting and occupies an area of 3.25ha which is considerably smaller than would be needed for the development of a modern stadium and associated infrastructure. An expansion of the current stadium would require the purchase of property around the ground which includes private housing, a school, shops and businesses. This would involve significant site assembly issues in terms of cost and programme and would not resolve

fundamental issues at Goodison relating to the site being surrounded by residential properties and the amenity impacts this creates. Redeveloping the existing ground would not address critical limitations of the existing building and cause significant operational issues. For these reasons the LPA (and Historic England) accept that Goodison Park is not a feasible location to rebuild the stadium and the search for an alternative site is justified.

Club Brief

- 1.19 The club set a brief for the its stadium project which was based on eleven 'Principles of Development'. These principles set the technical and performative requirements for a new stadium and were central to the message promoted during the Club's public engagement exercise carried out between 2017- 2018. These principles conceived the stadium to be a state of the art football first venue, with seating accommodation and sightlines tailored to the dimensions of a standard football pitch and to the experience of attending a match. The target seating capacity threshold was a minimum of 52,000 and the brief identified that a monumental Home End stand was an essential feature along with open areas offering good accessibility around the ground.

Sites Previously Considered

- 1.20 Due to the long-standing need to relocate from Goodison Park a number of development sites have previously been investigated. Around the year 2000 a site at Kings Dock was considered. This land is now the home of the M & S Arena and Conference Centre was not progressed at that time due to funding issues. In 2006 the Club, in partnership with Tesco Stores Ltd, submitted an application for a stadium and retail development in Kirkby. The application attracted significant objections from both fans and LCC and was subsequently called-in for public inquiry. The application was dismissed, primarily on retail planning grounds, but the level of opposition attracted by the proposed move away from the City led the club to re-evaluate its plans and seek a site which maintained its links to the community of North Liverpool. The next and most recent site considered was Walton Hall Park. In 2015 feasibility studies were undertaken which explored a range of options for how a stadium might be developed in Walton Hall Park. These proposals also attracted significant opposition primarily from local residents and community groups objecting to the loss of public open space which was valued as a key resource for the North Liverpool Community and a number of demonstrations took place to protect it. Concerns also evolved about the amount of enabling development required to facilitate a stadium in this location and the proposals were not progressed as it was concluded that the park was not a suitable or realistic site by the club or LCC.

Bramley Moore Dock

- 1.21 In 2017 having undertaken extensive searches the Club announced it had reached agreement with Peel Land & Property to acquire BMD as a possible site for its new stadium (subject to planning permission). The club considers BMD represents the best location for an iconic new stadium as it occupies a waterfront setting and would provide the catalyst for significant regeneration of derelict dockland close to

the club's existing home at Goodison Park. As BMD falls within the Stanley Dock Conservation Area and WHS and comprises grade 2 listed buildings the club recognised from the outset that securing planning approval is contingent on demonstrating there are wholly exceptional, cultural, economic and social benefits developing the stadium at BMD which outweigh the harm to the heritage assets.

- 1.22 To inform the application it was agreed between the club, the LPA and Historic England that due to the scale of the development proposed, the heritage status of BMD and the tests of national policy, it was critical to undertake an assessment of the availability of alternative sites which might reasonably accommodate a stadium development that meets the needs of the club without prejudice to all the planning considerations. It is understood that this is a retrospective and not a prospective exercise, nonetheless it has to be viewed in the context that the club has been seeking an alternative site for the last 20 years, and the genuineness of its efforts is not doubted in this regard.

Area of Search and Importance of remaining in North Liverpool (& reasonableness of this)

- 1.23 The application notes the previous stadium proposals have provided the club with significant lessons in terms of supporter's expectations regarding the location and quality of a new stadium. Furthermore, following a change in leadership at the club and the emergence of Everton in the Community (EitC) the club is now committed to delivering a stadium that is embedded within its traditional catchment area and so retains strong physical and cultural connections to Goodison Park within North Liverpool.
- 1.24 This desire to maintain the deep rooted links to the North Liverpool Community and the L4 postcode within which Goodison Park is based is a critical factor in defining the catchment of the search area for a new site. LCC appreciates the importance of both football clubs to the city and from a land use perspective have recognised this through supportive policies in both the UDP (Policy C7) and the new Local Plan (Policy EC4). Historic England also accept the club's desire to remain close to its fan base is a valid consideration, noting the importance of fans travel times and sense of ownership derive from being part of a place. Following consultation with LCC and Historic England the club has considered three areas of search:
- Area 1a 'North Liverpool' which includes Anfield, Everton, Kirkdale and County wards. This is the clubs preferred area as it is considered the heartland of the Everton community and retains close connections to Goodison Park.
 - Area 1b 'Extended North Liverpool' which covers all land extending up to the M62 and Edge lane and those within the city centre. This area covers sites which although further away from its preferred location the club would be willing to consider moving to if they met the site requirements.
 - Area 2 'Wider Search Area' which includes all potential sites within the LCC administrative boundary including South Liverpool and parts of South Sefton the club would not consider moving to as they are outside the club's catchment but this area has been included in the revised ASA for completeness following discussions with Historic England.

- 1.25 Details explaining how the area of search was defined and the basis on which sites were identified within the areas considered are provided in the Alternative Site Assessment (ASA) report submitted with the application. The site selection process and methodology used in the ASA have followed precedents established in other comparable cases which were discussed at the pre-app and consultation stages and agreed with the LPA. The approach has also demonstrated flexibility with the area considered being expanded firstly beyond the clubs preferred catchment and then extended further in the revised submission to have regard to the views of Historic England and ensure the exercise is robust.

Stadium requirements (seating capacity and size of site)

- 1.26 The Club and its technical advisors have considered in detail the minimum site area and critical dimensions required for a site to accommodate a stadium with a similar capacity ancillary facilities to reflect the stadia the is proposed at BMD. A benchmarking exercise has been undertaken with comparable football stadia and the study has considered influencing factors such as the Green Guide which sets out minimum space provisions for seating, escape routes, concourses and toilets. It also takes account of guidance issued by the football regulatory authorities concerning the requirements for hosting football matches such as space for media facilities, car parking and outdoor broadcasting. As a result of this study it has been concluded that 7.2 ha is a minimum area required for the stadium and this has been adopted for the site search exercise.

The Alternative Sites Assessment (ASA)

- 1.27 An ASA has been prepared to assess potential alternative sites for stadium development. Given the heritage status of BMD and associated planning policy constraints it is critical to consider if any alternative sites are available that might reasonably accommodate a stadium that meet the club's needs. The ASA document first submitted in December 2019 has been revised to reflect changing circumstances and feedback received from the City Council and Historic England following first round of consultation.
- 1.28 The updated ASA explains why the threshold of 7.2ha has been used in the assessment and would be the minimum area necessary that would allow for the development of a modern stadium with the required ancillary facilities (reduced from 8ha in the original ASA). It also considers Goodison Park and the provides reasons why the expansion of Goodson Park is not a feasible option.
- 1.29 The ASA provides a very thorough assessment of alternative site options; assessing the suitability of each site identified as a potential location for a new stadium development based on a comprehensive set of assessment criteria. The site assessment provides a detailed qualitative review of the suitability of each site identified. Detail such as site area, use, ownership, planning policy, history, accessibility and other constraints were noted then each location was assessed taking account of the following factors:

1. Is the site large enough for the proposed stadium and parking?

2. Are there any overriding site specific planning issues?
 3. Is site acquisition a realistic proposition (is the site available)?
 4. Can a stadium be built on the site without incurring unaffordable development costs on the site (deliverability and viability)?
 5. Is the site accessible by sustainable transport modes?
 6. Will there be any unacceptable environmental or visual impact?
- 1.30 The site search identified a total of 52 possible sites including BMD. 32 in North Liverpool (Areas 1a and 1b) and a further 20 in the wider area (Area 2). Detailed proformas were then completed reviewing each site against the assessment criteria and with a comparative assessment of the site against BMD to understand if the site is reasonably available, and whether it is a feasible, practical or realistic alternative which provides a more favourable alternative to the club's current proposals, having regard to a range of land use considerations.
- 1.31 Having reviewed potential sites the ASA finds there are no alternative sites that could better accommodate the requirements for the club's new stadium wither within the extended North Liverpool Area (Area 1a or 1b) or within a wider catchment (Area 2). Having carefully reviewed the ASA Planning Officers concur with this conclusion.

Historic England View on the Alternative Site Assessment

- 1.32 Historic England have expressed concerns about the ASA and consider that it does not provide sufficient justification for the selection of BMD for the proposed stadium. In particular they believe the hierarchy of planning policy used to undertaken the assessment has not been correctly weighted because sites are discounted for local policy reasons such as protection of green space or employment land whilst BMD falls within the WHS a heritage designation of the highest importance but has not been treated in the same way. Also they are concerned other potential sites have been discounted where it is considered landowners would be unwilling to dispose of their land or that would involve a complex acquisition process. Historic England, therefore, do not consider 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 local ownership and acquisition. They are concerned that the evaluation of BMD is inaccurate through giving insufficient weight to the issue of overriding planning constraints in accordance with the NPPF.
- 1.33 They also suggest the unacceptable environment or visual impacts of the proposed stadium have been given insufficient weight, despite it being accepted that the proposal would result in substantial harm to heritage designations and this greatly undermines the validity of the assessment.
- 1.34 Historic England do accept the club's desire to remain in North Liverpool is a valid consideration, however, they suggest that this argument should be factored in at the end of the selection process, rather than shaping the whole consideration of alternative sites. They also make that point that the public benefits identified with the redevelopment of Goodison Park could be achieved if the new stadium was to be delivered on a different, and potentially less harmful, site.

- 1.35 Historic England contest that when determining the 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.
- 1.36 To satisfy itself that the ASA is sound and provides a credible and comprehensive appraisal sufficient 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, the minimum size for the site has been reduced and more robust explanation provided for this, Goodison Park has been assessed and comparison added of BMD 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 effect it enables a properly considered view to be taken over the justification for the proposed development. In particular, the updated ASA provided in the revised submission is now a sufficiently robust document which responds to concerns raised in relation to the original application document, as well as those of principal consultees and therefore comprises a proper basis to inform decision making. Importantly it is plainly not to be considered as a mechanistic filtering exercise, but rather an evidence based document to enable comparative judgments to be formed.

Reasons Why BMD Chosen

- 1.37 The Club's requirement to develop a new stadium due to the constraints of Goodison Park has been explained very thoroughly in the application submission. The Club's search to find an alternative site began over 20 years ago and the extensive efforts the Club have gone to find a suitable site are well documented. The application has also provided clear and compelling reasons why the Club wants to stay as close as possible to its historic home in North Liverpool. BMD has been identified by the Club, in consultation with LCC, as a location that potentially fulfils this brief.
- 1.38 BMD falls within the club's preferred catchment area close to its existing home at Goodison Park. The site is 8.67 ha in area so meets the minimum size threshold. It is accessible by sustainable transport modes and lies within an area that is currently underused and earmarked for development. The site is in single ownership and has been made available for development, subject to receipt of planning permission, on a 200 year lease. Whilst the Northern Docks are sensitive in both heritage and environmental terms BMD has the potential to provide an iconic location for a new stadium given its prominent location on the waterfront next to one of the city's flagship regeneration areas.
- 1.39 The ASA has demonstrated that there are no alternative sites which taken overall are to be preferred, compared to Bramley Moore Dock. For this reason the application contends that BMD is the most appropriate and realistic opportunity to

provide a football stadium which meets the modern needs of a top tier football club. Planning Officers concur with this conclusion

Heritage Considerations

- 1.40 BMD clearly lies within a very sensitive area in heritage terms. Section 2 of this report considers in detail the heritage considerations, describing the heritage assets effected and their significance and the impact of the proposed development. It is clear from Heritage Impact Assessment undertaken and consultation feedback that the proposed stadium development will have an impact on all the heritage assets within and around the site and consequently harm the character of the Stanley Dock Conservation Area and the OUV of the WHS.
- 1.41 Whilst there is no national or local policy that automatically rules out development within Conservation Areas or World Heritage Sites, those areas are designated as such for their intrinsic heritage value which must be had special regard to when making any planning decision, which the courts have concluded means that 'great weight' should be afforded to the protection of their heritage significance. By the same token World Heritage Sites are identified by UNESCO for their outstanding universal value which in principle should be afforded great weight in any planning determination. Any development proposals which cause harm to, or loss of, the significance of designated heritage assets require clear and convincing justification and should only be allowed in wholly exceptional circumstances where a clear and convincing justification has been proven.
- 1.42 The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that the local planning authority in considering whether or not to grant listed building consent shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 66 of the Act repeats the requirement for having "special regard" when considering whether to grant planning permission. Section 72 of the Act sets out that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 1.43 National guidance in the National Planning Policy Framework (NPPF), and local policy guidance in the statutory development plan (UDP), the Draft Local Plan and the WHS SPD provide guidance that requires heritage assets to be protected or enhanced.
- 1.44 The NPPF sets out in Section 16 the policy's for conserving and enhancing the historic environment; paragraph 193 in that section states that great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be. WHSs are evidently assets of the highest significance and as such any harm to the significance of the heritage asset requires clear and convincing justification and substantial harm should be wholly exceptional (para 194(b)).
- 1.45 Whilst the adopted UDP pre-dates the inscription of the WHS it contains adopted policies that require the protection of Conservation Areas (Policy HD7) and Listed Buildings and their settings (HD1, HD3, HD4 & HD5). The more recent emerging

policy in the Draft Local Plan contains a policy specifically in relation to the WHS. This Policy (HD2) 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 Local Plan 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.

- 1.46 There is no allocation within the draft Local Plan for a new football stadium, but reference is made to Everton's desire to relocate to a new stadium. 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'.
- 1.47 In addition to the UDP and the Local Plan, the Liverpool World Heritage Site Supplementary Planning Document 2009 (SPD) is a material consideration. Although not an adopted document the SPD provides guidance for protecting the OUV of the WHS whilst encouraging investment which will allow for the regeneration of the area. The SPD includes a number of policies referring to dock infill, and states 'it is essential that the fundamental integrity of the docks as open water spaces is retained.' (p 4.7.2) as 'The water bodies within these docks are fundamental to their character and historical importance' (p4.7.3).
- 1.48 This legal duty and policy guidance is not intended to prevent development in conservation areas or the WHS but instead to ensure that the conservation and enhancement of the historic environment, and the OUV of the WHS, is fully considered in the decision making process, and that great weight is afforded to any impact upon the significance of such assets in the overall planning balance.
- 1.49 The impact on these heritage assets is a clearly a central consideration in determining whether BMD is an acceptable site for a stadium development in land use planning terms.

UNESCO & the World Heritage Site

- 1.50 UNESCO have objected strongly to the application on the grounds that the stadium would have an unacceptable major adverse impact on the authenticity, integrity and Outstanding Universal Value of the WHS property. This objection is stated with reference to a Technical Review of the proposals undertaken by ICOMOS in their capacity as advisors to UNESCO. The objection also re-iterates this opposition to the scheme is consistent with UNESCO's previous advice that it is not appropriate for further new developments within the WHS property, and its buffer zone, to be approved and built until such time as the necessary input studies and plans have been fully completed and the Desired State of Conservation for the removal (DSOCR) of the property from the List of World Heritage in Danger and Corrective

Measures have been finalised, agreed, and endorsed by the World Heritage. LCC has prepared a DSoCR in conjunction with Historic England and the UK Government (DCMS) as the state party have submitted to UNESCO which sets out corrective measures proposed to address the concerns that exist in respect of the WHS but measures proposed have not yet been accepted and agreed by the World Heritage Committee. Members will of course note that in separate dialogue UNESCO have indicated that approval of development within the WHS, and the Liverpool Waters site in particular, would lead to further consideration of the loss of Liverpool's WHS status. The context of this needs to be understood which was the objection by UNESCO to some elements of the LW scheme which have not in fact proceeded (notably the so called "Shanghai Tower").

- 1.51 Historic England consider that the proposal would result in substantial harm to the significance of the Grade II listed Bramley Moore Dock, through its infilling. This would result in a very high level of harm to the Stanley Dock Conservation Area and cause a very large harmful impact to a World Heritage Site. For these reasons Historic England advises that the 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 World Heritage Site which the stadium development would cause.
- 1.52 To establish whether the development is acceptable in principle it is, therefore, necessary to establish whether the proposal is compliant with the development plan, in so far as it remains compliant with the NPPF and have regard to other material planning considerations applicable to the application.

Liverpool Waters context

- 1.53 BMD lies within the confines of the Liverpool Waters regeneration site. In June 2013 Peel Land & Property Ltd received outline planning permission for a mixed use development that would provide up to 1,691,100 sq m pf development across a 60ha site over 30 year plus period. The development encompasses five neighbourhoods – Princes Dock; Central Docks; King Edward Industrial Estate; Clarence Docks; and Northern Docks. The outline permission envisaged individual development schemes would be brought forward through reserved matters application in line with detailed masterplans that would be prepared for the individual neighbourhoods. The scope of development remains subject to a range of development parameters which set the maximum limits for development across the site.
- 1.54 Separate to the outline permission various standalone applications have been submitted and approved for schemes such as the Liverpool Cruise Terminal, the Isle of Man Ferry Terminal, Northern Link Road and non-material amendments to the outline permission have been approved through the s96a process to reflect these changes to the outline masterplan. BMD is situated in the Northern Docks Neighbourhood is the final phase of development proposed the outline permission. In the outline masterplan it is envisaged BMD would be developed for residential use with a range of blocks enclosing the dock water space. In 2018 EFC agreed terms that grants the club a 200 year lease to develop BMD for a new stadium (subject to planning permission being granted). Both EFC and Peel Land &

Property are now committed to delivering Everton's new stadium in conjunction with the Liverpool Waters scheme and bringing the project forward. Liverpool Waters remains a key priority for LCC and it is important that it is not undermined by approval of other development schemes. Section 6 of this report therefore considers the implications of the stadium application for the consented Liverpool Waters project.

Consequences for and plans for future of Goodison Park

- 1.55 Although not part of the stadium application a critical element of the 'The People's Project' proposals are the club's plans for the redevelopment of Goodison Park following the proposed relocation to BMD. A separate outline application has been submitted which is being considered simultaneously seeks permission for the re-development of the Goodison Park for a mixed-use development (ref: 20O/0997). The GP proposals comprise up to 173 residential units, 102 residential care units and approximately 18,000 sqm of floorspace for commercial, retail, leisure of community use. The application proposals indicate this space could accommodate offices, a health centre, and education facility and a small scale retail and food and drink units. These proposals are intended to ensure the site is re-developed in a manner that positively supports the existing community and provides new uses appropriate for the area.
- 1.56 Although the plans are the subject of separate applications on different sites the club has confirmed its commitment via the proposed S106 agreement which requires the club to commence redevelopment of Goodison Park within an agreed period (3 years) of Bramley Moore Dock being first used for league football or hosting an event with more than 10,000 spectators following the grant of planning permission.

Efforts to enhance & protect heritage (mitigation)

- 1.57 The historic importance of BMD and the club's heritage at Goodison Park have been central considerations that have informed the clubs' plans from the outset. The club is fully aware of the significance of BMD and in consultation with the LPA and Historic England has sought to ensure the design considers the history of the site as much as possible, creating a great new civic space in the Northern Docks area and an iconic place to play football on the city waterfront. Respecting Heritage was one of the 11 key principles contained within the original brief that shaped the design. Constructive discussions between the club, LCC Conservation Officer and Historic England have guided the proposals and informed the details of the two associated listed building applications - for the creation of new openings necessary in Regent Road Wall (ref 20L/2543), and for works to the Bramley Moore Dock walls and Nelson Dock (north quay) wall and heritage artefacts affixed to and within the curtilage of the walls, which includes the infilling of Bramley Moore Dock (ref: 20L/2611).
- 1.58 The Heritage Statement describes how the heritage value of the site has informed the detailed design and the Townscape and Visual Impact Assessment provided the ability to assess the inter-relationship between the proposed stadium and key assets/views within the WHS and Stanley Dock conservation area. This has meant

the scale of the building has been reduced to minimise the building height to the minimum possible, thereby reducing the impact on the city's skyline and views of this part of the WHS. The massing of the stadium building has been designed to reflect the warehouse typology seen in Stanley Dock Conservation Area and the WHS giving effect to the solid base. The materiality of the building has adopted a similar approach to other historic buildings in the Conservation Area with the brick chose to sit comfortably alongside the Hydraulic Engine House.

- 1.59 In addition to the stadium design the proposals contain a number of other measures which seek to mitigate the impact:
- 1.60 Dock Infill Methodology: The proposed methodology and materials to infill BMD has been based on the strategy to minimise physical harm to the listed retaining walls (as per the Wellington Dock infill to the north). The methodology and foundations design proposed stadium mean that the dock walls would not be damaged where they lie within the footprint of the stadium. The propose strategy includes the repair of the retaining walls where necessary and allows (in theory) for the dock to be re-instated into its existing condition, whenever the stadium is demolished.
- 1.61 Public Realm Design: The landscape strategy has been designed to recognise and celebrate the dock's historic and functional past in the public realm through the use of existing surfaces, artefacts and the dock retaining walls themselves to ensure the memory of the dock is obvious and celebrated. This includes the exposure of the listed BMD retaining wall within the public realm to the east of the stadium and to the west and the repair an incorporation of assets such as granite setts, railway tracks, bollards and capstans in the hard landscaping.
- 1.62 Regent Road Wall Openings: The proposed openings through Regent Road wall, which are also subject of listed building application ref:20L/2543, have been kept to the minimum width required. Each of the three proposed openings comprise four archways and the proposed design re-instates the overhead section and are dressed in original dressed stone to minimise the impact on the wall. The gates and signage strategy are also sensitively designed.
- 1.63 Re-use of Hydraulic Engine House: The proposed repair, restore and convert the currently derelict grade II building Hydraulic Engine House to provide a viable and sustainable future use as an exhibition/cultural centre with ancillary café. This will also provide an active and purposeful termination of the River Walk through the WHS as envisaged in the Liverpool Waters masterplan, with the requirement that the works are carried out prior to the stadium being brought into use through the s106 agreement.
- 1.64 Water Channel: The creation of a water channel between Sandon Half-tide Dock and Nelson Dock which retains the visual connectivity of the dock system and appreciation of the original inter-connected dock system as well as ecological value as an aquatic habitat. This also allows the western retaining wall of BMD to be exposed and for the 'knuckles' of the retaining walls to be exposed at the north east and south east corners of the water channel where it meets the infilled space.

- 1.65 Appendix 13 contains the table submitted in the updated Planning Statement Addendum (September 2020) with a summary findings of the updated Heritage Impact Assessment.

Public Benefits Development Will Bring

- 1.67 The 'People's Project' stadium development will deliver a development of the significance, scale and quality that could have a substantial impact, not only on the North Docks area of the WHS and the local North Liverpool area but also the wider City Region. To help quantify the scale of the economic and social benefits a number of technical reports have been submitted with the application which analyse the anticipated impact if the development were delivered. These studies are considered in the context of the United Nations Sustainable Development Goals (SDG's) which provide an internationally recognised set of objectives that seek to achieve a better and more sustainable future. The SDG's provide a useful measure of how the development will contribute to achieving internationally adopted objectives for sustainable development.

Economic Benefits

- 1.68 The Economic Impact Assessment has assessed the collective benefits of the People's Project based on core guidance including from the HM Treasury, The Green Book: Central Government Guidance on Appraisal and Evaluation (2018); Homes and Communities Agency (HCA), Employment Density Guide (Third Edition, 2015); HCA, Additionality Guide (Fourth Edition, 2014). It recognises that the proposed new stadium project is not one project in isolation but a series of projects with significant and complex inter-relationships that require measurement and assessment. There are four key elements of analysis that were examined, including:
- The current baseline socio-economic contribution of Everton operating from Goodison Park;
 - The additional (or incremental) impact of the new stadium proposals at BMD;
 - The legacy impact of Everton as part of the Goodison Park community as a result of the redevelopment of the Club's existing stadium site (the GPLP); and
 - The catalytic impact on surrounding neighbourhoods at BMD within the 'Northern Ten Streets' area (broadly including land within the Ten Streets to the north of the Titanic hotel)
- 1.69 The findings of the Economic Impact Assessment demonstrate that the People's Project will deliver transformational benefits for North Liverpool, the Liverpool City Region and the wider North West Region. The combined additionality of the new stadium, wider catalytic development (in the Northern Ten Streets area) and the GPLP demonstrate that the project will have very significant benefits for the City Region. The key headline impacts of the new stadium, the GPLP and the impact of the wider catalytic benefits on the Northern Ten Streets are set out in the Planning Statement as follows:

Headline Economic Benefits of the People's Project

OUTPUT	NEW STADIUM AT BMD	GOODISON PARK LEGACY	WIDER CATALYTIC DEV'T ADJ TO BMD
CONSTRUCTION PHASE			
Construction Value	£505m	£82.5m	£212m
Construction Jobs	8136	1382	3562
Construction GVA	£420m	£69m	£176m
Apprenticeship/Trainee Jobs	505	82	212
OPERATIONAL PHASE			
Net Additional Jobs	312	520	2046
Net Additional GVA	£11.2m	£29m	£99m
Net Additional Wage Income& Household Income	£14.5m	£6.8m	£28m
Net Additional Spend	£39.5m	£1.42m	n/a

- 1.70 The Economic Impact Assessment demonstrates that the People's Project will provide a once in-a-generation opportunity to deliver significant economic benefits to Liverpool and to catalyse the regeneration of priority neighbourhoods in the north of the City which are in economic distress and rank below the City and National average on almost all indices of deprivation.
- 1.71 The project will not only deliver significant additionality in terms of jobs and investment but will accelerate the development of key regeneration priorities along the Northern Docks including Liverpool Waters, the Ten Streets and the wider Atlantic Corridor regeneration area. The public benefits, which will deliver transformational jobs and investment into the City, should not be underestimated and offer an opportunity to truly transform the City and the City Region on a scale that has not been seen before in North Liverpool.

Social and Cultural Benefits

- 1.72 In addition to the economic benefits the development will have a number of social and cultural benefits and the application contains details of the benefits anticipated with the project. This analysis indicates the combination of the BMD and GPLP will deliver a unique range of benefits that will induce social change, improve quality of life, raise attainment and deliver inclusivity across a wide range of communities in North Liverpool. The headlines of the benefits are summarised in the application as follows:
- Support the delivery of new homes by providing new social and affordable housing as part of the GPLP.

- Improve health and wellbeing in the local community by providing new health and community facilities as part of the GPLP/EitC, and significant new public open spaces at both GPLP and BMD. Furthermore, it will support the growth of EitC and its health/sport outreach programme (i.e. the People's Place – mental health).
- Improve education and training by supporting the growth of EitC, including Free School expansion. The growth of EitC will support existing and new education programmes and create new educational facilities as part of the GPLP.
- Provide major employment opportunities creating a range of significant job opportunities where they are needed the most, maximizing supply chain and flow on benefits of the development. These employment opportunities will be provided for an extended period at both BMD and GP during the construction phases then to service the staff needs at BMD and facilitated through employment services and an enterprise hub as part of the GPLP.
- Community engagement and participation will ensure there is substantial 'ownership' of the emerging proposals by continuing the scope of activities that reach a greater proportion of the community and provide access to the site and the City's heritage.
- Supporting social change and community benefit. Reducing crime and improving social outlook with new key community services as part of the GPLP (financial, education, health). Helping create a change in perceptions (at both GP and BMD).

- 1.73 The application has sought to quantify the value of these societal benefits. This indicates that the combination of the stadium development at BMD and the associated GPLP will create a new focus for regeneration in one of the most deprived areas of the city and whole country which will have a transformational economic and social impact on the local community of North Liverpool, the City and the wider region beyond. The People's Project is calculated to have the potential to generate more than £1.2bn of value to the economy and create at least 14,000 jobs in the City region alone with many more jobs created across the wider North West. This is recognised as very much a once in a generation opportunity to secure the public benefits associated with the proposed scheme.
- 1.74 Historic England have questioned the extent to which the benefits associated with the redevelopment of Goodison Park can be taken into consideration. They point out that whilst the benefits identified will have the potential to contribute positively to the community these are not dependent on the stadium being built in BMD and could be delivered if the new stadium was to be constructed on a different and potentially less harmful site.
- 1.75 Whilst this is not an unreasonable point to raise it relies on the supposition that the development is capable of being delivered elsewhere whereas the evidence provided with the application, and in the ASA in particular, indicates that BMD is the only site which is available/feasible for the scheme. In that scenario the benefits

identified are material and should be considered in the balancing exercise to be undertaken in the planning assessment. In reality the baseline for any such assessment is that if this project does not proceed, then the Club would be likely to remain in the current home for the foreseeable future. A comparator of a hypothetical better site is therefore considered to be unrealistic.

Heritage Benefits

- 1.76 Without diminishing the weight that should be afforded to the substantial harm that will occur in heritage terms, it is important that other elements of the scheme will give rise to positive impacts in heritage terms.
- 1.77 Thus, the development of a new stadium at BMD has the potential to deliver heritage benefits both on site and to the public in terms of enhancing degraded on-site heritage assets, improving access the WHS and unlocking access to the history and an improved interpretation of the WHS in the Northern Docks. These are significant benefits to the public which would not happen at least in the short to medium term if at all without the intervention of the proposed scheme.
- 1.78 Access to the WHS and BMD – At present BMD and the Northern Docks within Liverpool Waters are inaccessible to the public sitting behind the Regent Road dock boundary wall. The stadium proposals are to provide public access to BMD 24/7, 365 days a year (subject to weather, anti-social behaviour and security considerations). This will open up this part of the docks and give public access to part of the city's heritage for which the WHS was inscribed. The scheme will include a range of features that will improve public knowledge of the dock history such as interpretive public realm and signage that will link into wider measures such as the Liverpool Waters river walk planned along the flank of the River Mersey.
- 1.79 The Northern Docks are the final phase of the Liverpool Waters scheme and not scheduled for development until 2036 – 2041 in the outline permission. The stadium plans will accelerate the development of the Northern Docks allowing earlier public access to an area that is currently inaccessible, unlocking part of the WHS that is currently unseen for wider public use and enjoyment. The development will also facilitate access to revitalised heritage assets that exist within the site and the surrounding area. This includes the Hydraulic Engine House, which is to be restored (S106 commitment), the listed dock retaining walls and numerous non designated heritage assets that are to be retained, refurbished and then incorporated into the landscaping plans.
- 1.80 An added dimension to increasing access and interest in the site will be the substantial coverage that the stadium will receive when football matches are broadcast from the stadium. The new stadium will draw attention to the City's remarkable waterfront from around the world. This will provide significant opportunities to promote the city's cultural heritage and the role of the stadium development in its heritage-led regeneration.
- 1.81 Enhancing Heritage Assets – The Grade II Hydraulic Engine House has been derelict for a significant period of time. Its condition is deteriorating and it has been

identified as a building of concern on Historic England's 'at risk' register. Appropriate work needs to be undertaken to stabilise the building and arrest its deterioration and then sympathetic renovation to bring it back into a positive re-use that safeguards its future. The application proposes to change the Hydraulic Engine House to an interpretation/exhibition centre with potential café, that will provide a focal point within the fan plaza for use both on match and non-match days alike. Detailed plans for the restoration of the Engine House are currently being prepared that will be subject of a separate listed building consent that will provide for the repair and renovation of the building so that it can house the cultural and heritage exhibits itemised in the application such as the club's Everton Collection and documents that tell the history of BMD. The commitment to undertake the works is to be secured by legal agreement and the s106 Heads of Terms set out that the building is to be repaired and refurbished to a standard available for public use prior to the first match or event taking place. Without the significant investment that the application proposes there is a genuine possibility that in the absence of any viable alternative the building would be at greater risk and potentially lost.

- 1.82 Other Heritage Features – In addition to the refurbishment of the Hydraulic Engine House the proposals involve a number of other measures that will enhance some and mitigate other impacts on heritage assets making these features more accessible for public enjoyment in future. Details of these are set out in section 2 of the report and include the formation of the water channel, the sensitive stadium design and the public realm design which retains and incorporates the majority of historical artefacts in the hard landscaping to recognise and celebrate the dock's functional past.

Taken overall these measures will significantly improve the public awareness and use of this part of the WHS whilst providing for the restoration of a number of heritage features that may otherwise be lost. There are public benefits to these aspects of the scheme which need to be balanced on the positive side when weighed against the substantial harm to the site's heritage significance otherwise identified, and which should be afforded very considerable weight in the balance against the proposals.

Sustainability and Environmental Benefits

- 1.83 The club have declared in the application an intention to make the new stadium one of the most sustainable stadiums in the UK and spelt out the key design strategies which it will adopt to ensure this. These include a range of measures designed to minimise energy demand and associated CO₂ emissions, such as utilising natural ventilation; employing low energy lighting; the installation of 2,050 sqm of photovoltaic cells on the stadium south stand roof to harness solar energy; technology to ensure efficient use of water; implementation of waste minimisation strategy and to reduce use of materials and encourage recycling; use of local supply chains; and efficient construction processes and enhance performance through the lifecycle of the project.
- 1.84 From an access and mobility perspective the club have confirmed the intention to embrace future mobility solutions such as electric vehicle charging (future-proofing infrastructure to increase provision) and provision of ample cycle parking facilities.

The Transport Strategy seeks to encourage visitors to consider sustainable transport modes. This is helped in part by the constraints on parking provision within the site, the proposed extension of existing fan parking management zones (FPMZs) to cover surrounding residential areas and a business permit parking area around the Ten Streets area and other surrounding employment areas. These initiatives seek to constrain the ability to travel to the stadium by private motor vehicle and support travel by non-car mode such as the train, bus, walking and cycling. A crucial part of the plans are the efforts to ensure equality of experience by removing barriers in the physical design and taking a considerate approach to access and inclusion that ensures users can make effective and independent choices about how to use the stadium.

- 1.85 The construction plan aims to reduce the volume of fill imported to the site and also a significant degree of off-site fabrication which will reduce the number of marine and terrestrial movements required. Site levels have been selected which protect against potential sea level rises and ensure the site and surrounding access routes are safe from flooding. Resilience has also been built into internal and external environments to ensure comfort can be achieved having regard to the site characteristics and potential changes in the future climate.

Community Benefits

- 1.86 An important characteristic of the club's profile is the efforts maintained to integrate into the local community. The club are keen to build on the success of EitC initiatives it has developed over the last 30 years and consider the Peoples Project offers a unique opportunity for the creation of local jobs both in the construction and operation of the stadium and GPLP. To achieve this the club have agreed to develop an Employment and Training Strategy to encourage the employment of local people and local businesses which will be secured by the s106 legal agreement. The developments at both BMD & GP will create valuable new resources for the community that will allow the club to scale up and strengthen the commitments it has made and help build social cohesion. At present BMD is underused and in effect closed to the public. The stadium development will create a new venue for the city and provide new civic spaces that are privately managed to encourage access to the WHS. This demonstrates that the proposals will generate considerable and tangible benefits for both the immediate communities within which the project sits and wide stakeholders across the Liverpool City Region

Weighing the harm and benefits

- 1.87 This section of the report should be read together with the sections that precede and follow it. It is presented at this stage to explain to members how the interim heritage balance required by chapter 16 of NPPF is assessed, and how that fits into the overall balance. It is not to be viewed as a free standing part of the report – but pre-supposes the assessments in the remainder of the report. It is presented at this point to assist members to understand how officers have concluded that the interim heritage balance should be weighed and how that then informs the overall judgment.

- 1.88 The NPPF states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. In relation to Grade II listed buildings substantial harm to, or loss of, such assets should be exceptional and substantial harm to assets of the highest significance (such as WHS) should be wholly exceptional (para 194). Paragraph 195 of the NPPF states local authorities should refuse consent for development which will lead to substantial harm unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm.
- 1.89 The Heritage Impact Assessment submitted with the application concludes that despite the considerable efforts to mitigate the impacts through careful design the proposed development will nonetheless cause substantial harm to the Grade II listed BMD retaining walls and the Stanley Dock Conservation Area and by virtue of this it would have a large/very large adverse impact on the Outstanding Universal value of the WHS. The findings of the HIA have been corroborated by the Council's Independent Expert heritage advisor and Historic England have reached the same view about the level of harm, in respect of those, however, the Council's external heritage consultant has also identified harm to several additional listed buildings, including the dock system connected with BMD.
- 1.90 The case to prove whether the substantial harm to these heritage assets is necessary is established firstly by through the explanation of why Goodison Park no longer remains a suitable home for the club and secondly through the comprehensive ASA site search which confirmed there are no other realistic or more appropriate alternative sites to BMD.
- 1.91 If this conclusion is accepted then the next judgment is whether the very significant economic and social benefits are sufficient, when taken with the other benefits to amount to substantial benefits which is capable of outweighing the substantial harm (which must be afforded very considerable weight).
- 1.92 Therefore, having demonstrated the harm is necessary the next question that must be considered in order to determine whether the development is acceptable in principle is whether the substantial public benefits of the scheme outweigh the identified substantial harm in heritage terms. Whilst this balancing exercise is subjective to a degree, there can be no doubt that the stadium will have a huge beneficial impact socially and economically in the ways set out above.
- 1.93 The twin components of the Peoples Project, the BMD stadium and GPLP are interdependent and not mutually exclusive. One would not happen without the other so it is reasonable to consider the aggregate public benefits of both elements. The club have acknowledged the importance of the re-development of Goodison Park to the project and agreed to tie the commencement of this to the opening of the stadium in the proposed S106 legal agreement so that this is secured (Appendix 10 contains details of the s106).
- 1.94 Whilst the project is a private sector led development the socio-economic benefits that the scheme would deliver would transcend the physical site boundaries and private interests so can be considered public. The development will deliver benefits for the local environment, social fabric and local economy on a scale that will

unquestionably transform the local area. It will also act as a catalyst for further investment in a priority regeneration area helping bring forward other development projects within Ten Streets and Liverpool Waters.

- 1.95 The Northern Docks are situated in an area that constitutes some of the most deprived parts of the City and the entire UK. The North Liverpool area has experienced a decline in economic activity over an extended period as the dock functions wound down. By numerous measures it is clear the area within which BMD is located is under privileged and vulnerable. Unemployment in the local community is very high with very few job opportunities and poor prospects. The City Council supports the positive work EitC undertakes to address the areas disadvantages. The football stadium represents a unique opportunity to expand these initiatives and extend its reach with new programmes. Fundamentally it is extremely unlikely there would ever be another potential investment on a comparable scale in North Liverpool or even elsewhere in the city from any other development in the foreseeable future. This is why many describe the proposals as a once in a generation opportunity and this understanding is reflected in the overwhelming level of support the stadium proposals received during the club's public consultation and to the formal application consultation.
- 1.96 For all these reasons it is clear the public benefits would be substantial and there is a convincing case why they should be considered to outweigh the substantial harm to the heritage assets and justify the development.

Summary of Land Use Considerations and Policy Compliance

- 1.97 Section 38(6) of the Planning and Compulsory Purchase Act (2004) & Section 70 (2) of the Town and Country Planning Act (1990) require applications to be determined in accordance with the statutory development plan unless material considerations indicate otherwise. The site is allocated for Port Use under Unitary Development Plan Policy E3. However, the UDP was adopted in 2002 and this allocation is considered out of date, by reason of the dramatic changes that have taken place in port related activities over the last two decades, and the need to retain this land in port use is considered to be obsolete. Therefore, the National Planning Policy framework is a key material consideration.
- 1.98 Paragraph 11 d (ii) of the NPPF requires consideration of the adverse impacts of the development to understand whether such impacts demonstrably outweigh the benefits. The environmental impacts of the development have been comprehensively assessed along with other planning considerations. Where an adverse impact has been identified mitigation measures have been proposed to reduce the impact.
- 1.99 The stadium proposals is evidently not a port related land use function so in that respect the proposed use does not conform to the use for which the site is allocated in the development plan, however, the benefits of the stadium proposals outlined above are a material consideration which having been carefully assessed are considered to outweigh the non-compliance that would occur.

- 1.100 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 adopted statutory development plan, and the level of that harm has been assessed to be at the substantial scale, it is considered the development would also have significant public benefits as set out above. The development of a new stadium in BMD would have transformational regeneration benefits for 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 public benefits the development would bring.
- 1.101 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. If it is concluded that the substantial harm which arises in heritage terms is indeed outweighed by substantial benefits then the presumption in favour of sustainable development is not then disengaged by reason of footnote 6 of NPPF. Thus, the overall view is that weighing the basket of relevant policies of the development plan that the development plan as a whole is out of date and therefore NPPF 11d is engaged. Further:
- 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 below, it is concluded that there are no adverse impacts which would significantly and demonstrably outweigh the identified benefits (para. 11d(ii)).
- 1.102 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.

2.0 Heritage Considerations

- 2.1 A Heritage Review has been prepared by Graeme Ives Heritage Planning 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. The heritage assessment has considered the revised application proposals (submitted in September 2020) and follows initial advice regarding the content and structure of the original application.
- 2.2 The Club has responded positively to that initial advice, for example by ensuring that all relevant heritage assets have been considered, including non-designated heritage assets and clarifying aspects relating to the originally submitted Heritage Statement and ICOMOS style Assessment. The heritage-based documents submitted by the applicant are considered to provide sufficient detail to understand the significance of the heritage assets and are therefore compliant with NPPF paragraph 189.

Harm arising from Heritage Considerations

- 2.3 From an historic environment perspective, the application site incorporates Bramley Moore Dock, the Regent Road 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.
- 2.4 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).
- 2.5 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 194b).
- 2.6 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."*
- 2.7 In this context the following caselaw is relevant:

In *South Lakeland DC v Secretary of State for the Environment* [1991] 1 W.L.R. 1322 the Court of Appeal held that “preserve” in s.277 of the Town & Country Planning Act 1990 was to be given a wide meaning. A development that neither enhanced nor detracted from the character of the conservation area could be said to be preserving the character of the area. It was not necessary for a development to make a positive contribution; it was enough if it was neutral.

In *Barnwell Manor Wind Energy Ltd v East Northamptonshire DC* [2014] EWCA Civ 137, the Court of Appeal held that when considering an application for planning permission, a decision-maker was required by s.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to give considerable importance and weight to the desirability of preserving the setting of heritage assets when balancing the proposal against other material considerations. There is a strong (but not irrebuttable) statutory presumption against granting planning permission for any development which would fail to preserve a listed building's setting or a conservation area's character or appearance. A local authority is not allowed to treat the desirability of preserving those elements as mere material considerations to which it could simply attach such weight as it saw fit; when a local authority found that a proposed development would harm a listed building's setting or a conservation area's character and appearance, it must give that harm considerable importance and weight (*R (oao Forge Field Society) v Sevenoaks DC* [2014] EWHC 1895 (Admin)).

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. Paragraph 134 NPPF corresponds with the statutory duty in s.66(1) Planning (Listed Buildings and Conservation Areas) Act 1990 to have particular regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Generally, a decision-maker who has worked through the relevant NPPF paragraphs in accordance with their terms would have complied with the s.66(1) duty (*Mordue v Secretary of State* [2015] EWCA Civ 1243).

The Relevant Heritage Assets

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

Designated heritage assets within the site:

- Liverpool Maritime Mercantile World Heritage Site.
- Stanley Dock Conservation Area
- Bramley Moore Dock Retaining Walls (grade II listed)
- Nelson Dock (Northern) Retaining Wall (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)

Designated heritage assets adjacent to the site:

- 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)
- 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)

- 2.9 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:

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

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

The Significance of the Heritage Assets

- 2.11 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.”

- 2.12 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.”

- 2.13 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.”

- 2.14 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.”

- 2.22 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

- 2.15 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 (following the grant of the Liverpool Waters outline planning permission).

(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.

- 2.16 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.”

- 2.17 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.

- 2.18 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]

- 2.19 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 Engine 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

- 2.20 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.”

- 2.21 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 virtually 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

- 2.22 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.
- 2.23 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.
- 2.24 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.
- 2.25 The dock boundary wall to Bramley Moore Dock (the Regent Road wall) 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'.
- 2.26 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.
- 2.27 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 warehouse 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

- 2.28 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.
- 2.29 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.

Impact Assessment

Liverpool World Heritage Site

- 2.30 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 worldwide influence. ...”

- 2.31 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.”

- 2.32 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.”

- 2.33 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.”

- 2.34 In respect to visual impacts the applicant's Townscape and Visual Impact Assessment ('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.
- 2.35 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.
- 2.36 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.
- 2.37 However, the proposed development would nonetheless result in the substantial loss of Bramley Moore Dock, a key 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.
- 2.38 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, despite the fact that the walls will not be damaged and the infilling itself would be carried out in a manner which would enable it to be reversed at some future point in time.
- 2.39 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.

2.40 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

- 2.41 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.
- 2.42 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 para. 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).
- 2.43 Considerable efforts have been made by the Club 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 a structure within the dock estate which however well designed will be distinct from the prevailing dockland character and would moreover result in the loss of an element that is integral to the character and appearance of the conservation area.
- 2.44 It is considered that the direct impact of the proposed development on BMD and the impact on the wider integrated dock system would nonetheless lead to substantial harm to the significance of the conservation area.
- 2.45 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 terminology.

Listed Buildings

Bramley Moore Dock Retaining Wall (grade II listed)

- 2.46 The water-filled basin of BMD would be largely infilled, albeit resulting in 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 (so that the finished floor level would be above the level of the dock, but the structure would sit entirely within the open area of the BMD).
- 2.47 Although the granite structure of the western dock wall would be appreciated from the new west terrace plaza on the eastern side of the new water channel, 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. The dock gates to the western side of the dock are to be retained while the gate to the northern channel to Sandon Dock also retained. The practicality of retaining any of the gates will need to be carefully managed by conditions of the associated listed building consent submitted alongside the full planning application for the stadium development (ref:20L/2543). Approximately 70% of the artefacts within the application site, including bollards and capstans, would be retained.
- 2.48 In respect to the dock itself, the proposed stadium represents an alternative form of development to the approved outline permission granted for the Liverpool Waters which comprises a 'baseline' against which to judge the development of the BMD.
- 2.49 The consented 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.
- 2.50 The proposed development would therefore lead to substantial harm to the significance of the grade II listed structure (NPPF para. 195). The substantial magnitude of harm is common ground with the Club, LCC and Historic England.

The Dock Boundary Wall (grade II listed)

- 2.51 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.
- 2.52 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 para. 196).

The Hydraulic Engine House (grade II listed)

- 2.53 A visual/structural survey has been submitted to illustrate the condition of the Hydraulic Engine House. The application is also 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.
- 2.54 The Engine House remains vacant and in a derelict condition and is considered to be a 'listed building at risk' from further deterioration. The Club and the LPA have held a series of meetings to agree how works to the building should be undertaken which will inform a subsequent listed building application for its repair and restoration. The stadium proposal represents an opportunity to positively safeguard the future of the listed building. The S106 agreement confirms that the Engine House will be repaired and available for public use in time for the first match or major event, should planning permission be granted for the stadium.
- 2.55 The proposed development therefore has potential to have a direct beneficial impact on the significance of the listed Hydraulic Engine House.
- 2.56 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 (albeit this would potentially be affected in any event by the development allowed under the Liverpool Waters outline permission which indicated residential apartment blocks substantially closer to the Engine House than the stadium) .
- 2.57 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)

- 2.58 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 para. 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)

- 2.59 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.
- 2.60 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.

Compliance with Legislation and Policy

Planning (Listed Buildings and Conservation Areas) Act 1990

- 2.61 With respect to listed buildings, the 1990 Act requires proposals to have 'special regard' to preserve their special interest, including setting.
- 2.62 The proposed development would have a direct harmful impact on Bramley Moore Dock (grade II) and the Regent Road Dock Boundary Wall (grade II). It would also have 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, and a direct harmful impact on the Stanley Docks Conservation Area.
- 2.63 The LPA acknowledges the development will have a harmful impact and has assessed the application in accordance with the requirements of the NPPF. The applicant has provided a detailed assessment of heritage significance. The historic context of the site has been a central consideration and informed the stadium and landscape design. Amendments have been made to the scheme, for example through the foundation design bridging the dock wall, and measures are proposed to ensure heritage assets are preserved across the site wherever possible. The LPA is therefore satisfied that the requirement to have 'special regard' within the 1990 Act S.16(2) and S. 66(1) has been discharged and special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area in accordance with S.72 (1) of the 1990 Act.
- 2.64 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.

National Planning Policy Framework (2019)

- 2.65 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.
- 2.66 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).
- 2.67 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.*
- 2.68 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.
- 2.69 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 and incorporating the new water channel to retain the visual interconnectivity of the water bodies. 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.
- 2.70 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.

- 2.71 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, BMD which should be exceptional, and the Stanley Dock Conservation Area (refer also to Appendix 13).
- 2.72 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.
- 2.73 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 within the WHS that has not previously been accessible by means of this permission and associated s106 agreement. Otherwise, the proposed development would fail to enhance or better reveal the significance of the heritage assets within or adjacent to the application site.
- 2.74 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). BMD 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, to which very considerable weight should be afforded.

Liverpool City Council Unitary Development Plan (2002)

- 2.75 Until the new Local Plan is formally adopted the following policies of the Unitary Development Plan (UDP) remain relevant to the proposed development.

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."

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 House. The proposed development represents a partial compliance with UDP Policy HD4, however the key listed building impact (Bramley Moore Dock) would be adverse.

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.”*

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.

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.”*

- 2.76 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.
- 2.77 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. Analysis of the stadium design is covered in section 5.0 of this report, nevertheless, evidently whilst Bramley Moore Dock is being retained as a below-ground artefact, it 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)

- 2.78 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 18th, 19th and early 20th 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."

- 2.79 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.

2.80 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.”

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

2.82 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)

2.83 The WHS SPD provides a range of ‘General Design Guidance’ for development proposals within the WHS and Buffer Zone.

2.84 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)

2.85 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.

2.86 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.

2.87 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 under 45 metres in height and would therefore not exceed the anticipated height of development adjoining the dock.

2.88 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).

- 2.89 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).

- 2.90 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).

- 2.91 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)

- 2.92 The proposed in filling of Bramley Moore Dock is clearly contrary to the advice of the SPD in respect to dock water spaces.

Summary of Heritage Considerations and Policy Compliance

- 2.93 From an historic environment perspective, it is evident the proposed development would have a seriously 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.

- 2.94 The magnitude of impact identified by this independent heritage review, in respect to the WHS, is similar to that identified by the Club and Historic England (advice letter dated 22nd October 2020) 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 considered that the impact of ‘substantial harm’ on the significance of the WHS is common ground.

- 2.95 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 complies with these duties by giving special regard to the significance of the heritage assets in the assessment undertaken and through the design measures proposed.
- 2.96 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. Furthermore, 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 the significance of such assets, and that there is a strong presumption against development resulting in harm to significance.
- 2.97 Thus, if the LPA is minded to approve the proposed development it must give very great weight in the planning balance against a proposal which results in harm to a designated heritage asset, with increased weight given the importance of the asset and the degree of harm. Whilst policy accepts that substantial harm to a designated asset can occur, that would only be in 'wholly exceptional' circumstances. That is to say that the decision maker must first be satisfied that there is the clearest and most convincing justification for that decision and the substantial harm must be 'necessary' to achieve substantial public benefits sufficient to outweigh that strong presumption against the grant of permission. In this case it is considered there are indeed compelling reasons why the development is necessary to achieve substantial public benefits that outweigh the harm that will occur for all the reasons set out in section 1 of this report. The circumstances are in short wholly exceptional.

3.0 Highways Matters

- 3.1 Having good access is clearly critical to the success of the stadium and to help ensure this is achieved the proposed transport arrangements have been the subject of extensive discussions between the club and LCC Highways officers and key consultees including Merseytravel and Sefton Council. The pre-application and post submission consultation has assisted the club to develop its final application proposals and informed those highway provisions required to support the development and ensure the stadium operates in a safe and sustainable manner.
- 3.2 A detailed Transport Assessment (TA) has been submitted with the application which has assessed the baseline traffic and transport conditions and identified transport management solutions necessary to mitigate the potential impact on match and major event days and the implications for the wider transport network are kept to a minimum. In addition to the TA, a Framework Match Day Strategy and an Event Transport Strategy have been prepared and an interim Staff Travel Plan which have been reviewed by LCC Highways officers and LCC's Transport Consultants Flinders Chase as part of the applications assessment.

The Development Proposals

- 3.3 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 Regent Road dock wall, to accommodate the movement of large volumes of pedestrians on match days only.
- 3.4 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 pedestrian’s 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.
- 3.5 A small area for informal short-stay car parking / pick-up (10 cars) is proposed adjacent to the Hydraulic Engine House (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 (54 no. spaces) retained.
- 3.6 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.
- 3.7 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).

Transport Policy

- 3.8 The Transport Assessment submitted with the application has adequately identified the relevant national (NPPF), regional and local transport policies and has tested the proposals against them.
- 3.9 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.
- 3.10 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 application 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 Sandhills station, the stadium site and 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 disabled supporters. A separate staff shuttlebus is proposed from Stanley Park to BMD on a match or major event day.

- 3.11 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.
- 3.12 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.
- 3.13 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.

Site Accessibility

- 3.14 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 Bootle Town 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.

- 3.15 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.
- 3.16 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.
- 3.17 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 Dunningsbridge 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.

- 3.18 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.

Parking, Servicing and Access Arrangements

- 3.19 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.
- 3.20 Pedestrian access will also be catered for via the existing turreted portals, with three additional large openings created in the Regent Road 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.
- 3.21 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 close to the northern turreted access) for use outside match/event times 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.

- 3.22 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.
- 3.23 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).
- 3.24 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.

Match Day and Framework Event Transport Strategies

- 3.25 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.

- 3.26 The MDTs are 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.

Staff Travel Plan

- 3.27 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 be subject to a specific planning condition.

Comments from Transport Stakeholders:

Canal and River Trust

- 3.28 Representations dated 30th 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 14th October 2020. Alongside Heritage and Water Management / Pollution concerns, the CRT identified two specific transport related concerns.
- 3.29 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.
- 3.30 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

- 3.31 Sefton Council Highways Officers have been consulted throughout the development of the stadium proposals, and in their final representations to the City Council (25th November 2020) have indicated their support for the proposals.
- 3.32 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

- 3.33 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:

1. Measures at Sandhills Rail Station

- 3.34 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.
- 3.35 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 for the storage of pedestrian crowd control / corralling barriers required to be used when the corralling area is brought into use.

3.36 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 dockland regeneration area (including Liverpool Waters and Ten Streets). 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 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.

2. Measures to Ensure the Stadium is within Reasonable Reach of a Viable Bus Service

3.37 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, 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.

Summary of Transport Considerations and Policy Compliance

- 3.38 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.
- 3.39 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.
- 3.40 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.
- 3.41 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.
- 3.42 In summary, subject to the mitigation measures identified either as planning conditions or via the S106 Agreement are implemented, Highways Officers are satisfied that the development will comply with national, regional and local transport policy (including UDP policies T4, T6, T7, T8, T9, T11, T12, T13 & T15 and LLP policies TP1, TP2, TP5, TP6, TP7, TP8 & TP9) and will not prejudice the safe and efficient operation of the transport network.

4.0 Environmental Considerations

- 4.1 Due to its scale and nature of the development and location of the BMD site, the proposed stadium will have an impact on the environment that needs to be evaluated as part of the application assessment as material planning considerations.
- 4.2 As explained in the introduction to this report an Environmental Impact Assessment (EIA) has been undertaken in support of the application and inform the LPA, statutory consultees and others interested of the anticipated environmental impacts.
- 4.3 The EIA has been undertaken in accordance with the applicable EIA Regulations 2011 (as amended) to provide a systematic assessment of the likely significant effects of the proposed development on its surrounding environment. The scope of the EIA was agreed with the LPA and statutory consultees beforehand to ensure it contains the information necessary to consider potential environmental impacts to ascertain whether these are acceptable and the measures that need to be secured to mitigate any impacts likely to result in significant effects, or remove them completely, prior to any permission being granted. (NB: The scoping was undertaken prior to the 2017 EIA Regs coming into force, although the applicant has undertaken the assessment with reference to the new topics added as part of the updated regulations).
- 4.4 As the scheme comprises both terrestrial and marine elements and requires both planning permission and a marine licence the EIA has been prepared in accordance with the requirements of the EIA Regulations 2011 and the Marine EIA Regulations 2007 and the same one Environmental Statement has been submitted to both the LPA & Marine Management Organisations as the respective regulatory authorities.
- 4.5 The ES is the product of the EIA process comprising a series of technical studies, surveys and consultations that have informed the design of the stadium and the works required to facilitate it. The EIA has been used to ensure that the environmental impacts are minimised whilst the development is built and then during its operation.

Policy

- 4.6 BMD lies within or nearby a number of sensitive receptors.
- 4.7 In terms of ecology these include –
- Liverpool Bay Special Protection Areas (SPA);
 - Mersey Narrows & North Wirral Foreshore Ramsar Site;
 - Mersey Narrows & North Wirral Foreshore SPA;
 - Mersey Narrows Site of Special Scientific Interest (SSSI);
 - Dee Estuary Special Area of Conservation (SAC)
 - Ribble and Alt Estuaries SPA and Ramsar site;
 - North Wirral Foreshore SSSI;
 - Mersey Estuary SPA and Ramsar Site.

- 4.8 In terms of built heritage, in the immediate vicinity, these include -
- UNESCO World Heritage Site: Liverpool - Maritime Mercantile City (LMMC);
 - Stanley Dock Conservation Area;
 - Listed Buildings (Bramley-Moore Dock Retaining Walls Grade II, Hydraulic Engine House Grade II, Regent Road Dock Boundary Wall Grade II and Nelson Dock Retaining Walls Grade II).
- 4.9 In addition, there are a number of residential properties and commercial premises either directly adjacent or in close proximity to the site such as along Regent Road, Fulton Street, Boundary Street, Derby Road and Walton Street. The site is also visible from across the river on the Wirral and will potentially impact on future development such as that planned on the adjacent part of the Liverpool Waters site and Nelson Dock in particular.
- 4.10 The impact of the development on these receptors has been carefully assessed in the EIA having regard to the relative sensitivity of the receptor, the magnitude of the impact and the significance of the effect. The assessment has taken account of current conditions as the baseline and assessed impact of the stadium proposals alone and in addition to future planned development, where appropriate, to consider the combined cumulative effect. The following assessment scenarios were assessed and reported in the ES, where appropriate, to ensure the full cumulative impacts are considered:
1. Baseline ('do nothing' scenario)
 2. Future Baseline (the latest LW consent)
 3. The proposed development scenario (based on proposed stadium but no further elements of the LW scheme being built out in surrounding area)
 4. The proposed development plus LW
 5. The proposed development plus LW plus other cumulative developments (the latter provided by LCC – including schemes in Ten Streets etc.).
- 4.11 The NPPF expresses a clear presumption in favour of sustainable development and establishes there are economic, social and environmental dimensions of sustainable development. The environmental objective being to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change including moving to a low carbon economy.
- 4.12 Planning decisions are required to minimise impacts on biodiversity and provide net gains (NPPF para. 170d). New and existing development must not be put at, or contribute towards, unacceptable levels of soil, water or noise pollution or land instability (para 170). Planning decisions should also mitigate and reduce the potential adverse impacts associated with noise and light pollution (para 180) and sustain and contribute towards compliance with objectives for pollutants, taking into account the presence of Air Quality Management Areas (para 181).

- 4.13 Within the UDP there are a number of policies that seek to safeguard the City's natural and built environment and protect resources including Policy EP2 Contaminated Land, EP11 Pollution, EP12 Protection of Water Resources and EP13 Flood Protection. Specifically Policy EP15 requires all applications to include sufficient information to enable the City Council and its consultees to assess the potential environmental impacts accurately and where schemes may have significant environmental impacts by virtue of the size, location or type of development an EIA will be required. The heritage considerations are covered in section 2 of this report.
- 4.14 The Draft Local Plan contains policies which reflect similar requirements. Policy SP2 sets out Sustainable Growth Principles and states the Council will support development proposals which address strategic economic, social and environmental principles including making efficient use of land; making the best use of locations that are easily accessible by sustainable transport; minimising environmental impact delivering high quality contextual design; conserving the City's heritage assets; adapting to climate change; and including measures to improve air quality.

Assessment

Ecology

- 4.15 Policy EP15 of the UDP and Policy G15 of the Draft Local Plan requires development which may have a significant effect on an internationally important site to be accompanied by sufficient evidence to allow the Council to conduct a Habitats Regulation Assessment (HRA). The approach of the Habitat Regulations is that where a risk to protected species cannot be avoided within the limits of scientific knowledge (without consideration of mitigation) then an Appropriate Assessment will need to be produced with the objective that adverse effects should be avoided and/or mitigated. Where the risk of significant harm cannot be avoided, adequately mitigated, or as a last resort, compensated, then planning permission will be refused.
- 4.16 To comply with these policies applications should be supported by an Ecological Appraisal and include details of avoidance, mitigation and/or compensation where appropriate. Development which may cause direct or indirect significant harm to other designated sites of nature or geological conservation importance, Priority Habitats, legally protected species and / or Priority Species will only be permitted on;
- National sites (Mersey Estuary Ramsar site/Mersey Estuary Site of Special Scientific Interest (SSSI)): where there are no alternatives and where the benefits of development clearly outweigh the impact on the features of the site that make it of special scientific interest, and its broader contribution to the national network.
 - Local Sites (Local Nature Reserves (LNRs), Local Wildlife Site (LWS) and Regionally Important Geological/Geomorphological Sites (RIGS): where the

reasons for and the benefits of development clearly outweigh the impact on the nature conservation value of the site and its broader contribution to the Liverpool City Region (LCR) Ecological Network.

- 4.17 Policy STP3 of the Draft Local Plan seeks to avoid and/or mitigate negative impacts on European habitats sites. It states development which may have an adverse impact on European habitats sites will be subject to a Habitats Regulations Assessment.
- 4.18 To enable an appropriate assessment of the potential impact of the development the application was accompanied by a Shadow Habitats Regulations Assessment (HRA) as well as the EIA. The Shadow HRA and the EIA have been reviewed for the LPA by its environmental advisors Merseyside Environmental Advisory Service (MEAS) and Natural England as statutory consultees.
- 4.19 Having reviewed the original application submission MEAS and Natural England advised that further information needed to be provided to understand the potential impacts upon the designated sites and inform the appropriate mitigation measures because the assessment contained within the Shadow HRA did not provide enough information and/or certainty to justify the assessment conclusion. Full details of the additional information required were provided to the Club's consultants through MEAS & Natural England's discretionary advice service so that this could be fully addressed in the application re-submission along with the proposed design amendments.
- 4.20 Consultation with MEAS and Natural England on the updated documents has confirmed that the updated documents now address the concerns previously identified and that it has been demonstrated that the proposed development will not result in adverse effects on the integrity of any of the internationally and nationally designated sites providing that the mitigation measures recommended in the Shadow HRA are secured through appropriate planning conditions.
- 4.21 Recommended conditions include a detailed Construction Environment Management Plan (CEMP) to be produced and agreed prior to commencement of any works on site to minimise the risk of disturbance to SPA birds; Implementation of the cormorant mitigation measures outlined in the shadow HRA secured by s106 agreement, including the provision of two permanent cormorant rafts in the adjacent Nelson Dock with monitoring and maintenance in line with the Liverpool Waters Strategic Ecological Mitigation Plan; and certain works 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. In addition the club have undertaken to off-set the impacts of the development on biodiversity in accordance with the current Defra Biodiversity metric. This can be secured through the recommended conditions fulfilling the requirements of NPPF para 170(d).
- 4.22 MEAS have confirmed the revised shadow HRA report (Shadow Habitats Regulations Assessment Stage 1 and Stage 2, WYG, December 2019 Updated December 2020, A100795, Issue 5.3) has adequately addressed the issues previously identified by MEAS and that the shadow HRA can be accepted as the

Council's own assessment in order to meet the requirements of the Habitats Directive. Natural England have confirmed their advice has been provided on the assumption that LCC intends to adopt this document to fulfil its duty as competent authority. The policy requirements of UDP Policy EP15 and Draft Local Plan Policy GL5 in this respect have therefore been met.

Sustainability

- 4.23 A Sustainability Statement and an Energy Statement have been submitted with the application as supporting documents. The Sustainability Statement explains how the club's sustainability aspirations are embedded within the People's Project and align with local and national planning policy by using a Sustainability Framework to make informed decisions through the project lifecycle. The Energy Statement sets out the energy strategy for the proposed development as it aligns with local and national planning policies and the Club's own performance requirements.
- 4.24 The UDP contains policies which express support for the development of renewable energy projects (EP16) and measures to minimise energy demand stating the City Council will expect developers to minimise the overall demand for energy arising from their development proposals by taking into account the need for energy sensitive siting, orientation and layout in the design of new developments.
- 4.25 The Draft Local Plan promotes sustainable growth and states within Policy STP2 the general policy aim of using resources efficiently including materials, water and energy to reduce carbon emissions. Policy R7 supports decentralised energy networks to minimise energy demand. Policy R8 recognise the benefits of wind turbine development and identifies the River Mersey as a potential location. Policy R9 supports 'appropriately sited' solar panel installations in particular building mounted panels subject to other local plan policies and Policy R10 supports the adoption of non-fossil fuel technologies to generate locally sourced energy, providing proposals demonstrate that they are appropriately sited and will not have an adverse effect on the surrounding environment, particularly in relation to cultural landscape and visual amenity.
- 4.26 These policies accord with the NPPF which sets out policies to aid the transition to a low carbon future by supporting renewable and low carbon energy and associated infrastructure. Para 153 of the NPPF states "In determining planning applications, local planning authorities should expect new development to: a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption".
- 4.27 The Club have declared sustainability is at the heart of their ambitions for the site and stated as one of the 11 key principles the aim was to "*harness the unique feature of the Bramley Moore Dock site to create an environmentally friendly and sustainable stadium*". The Sustainability Framework has been developed to help make the development achieve the highest sustainability targets by ensuring appropriate sustainability principles are embedded within the project design,

construction and operation. The framework contains key performance indicators which set mandatory performance criteria and endeavours to stretch performance targets.

4.28 The strategy outlines the analysis undertaken to comply with Building Regulations based on a 'Mean, Lean, Green' hierarchy. Design measures include:

- The building fabric exceeding the minimum Building Regulations requirements;
- Optimum glazing and shading performance to maximize daylight and reduce unwanted heat gain;
- Improved air tightness to minimize thermal loss and gain;
- Zoning of the control of air conditioning to optimise flexibility and load balancing;
- Highly efficient heating and cooling plant design;
- Heat recovery devices to harness and recirculate recovered air to reduce heating and cooling loads;
- Demand controlled ventilation linked to building management systems with Co2 and temperature sensors;
- Energy efficient lighting;
- Centralised heating plant which enables connection to future district heating network and minimises storage losses;
- Photovoltaic panels (2,050 sq m) installed on the stadium south stand roof in order to offset a portion of the sites electrical load;
- Battery storage rather than diesel generators which provide back up life safety and capacity to facilitate participation in energy market and load balancing;
- Electric Vehicle charging points;
- Use of the Design for Manufacturing and Assembly (DfMA) process which allows more efficient use of materials and reduces construction traffic.

4.29 These measures demonstrate that sustainability principles have been key design considerations in the project. Taken in conjunction with the intended use of the Sustainability Performance tracker it is considered these measures will ensure that the development complies with the national and local planning policies outlined above.

Daylight, Sunlight and Overshadowing

4.30 There is currently no specific national planning policy or legislation relating to developments and their potential effects on daylight, sunlight and overshadowing. However, Policy HD18 of the UDP sets out General Design Requirements which includes the need to avoid prejudicing the redevelopment of adjacent land or causing severe loss of amenity or privacy to adjacent residents. Also, the Draft Local Plan Policy UD2 introduces the requirement that development proposals demonstrate the establishment of sufficient sunlight and daylight.

- 4.31 In accordance with these policies a Daylight, Sunlight & Overshadowing assessment has been carried out and reported in the ES (chapter 15). The assessment has been undertaken in accordance with industry best practice guidance and considers the impact on receptors on Regent Road and elsewhere around the site. It also considers a range of scenarios to include future receptors with the residential developments planned under the Liverpool Waters Scheme, and other surrounding developments.
- 4.32 The effects of the proposed scheme on the daylight and sunlight to the existing neighbouring receptors, which will be permanent and at a local scale, will be of negligible adverse significance. A high level of daylight and sunlight is retained in excess of the industry guidelines. When comparing the effects of the proposed development and the effects of the approved Liverpool Waters development at the BMD site, the Liverpool Waters development was found to have a greater impact on daylight. Therefore, the proposed development represents an improvement in light levels to the existing neighbouring receptors in comparison to the approved Liverpool Waters scheme.
- 4.33 The effects of the proposed scheme on the daylight and sunlight to the consented Liverpool Waters outline residential blocks to the south of the application site have been considered (primarily those to the west and east quaysides of Nelson Dock). The assessment establishes that the proposed scheme still maintains a high level of daylight and sunlight to the facades of the buildings, such that any detailed design of residential accommodation will need to be formalised through future reserved matters submissions. When comparing the effects of the proposed development and the effects of the approved Liverpool Waters development at BMD, the Liverpool Waters development was found to have a greater impact than the proposed development.
- 4.34 Overall, it is evident from the assessment that the completed development will not have a significant impact upon both daylight and sunlight levels. The extent of any such impact is anticipated to be negligible and less than that which may otherwise occur through the development already permitted under the Liverpool Waters outline planning permission. On this basis it is considered the proposal complies with UDP Policy HD18 and Draft Local Plan Policy UD2.

Air Quality

- 4.35 The development proposals have the potential to effect air quality within the vicinity of the site and its approaches during both the construction and operational phase of the development. To understand the extent of any effect, the application has provided details of the likely impacts in the ES.
- 4.36 In accordance with policy and to inform any necessary mitigation measures an Air Quality Assessment (AQA) has been carried out as part of the EIA and the findings reported in ES (chapter 8). The AQA has been reviewed by LCC's Air Quality Support Officer and updated in the application re-submission to address issues raised.

- 4.37 UDP Policy EP11 states planning permission will not be granted for development which has the potential to create unacceptable air quality, water quality, noise levels or other pollution. Draft Local Plan Policy R1 requires development that is likely to have a pollution impact to demonstrate that appropriate measures are incorporated to avoid pollution to air, water and soil; that the impact of noise, vibration and lighting will not be significant; and that the development will not lead to significant decline in air quality. Where appropriate, major developments should incorporate measures to reduce and minimise air pollution.
- 4.38 NPPF (para 170) states planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air pollution (amongst others). It also states (para 181) planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants taking into account the presence of Air Quality Management Areas (AQMA) or Clean Air Zones, and the cumulative impacts from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas or Clean Air Zones is consistent with the local air quality action plan.
- 4.39 Air quality is continuously monitored within the city and in Sefton in line with s82 of the Environment Act 1995. The AQA has reviewed data from this monitoring to provide an indication of existing air quality in the area surrounding the application site and establish baseline conditions. This has indicated that concentrations of nitrogen dioxide are above the relevant Air Quality Objectives at locations of relevant public exposure.
- 4.40 LCC has one designated AQMA for NO₂ that covers the entire city. The application site is therefore within the Liverpool City AQMA so this has been included within the AQA undertaken. The development will have an effect during both the construction and operational phases of the development and the AQA has considered the impact on sensitive receptors including human health receptors and ecological receptors.

Construction Phase Effects

- 4.41 The potential effects during the construction phase include fugitive dust emissions from site activities, such as demolition, earthworks and construction. The impacts during the operational phase take into account exhaust emissions from additional road traffic generated due to the proposed development. The effect on ecological receptors has also been assessed during the construction and operational phase.
- 4.42 During the construction phase, it is anticipated that dust sensitive receptors will potentially experience increased levels of dust and particulate matter before using any mitigation and control measures. However, these are predicted to be short-term and temporary impacts which can be managed by appropriate Construction Management Plan conditions. Throughout this period, the potential impacts from construction on air quality will need to be managed through site-specific mitigation measures detailed within the EIA. With these mitigation measures in place, no air quality impacts are anticipated to occur during construction.

Operational Phase Effects

- 4.43 The assessment of the long-term significance of the effects associated with both the committed and proposed developments with respect to nitrogen dioxide and particulate matter exposure is determined to be 'negligible' at all existing sensitive receptor locations. The assessment of the short-term effects at the existing residential properties during a pre and post-match day event, with respect to nitrogen dioxide exposure is determined to be 'negligible' at all existing sensitive receptor locations.
- 4.44 LCC's Air Quality Support Officer (AQSO) has reviewed the application documents and confirmed 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 can be agreed. Prior to mitigation, it is acknowledged that the construction phase of the development would lead to dust impacts, however mitigation measures have been proposed that will ensure all residual effects would be reduced to negligible once implemented. It is recommended that the mitigation measures stipulated in the ES (Chapter 8.1) should be implemented throughout the duration of the construction process. It is predicted that the effect on air quality will not be significant during the operational phase of the development, and overall the AQSO is satisfied that the application reports have been carried out in accordance with current guidelines and best practice and therefore can be considered approved documents.
- 4.45 Following the adoption of the recommended mitigation measures during the construction phase, it is considered the complies with the NPPF (as referred to above), Policy EP11 and Policy R1 of the Draft Local Plan.

Noise and Vibration

- 4.46 It is inevitable that the development of the stadium will result in periods of increased noise given the fundamental nature of the development. Noise and vibration will occur as a result of construction, road traffic, operational plant, during football matches and other sporting events and music concerts. To assess the likely extent of any effect on the environment, demonstrate accordance with policy and inform any necessary mitigation measures the ES contains an assessment of the noise and vibration during the construction and operational phases of the development (Chapter 9).
- 4.47 The NPPF (para 180) states planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

- 4.48 UDP Policy EP11 states planning permission will not be granted for development which has the potential to create unacceptable air, water, noise or other pollution or noise. Draft Local Plan Policy R1 requires development that is likely to have a pollution impact to demonstrate that appropriate measures to avoid pollution this and ensure that the impact of noise and vibration will not be significant.
- 4.49 The assessment provided in the ES included 'baseline' monitoring to establish existing background noise levels around the application site including locations representative of closest sensitive receptors. The results were used to determine the noise exposure of both existing and proposed sensitive receptors during construction and in the operational phase.

Construction Phase Effects

- 4.50 During the construction phase, it is proposed the potential impacts from construction on noise and vibration will be managed through site-specific mitigation measures detailed within the EIA. With these mitigation measures in place, the effects from the construction phase are not predicted to be significant.
- 4.51 During the construction phase, it is anticipated that noise and vibration associated with dock infill, demolition and other construction activities will represent a Minor-Moderate significance without the implementation of any mitigation measures. Following the implementation of best practice measures detailed within the CEMP and construction phase noise and vibration monitoring, the effect of noise and vibration from the construction phase is not considered to be significant.

Operational Phase Effects

- 4.52 During the operational phase, the potential impacts from road traffic noise on existing receptors has been assessed, and noise levels are predicted to change by no more than 2.2 dB. Noise level changes of up to ± 3 dB are generally imperceptible to the human ear, therefore the predicted changes in road traffic noise levels are predicted to be not significant.
- 4.53 During the operational phase of the development, noise intrusion associated with the proposed stadium use is identified as having a Major-Moderate significant effect at the closest existing and proposed residential receptors. However, as the proposed development use is limited to regular, scheduled events that take place over a short time scale, then the assessment of the change in noise level is considered to represent a more suitable approach to determine the significance of effects from the proposed stadium. The change in noise level assessment has identified that the proposed stadium will have a Negligible-Minor significant effect at all existing and known future receptors such as Liverpool Waters.
- 4.54 LCC's Environmental Protection Unit (Noise Support Officer) has reviewed the AQA and advised that whilst the proposed construction working hours are slightly in excess of Liverpool City Council's standard permitted hours it is appreciated there will be specific operations where extended hours will be justified. These details will be set out in the Construction Management Plan which will define the working

hours that will otherwise apply as the default scenario. Apart from that the submitted details in relation to the construction phase are considered acceptable.

- 4.55 The Noise & Vibration Assessment documents have been reviewed and it is accepted the scheme should not give rise to a significant adverse noise impact at any existing, or known future, nearby noise-sensitive receptors, other than during match days at the Titanic Hotel, where the transient nature of guests means that the noise impact is not considered to be significant; and during football matches at 62 Regent Road, where a moderate adverse noise impact is predicted; however the noise from football matches at this location is 8 dB below the ambient noise levels from existing sources (predominantly road traffic noise and industrial/dock activity), so the significance of the impact is tempered by those factors.
- 4.56 The noise assessment also considers up to four non-football events per year (music concerts or non-football sporting events) taking place with the stadium at full capacity. An assessment is made up until 2am “to account for unplanned overrunning events as part of this worst-case assessment”. However, allowing three hours for ‘over-running’ [past a notional curfew time of 2300] is considered excessive as a curfew time for non-football stadium events. It is recommended that a limit of 23.30, similar to the curfew at Anfield stadium, would be more appropriate for consistency and to protect future residential amenity given the development planned within Liverpool Waters and Ten Streets.
- 4.57 Based on the assessment undertaken and expert advice provided it is concluded that the site is suitable for the proposed development and would comply with the NPPF (as referred to above) and policy EP11 of the UDP and Policy R1 of the Draft Local Plan provided the recommended mitigation measures are adopted and secured by the proposed planning conditions.

Lighting

- 4.58 As explained in section 5 of this report lighting is an important consideration from both a design and safety perspectives. Lighting will play an important role in characterising the stadium potentially contributing positively to its unique identity. The lighting approach will also affect the night time experience both inside and outside the stadium and a lighting strategy has been developed to ensure a suitably safe environment is provided with careful consideration of the lighting intensity, luminosity, light colour temperature, mounting heights and desired lit effects.
- 4.59 NPPF (para 180) states planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 4.60 UDP Policy HD28 also requires developers to limit light spillage and minimise glare.

- 4.61 To inform the design and assess potential impacts a lighting assessment has been undertaken within the EIA, reported in Chapter 16 of the ES, to understand the impact of the proposed lighting upon existing and future receptors and ensure light spillage is minimised in accordance with planning policy requirements. The lighting assessment recognises as well as amenity impacts, a key consideration is that the lighting provision is the minimum required for operational and safety reasons.
- 4.62 The lighting assessment identifies several mitigation measures to reduce the potential for adverse effects associated with lighting during both construction and the subsequent operation of the stadium. For the construction period this includes angling lights to point into the site, switching lights off outside of working hours and using LED energy efficient lights. These measures can be secured via the Construction Environmental Management Plan (CEMP) the recommended lighting conditions. During operation, the lighting impacts will be mitigated through adherence to a curfew, with lights closest to the committed development at Nelson Dock (Liverpool Waters) on the East Quay being switched off after 11pm. Following the implementation of these mitigation measures, the residual lighting impacts are expected to be negligible to minor adverse during the operation of the stadium development.
- 4.63 Subject to the measures referred to being secured by the recommended conditions it is considered the proposed development would comply with the NPPF (as referred to above) and Policy EP11 of the UDP and Policy R1 of the Draft Local Plan.

Ground Conditions

- 4.64 The NPPF (para 178) states planning policies and decisions should ensure that:
- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);*
 - b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and*
 - c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.*
- 4.65 Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner (para 179).
- 4.66 In the UDP Policy EP2 requires applicants to submit survey details identifying the type, degree and extent of any contamination along with proposed measure to satisfactorily remedy any hazard. It then states planning permission will only be granted where the Council is satisfied any known or suspected contamination is

unlikely to adversely affect the proposed development. Planning permissions may be subject to conditions requiring site investigation and remediation.

- 4.67 The site in this case comprises a dock waterbody, surrounded by a Grade II Listed dock retaining wall and surrounding hardstanding. It contains three structures - the Hydraulic Engine House (Grade II listed) situated in the northeast corner of the site which is to be restored; the two-storey brick structure at the western end of the north wharf; and a shed structure which sits on the southern wharf, both of which are to be demolished. The site was recently used for aggregate storage and distribution, operated by Mersey Sands and remains occupied by Svitzer (operating tugboat services) and Cataclean, until their leases expire in 2021.
- 4.68 As required by the planning policy, geo-environmental and geotechnical ground investigations were undertaken of the dock wharves (on-shore) and within the dock basin (offshore), and the detailed findings incorporated within the ES. A variety of samples were taken during two rounds of ground investigation and although some evidence of contamination was found, exceedances generally were not significant and were considered likely to be present within deposits throughout the wider dock system. Ground gas monitoring was undertaken over eight to nine monitoring rounds at five locations on the dock wharves. No methane was recorded over the monitoring period. As a result of the investigations the assessment found the risk of contamination to be negligible provided best construction practices undertaken and appropriate mitigation measures are implemented.
- 4.69 LCC's Environmental Protection Unit (Contaminated Land) have been consulted and have advised the approach outlined in the ES and desk study as part of the overall Geo-Interpretative Report by Buro Happold is considered suitable for the purposes of assessing the risk to human health. Further consultations will be necessary concerning the Outline Remediation Methodology and a Full Phase 2 site investigation with Remediation Strategy and verification Report will be necessary which can be agreed through conditions.
- 4.70 Subject to the works being implemented in accordance with the recommended conditions, it is considered the risk of contamination is negligible and the development will comply with Policy EP2 of the UDP, Policy R1 of the Draft Local Plan and the NPPF (as referred to above).

Flood Risk, Water Resources and Drainage

- 4.71 The site is predominantly at low risk of flooding and mainly falls within Flood Risk Zone 1, although part of the site along the western boundary falls within Flood Zones 2 and 3. The River Mersey Wall, which forms the western site boundary, is not classified as a formal flood defence to the site as it is not continuous but does provide local protection against wave over topping. The River Mersey wall has a crest level of 8.12m AOD and therefore is approximately 1.5m higher than the ground level within the remainder of the site.
- 4.72 UDP Policy EP13 states unless appropriate alleviation or mitigation measures are carried out, planning permission will not be granted for development which would be at direct risk of flooding; be likely to increase the risk of flooding elsewhere;

cause loss of access to water courses for future maintenance; result in an adverse impact on the water environment due to additional surface water run-off; or have adverse effects upon the integrity of tidal or fluvial defences. Furthermore, all works nearby watercourse and the coast will need to be approved by the Environment Agency Environmental Appraisal Procedure. These requirements are re-iterated in the NPPF (para 163) and the Draft Local Plan Policy R3.

- 4.73 In accordance with these requirements a Flood Risk Assessment and Drainage Strategy has been prepared providing details on how the surface water and foul water will be managed to ensure that water quality and flood risk and surface water drainage infrastructure capacity are not compromised. This also includes designed in mitigation, showing how the scheme will have a beneficial effect upon flood risk on site.
- 4.74 Consultation with United Utilities (UU) and LCC as Local Lead Flood Authority (LLFA) has led to an agreed surface water strategy with no restricted discharge to watercourse and agreement to connect to the existing UU combined sewer for foul water drainage. Mitigation measures agreed include raising site levels in certain areas to 7.30m AOD finished floor level; establishing a flood warning and emergency plan (both for construction and operational phases); raising of sensitive equipment at ground floor; and restriction of access in certain areas (primarily to the west of the proposed new water channel) during storm events.
- 4.75 UDP Policy EP12 states planning permission will not be granted for development which would adversely affect the quality or supply of surface water or ground water as a result of the nature of surface or waste water discharge; unsatisfactory arrangements for the disposal of foul sewage, trade effluent or surface water; or the disturbance of contaminated land; or the spillage or leakage of stored oil or chemicals. The NPPF encourages the use of sustainable drainage systems, unless there is clear evidence this would be inappropriate (par 165). The Draft Local Plan Policy R3 states that development should protect and enhance water quality, reduce flood risk and include water efficiency measures. Proposals must demonstrate there is no increase in flood risk at the site or elsewhere and should seek to reduce flood risk and where reasonably practical should incorporate Sustainable Drainage Systems to manage surface water run-off. Policy R4 requires development to not increase the risk of tidal flooding or coastal erosion or adversely impact on the integrity of designated sites of European and/or International nature conservation importance.
- 4.76 The submitted Drainage Strategy has considered a range of sustainable drainage options in accordance with these policy requirements. Through consultation with the Environment Agency, the LLFA and United Utilities it has been agreed the most suitable option is for surface water to discharge into the River Mersey via the wider dock network. In addition, the water channel proposed within the site will act as a retention pond and provide a benefit to water quality by settling out silt and trapping debris before discharge into the adjacent docks. The drainage system has also been designed to accommodate any variation resulting from climate change.
- 4.77 The ES contains an assessment of water resources and flood risk based on the Flood Risk Assessment and Drainage Strategy and recommends the adoption of

mitigation measures during both the construction and operational phases of the development to protect water quality and supply. For the construction period the proposed mitigation includes the development of a Construction Environmental Management Plan (CEMP) to establish steps such as using recycling water systems, using rainwater harvesting, use of damping down measures and incorporation of interceptors where appropriate. Operational measures include the development of an efficient water supply (including leak detection) and use of low flow fittings, including waterless urinals.

- 4.78 Having reviewed these details carefully in consultation with statutory consultees and local advisory bodies it is considered the Flood Risk Assessment adequately demonstrates through careful design, and with the incorporation of the mitigation measures outlined, there will be no significant change to flood risk both on-site and off-site and the development is safe from flooding for its designed lifetime. The Drainage Strategy demonstrates that the approach for dealing with foul and surface water is appropriate for the scheme and will not have an adverse impact on water quality or supply during the construction or operation of the development. On this basis it is considered the proposal satisfies the requirement of UDP Policies EP12 and EP13, Draft Local Plan Policies R3 and R4 and the NPPF (as referred to above).

Wind/Microclimate

- 4.79 Due to its position at the mouth of the River Mersey, Bramley-Moore Dock is subject to a coastal climate. The site is exposed to prevailing winds, primarily from the north-west, west, and south-west throughout the year, but also from the south-east during the autumn and winter seasons. Given the pervasive extent of elevated wind speeds on site, any incremental increases in wind speed, including those caused by the aerodynamic performance of a building, increases the incidence rate of wind speeds that exceed thresholds for safety and comfort.
- 4.80 In order to understand the environment of BMD, and to inform the design response of the stadium and public realm in this environment, both physical wind tunnel testing and digital testing, known as computational fluid dynamic (CFD) testing, have been undertaken to enable the club's architects and engineers to design a site that can be safely operated on event and non-event scenarios.
- 4.81 The initial scheme included a freestanding multi-storey car park on the west quay of the site, with the stadium positioned to the east of the water channel. Wind mitigation performance led to the car park massing shifting to the east and joining with the stadium into one contiguous volume.
- 4.82 Following submission of the application in December 2019 further design refinements were undertaken to take account of construction advice and consultation feedback. This led to the multi storey car park massing on the western elevation of the stadium being removed from the design and being replaced with a stepped public realm terrace area adjoining the western stadium elevation. The stepped terrace provides a covered fan plaza below to ensure the safe arrival and departure of spectators and building users during periods of high winds.

- 4.83 One of the primary benefits of the new massing is the protection from weather afforded to visitors entering the stadium on the west side. Even though winds in exceedance of safety and comfort criteria are registered to the west of the new mass, these outdoor areas are not required for normal stadium ingress and egress; the area required at ground level is contained entirely within the new covered plaza.
- 4.84 The exposed outdoor area to the west of the stadium, including the lower promenade adjacent to the water channel, will be open to the public in normal conditions. In high-wind conditions, this area along with access to roof terraces will be closed via operational measures, and controlled gates have been proposed to allow this management to take place.
- 4.85 In addition to the changes in the stadium massing, there are a number of other wind mitigation structures on site. During the wind tunnel testing undertaken prior to submission of the application in December 2019, measures introduced to mitigate high winds in targeted areas included horizontal baffle surfaces, mounted onto freestanding vertical piers or directly to the stadium, as well as hard & soft landscape elements.
- 4.86 In the scheme submitted in December 2019, the south corners of the stadium had large brick portal structures acting as mitigation for wind around the corner of the envelope. These structures extended out to the site boundary, requiring substantial structures and foundations adjacent to the dock walls. Due to the West Terrace redesign, the behaviour of the wind has now changed, lifting the wind in the corners. This has allowed for the replacement of the large brick baffles with a small grove of trees under the 2020 amendments, which offers the necessary protection at ground level for pedestrians to circulate safely around the stadium. This also serves to reduce both the scale and visual impact of the corner mitigation that was previously included within the proposals.
- 4.87 Along the north, west, and south areas of the stadium, mitigation measures of a material palette consistent with the stadium and industrial dock heritage have been deployed to bring the site into compliance on both event and non-event days. In line with the scheme proposals submitted in December 2019, there is a series of baffles fixed to the building along the north passageway. There is also a line of free-standing baffles along the south facade, between the groves of trees at the corners. The foundations of the baffles and vertical piers will follow the same principles of the stadium foundation design, avoiding conflict with the listed dock retaining walls.
- 4.88 The north baffles along the north passageway and the central baffles at the south facade will be used for advertising and signage. The location of the baffles has been tested regarding the pedestrian and crowd modelling as well as the vehicular routes, to confirm they do not impede flows.
- 4.89 The combination of the measures will ensure the stadium and site can function safely during high winds and adverse weather conditions, on both event and non-event days, as well as benefitting the overall composition of the stadium, improving its appearance and the quality of the pedestrian environment.

Summary of Environmental Considerations and Policy Compliance

- 4.90 It is evident that the potential environmental effects of the development have been fully considered in the design of the scheme and the preparations undertaken so far for its construction and operation. The Environmental Impact Assessment process has provided a thorough assessment of the likely significant impacts which has informed a series of mitigation measures to remove or reduce the impact. The submitted Environmental Statement and supporting technical appendices have been carefully reviewed by the LPA and the statutory consultees and local advisors and additional information provided to address any residual concerns. Natural England and MEAS have confirmed they are satisfied it is safe to conclude an Appropriate Assessment of the scheme has been carried and the requirements of the Habitat regulations have been met. On this basis it is considered that subject to the various mitigation measures covered by the recommended conditions the proposals comply with the requirements of the NPPF (as referred to above) and the UDP (including policies HD18, HD28, EP2, EP11, EP12, EP13, EP15 and EP16), and the Draft Local Plan (including policies STP2, STP3, UD2, R1, R3, R4, R7, R8, R9 and G15).

5.0 Design

- 5.1 The planning application is accompanied by a Design and Access Statement (DAS) & Addendum which explains the design evolution process that has been followed. The DAS sets out how the design team have addressed the Club's brief and how the design responds to the site context and the opportunities and challenges this presents. In addition to the DAS the EIA provides a comprehensive assessment of the impacts of the proposed scheme on the local and wider landscape, the historic environment, ecology, local micro-climate conditions and on surrounding properties.

Design Policy

- 5.2 Chapter 12 of the NPPF provides national policy guidance on achieving well-designed places. Paragraph 124 of the NPPF states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development. Paragraph 127, planning decisions should ensure that developments:
- a. will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
 - b. are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
 - c. are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*

- d. *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;*
- e. *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f. *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

- 5.3 Paragraph 129 states LPA's should engage the local community and take advantage of design advice and review arrangements. It notes these are of most benefit if used as early as possible in the evolution of schemes and are particularly important for significant projects. In assessing applications, local planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels.
- 5.4 Paragraph 131 states that: '*In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.*'
- 5.5 Further national design guidance is provided in the 'National Design Guide: Planning practice for beautiful, enduring and successful places (2019) establishes the ten characteristics of a well-designed place, themed around the topics of Climate, Character and Community.
- 5.6 Within the UDP Policy HD18 General Design Requirements states that the scale, density and massing of proposed development should relate well to its locality. Developments should include characteristics of local distinctiveness e.g. design, layout, materials. Building lines and layout of new development should relate to those of the locality. New development should not detract from the city's skyline, roofscape and local views within the city. There should be no severe loss of amenity or privacy to adjacent residents. External boundary and surface treatment should be included as part of the development and should be designed to relate well to its surroundings. Adequate arrangements should be made for the storage and collection of refuse within a site, including provision of litter bins. The exterior of a building should incorporate materials to discourage graffiti. Adequate arrangements should be made for pedestrian and vehicular access and car parking.
- 5.7 Policy HD11 states the Council will prevent planning permission for development in a conservation area which fails to preserve or enhance its character. Proposals for new development will be permitted providing it is of a high standard of design and materials which are appropriate to the setting and context and respect the character and appearance of the conservation area. Further policies are contained

in the UDP regarding aspects of design including access (HD19) Crime Prevention (HD20) Landscaping (HD23), Public Art (HD24) and Lighting (HD28).

- 5.8 The WHS SPD also contains design guidance on new development within the WHS. The SPD divides the WHS site into six character areas which have distinct townscape characters and describes what attributes contribute to the OUV of the WHS within each. It emphasizes the importance of the interlinked dock water spaces to the city's historic landscape and cultural heritage.
- 5.9 In terms of design the SPD requires applicants to undertake analysis and assessment to demonstrate a clear understanding of the characteristics of their site and its surroundings, in order to show that the proposed design has responded to the characteristics and OUV of the area, in terms of materials, layout, massing, details and height (para. 4.2.3). It seeks to ensure that new developments achieve high standards in terms of design, materials, architectural quality and innovation. And emphasizes the need for quality architecture which is grounded in an understanding of the site context. Contemporary design is encouraged, providing that it meets best practice for urban design), which includes respecting, responding to and enhancing the highly sensitive and important historic context (para. 4.2.12).
- 5.10 The Design for Access for All SPD provides advice on creating positive and inclusive environments and sets out the LPA's requirements in respect of provision for disabled people in new development. It gives detailed guidance on how to integrate inclusive design principles into development proposals, promoting a high quality and inclusive environment for all irrespective of age, gender, mobility or impairment.
- 5.11 Within the Draft Local Plan the waterfront is recognised as a unique asset for city which has an important role providing the focus for leisure and tourism activity. The plan aims to support investment and regeneration within the waterfront and its fringes securing a high standard of design that integrates well with the existing urban fabric and protects and enhances the heritage assets.
- 5.12 Policy CC10 Waterfront Design Requirements establishes that development on the waterfront must be of a high quality design which respects its historic surroundings, whilst making adequate provision for access, parking and servicing. This includes protecting the character, setting, distinctiveness and Outstanding Universal Value (OUV) of the World Heritage Site (WHS). New development must ensure the protection of European and Nationally designated habitat sites; not undermine local residential amenity and business operations; ensure high-quality design; ensure usable and inclusive public realm; provide enhanced pedestrian / cycle movements; make provision for the repair and conservation of heritage assets; incorporate appropriate street furniture and lighting; and ensure greater access to dock water spaces and their quaysides.
- 5.13 Policy CC11 Recreational Use of Dock Water Spaces, Quaysides and the Waterfront supports proposals which facilitate greater access and recreational / leisure use of dock water spaces and their quaysides, including through the installation of stepped dockside structures to gain access to water level, use of feature lighting that assists in animating dock water spaces and adjacent quaysides

and proposals which enhance the interpretation of the cultural heritage and archaeology of the historic dockland environment.

- 5.14 Similar to the UDP the Draft Local Plan contains other policies that provide further guidance on aspects of design such as Development Layout and Form (UD2), Public Realm (UD3), Inclusive Design (UD4), New Buildings (UD5), Tall Buildings (UD6) and Public Art (UD8). This package of policies sets out the latest expectations for high quality design and reinforces the requirements contained in the UDP and NPPF.

Design Rationale

- 5.15 The proposed scheme has been designed to meet the Club's requirements whilst addressing national and local planning policy.
- 5.16 The clubs initial design brief focused on six themes which governed its requirements for any new stadium. The aim being to create a stadium that is an inspirational place to play football with state of the art facilities, with an atmosphere that was exciting and intimidating. The stadium must also provide '365' sustainability with broad revenue streams beyond match days. It must also be perceived as a community owned stadium seen as an integral part of the neighbourhood with an iconic 'talked about' design and provide a unique entertainment space that facilitates a new and innovative approach to sports-based hospitality.
- 5.17 Having identified BMD as its preferred location a design concept was developed which responded to the unique historic context of the site's having regard to the planning policy requirements and the six themes that comprised the clubs brief.
- 5.18 In Spring 2017, with the support of LCC, BMD was identified as a potential site for an athletics venue the 2022 Commonwealth Games and a feasibility study was undertaken to explore how the stadium might operate in multiple modes by phasing construction so it could be temporarily used for athletics. Following the announcement in September 2017 that Birmingham had been selected as the venue for the Commonwealth Games the Club outlined eleven principles that would inform and drive a stadium design dedicated for football use. These development principles formed the basis of the clubs first public consultation and provided the framework through which the concept design for the stadium and the space outside was developed.
- 5.19 In addition to the Club's brief and design principles, the other crucial factor in the design process was the consideration of the heritage value of the site and its surroundings. Extensive consultation with LCC Planning Officers and Historic England helped inform the design approach that took account of and respects the maritime heritage of BMD. Whilst the infilling of the dock was opposed by Historic England it has nonetheless extensively and proactively engaged with the Applicant in terms of other effects. This included minimising the impact on the historic fabric by restoring and incorporating key structures within the scheme, having regard to views of the stadium from within and outside the Conservation Area and WHS and

the need to represent water connectivity and re-use the listed Hydraulic Engine House.

- 5.20 In terms of minimising local impact the objective was to seek a solution that does not alter or damage existing heritage elements where possible. If impact cannot be avoided such as dock infilling the aim has been to minimise the impact by employing the least intrusive means of infilling so that the historic docks walls are not damaged by the construction process and can, in theory, be recovered in their entirety and the dock re-instated in the future. This 'reversibility' principle has been agreed with Historic England if it is considered unavoidable for the dock to be filled. For the Regent Road dock boundary wall this has meant reducing the openings to the minimum possible whilst still providing safe access and egress from the site.
- 5.21 In terms of master-planning, the design rationale called for a holistic approach to address heritage concerns. This has meant designing the space outside the stadium in a way that is sensitive to heritage by incorporating various historic features within the public realm, creating a water channel to maintain a visual link and interconnectivity between Sandon Half Tide and Nelson Docks and providing space around the Hydraulic Tower to respect its setting. An industrial palette of materials has been chosen for the stadium façade and the new openings in Regent Wall designed to complement the appearance of the existing wall.
- 5.22 Following the work undertaken with previous site investigations and the feasibility studies undertaken on Walton Hall Park, in particular, a number of design options were reviewed before the present design was reached. After the Commonwealth Games feasibility study the design development focused on the operating requirements of a football stadium. Issues such as stadium orientation and position on site were informed by consideration of the heritage elements and the design of public areas, as well as technical considerations of stadium access, solar paths and interaction with the approved Liverpool Waters development to the south. This resulted in a north-south orientation which left more space between the stadium and the Hydraulic Tower and a shorter length of the dock wall being covered and a smaller area of the original cobbles in the east and south of the stadium being covered by the building footprint.
- 5.23 The project brief confirmed a minimum target capacity of 52,000 with the potential to increase capacity with adjustments to the stands should safe standing be introduced in the future under a seating to standing ratio of greater than 1:1. Having settled the orientation a number of stadium design layout options were assessed and it was decided that the stadium would be developed with a double concourse, providing the lower concourse at grade to provide a tighter building footprint. Further technical assessments were then undertaken, including wind modelling, to understand the impact of the building upon the site and the surrounding environment. As a result of the wind testing a number of measures such as wind baffles were identified as necessary to ensure conditions around the stadium would be safe in high winds.
- 5.24 This led to a design solution where the body of the stadium would straddle the dock with the pitch having a north – south orientation with the public realm outside sensitively designed to respect heritage assets whilst facilitating the use. The base

of the stadium would be constructed with handmade bricks piers, arranged to give the impression of a single linear mass, but interspersed with mesh to create a lighter structure, referencing the vernacular of the brick warehouses synonymous with the city's docks. The elevations would have Goodison Park stadium's distinctive 'Archibald Leitch lattice' picked out in contrasting brick to reference the link to the current ground.

- 5.25 The roof structure is designed with a barrel shaped curvilinear form to be constructed with a metal frame covered with a perforated aluminium canopy that provides shelter to the seating but is open to the elements over the pitch. The roof cladding is slightly translucent meaning the structure will be partially visible underneath and will allow the building to glow at night with appropriate lighting.
- 5.26 The seating is configured with a rectilinear geometry with four stands arranged parallel to the pitch. Number one of the eleven principles that the club set for the stadium project was to create a fortress. The stadium needs *"to create a great place to play football, which facilitates and amplifies a compelling home advantage, inspiring players. The stadium will promote sporting excellence and deliver one of the most atmospheric venues in world football"*. To fulfil this requirement the seating is arranged with all four stands tight to the pitch and the shortest distance possible between the first row of seats and the edge of the pitch. The home end is in the south stand which has the largest capacity to enhance atmosphere and home advantage. Away supporters are allocated seating in the north east corner and the majority of hospitality, player and media facilities are provided in the west stand. The seating is linked with three concourses allowing circulation around the stadium and access to the hospitality and welfare facilities and seats are configured to meet the geometric requirements of the Green Guide and British Standards in terms of seat spacing, row depth and sightlines.
- 5.27 Large glazed portals have been included at both the north and south ends of the stadium. These windows are a key design feature and provide views from within the stadium to the outside. The window in the south stand is paired with an internal balcony which gives impressive views looking back to the Pier Head and will enable supporters to appreciate the stadium's unique surroundings within the WHS.
- 5.28 The hard landscaping around the stadium seeks to retain and re-use as many of the artefacts associated with the dock as possible, including capstans and railway tracks, whilst the extent of the dock is highlighted in the paving. The north-south orientation allows for large open areas to the east and west of the stadium, providing flexibility to the design and use of the public areas and more opportunity to retain and reveal heritage features. A non-navigable water channel will be provided between the existing lock gates (with Nelson Dock) which link Bramley Dock to the surrounding docks in the aim of retaining a sense of connectivity within the dock system. To the west of the stadium space is available for a wider exterior concourse between the water channel and the stadium described as the West Plaza.

Design Review Feedback on Original Design

- 5.29 The application proposals submitted in December 2019 were formally reviewed by the Places Matter Design Review Panel. The Panel acknowledged that this would not be a straightforward scheme but there would be time for negotiated changes as part of the application process.
- 5.30 The basic ambition to create a modern stadium that took full advantage of such an iconic waterfront location was applauded. The plan to create a four-sided stadium a simple well detailed brick plinth supporting a modern barrel shaped roof above was commended and it was considered the building links well to surrounding warehouse typology and this was the right design approach overall. The Panel advised there were, however, a number of aspects it felt were not fully resolved.
- 5.31 The primary concerns related to the design of the western elevation and the inclusion of the proposed plinth, the MSCP and the public realm provisions in this part of the scheme. It was considered these elements compromise the balance of the composition and appear a missed opportunity to readily connect with the surrounding public realm. The car park, PV panels and associated structures would in the Panel's view detrimentally impact on the appearance of the wider public realm along this important north south River Mersey edge. The design of the plinth at this point appears overly massive in this context. It was recommended that more consideration should therefore be given to breaking up the massing on this elevation by better articulating the façade and making it appear more comprehensible from the human scale.
- 5.32 The larger south facing glazed window was considered a fantastic opportunity which it was suggested should be enhanced further. The Panel noted opportunities for fans and visitors on non-match days alike, and advised it was important to create a similarly convivial place with the public realm and cultural centre and to embrace non- football visitors.
- 5.33 The proposed surface car park and PV canopy on the western side of the stadium were felt to be a wasted opportunity and the club were asked to consider making this area a public park to allow people the chance to engage with the river and enjoy the views. The Panel were comfortable with the relative height and felt that the approach to a grounded base and a contemporary roof was very clear. The brick piers on the facade were not considered to be a convincing element with too many layers. Reducing the ingredients might make it more affordable and easier to identify with.
- 5.34 The Panel cautioned about the potentially poor environment of the under-croft, and there was a feeling that the western side is presenting itself as the back of the building which needs to be avoided. The Panel had the impression there had been insufficient working between the stadium designs and those for the public realm and recommended a fundamental rethink on the landscape proposals to ensure users can clearly navigate the stadium.
- 5.35 In addition to Places Matter design review the club also presented the proposals to the Corporate Access Forum (CAF) who provided advice on measures to improve accessibility and inclusion in the stadium design. The CAF welcomed the efforts the club had made to ensure the stadium was accessible to all and recommended

several areas the club should consider further to improve access and equality provisions as the detailed designs develop. They also suggested steps to ensure positive engagement with disabled community continues in future, including in particular the Everton Disabled Supporters Association.

Changes made to the design during the application

- 5.36 The Club and its design team has engaged collaboratively with key stakeholders during the consultation process and developed significant enhancements to the scheme as a result of the constructive feedback provided. In light of the comments received during the first consultation the Club revised its brief to include the creation of a higher quality public space on the west side of the stadium which it was keen would serve as a fitting destination to end the river walk planned in the Liverpool Waters masterplan, the omission of the MSCP which was integrated with the west stand, moving the solar panels from the canopy over the west quay onto the stadium roof to free up space and optimise the wind mitigation design.
- 5.37 The revised scheme which is the subject of the resubmitted application details received September 2020 included the series of amendments listed in the introduction to this report.
- 5.38 The revised scheme features a new elevated terrace on the west side of the stadium, replacing the MSCP. It provides a covered fan zone below to ensure the safe arrival and departure of spectator and building users during periods of high winds.
- 5.39 The west terrace is a significant new element which benefits the scheme. It creates a major new civic space on the waterfront that will be open to the public on non-match/event days and provides a fitting end to the river walk.
- 5.40 The original wind mitigation measures have been rationalised and the large wind baffles and screens that stood like outriggers from the main stadium building have been replaced with groves of trees with seating. This positive change has been made possible through the re-design of the western terrace and option testing in the wind modelling. The removal of these structure improves the quality and usability of the public realm and provides additional amenity space.
- 5.41 The western most part of the site, called the West Quay, has been reconfigured with a smaller substation building relocated to the north west corner of the site. The canopy over the surface car park has been omitted and the solar panels (PV) moved to the top part of the stadium roof (to be structurally integrated with roof). The removal of the PV canopy has de-cluttered this area and allows views from the terrace out to the west over the river. The re-arrangements of the West Quay have significantly enhanced the appearance and improved the flexibility of this area. The space can now be used for multiple purposes either as event day parking, match day outdoor broadcasting or for hosting public events like festivals, pop up markets etc.

- 5.42 A key component of the Club's revised design brief was to return the massing of the building to the symmetry of the original design intent. The removal of the MSCP on the west allowed the design team to adjust the building massing and internal space planning so that it is now symmetrical when seen from the south from Nelson Dock and through the WHS. To achieve this symmetrical massing and accommodate internal area requirements the east elevation of the stadium has stepped east by 4.5m. The foundation design has been developed to accommodate this change, ensuring that there is no impact on the existing Grade II listed dock wall below. The changes to the stadium massing are most clearly seen on the west elevation of the stadium, where the MSCP has been replaced by the stepped west terrace. The steps link the building strongly to the water channel and directly address the river. A new glazed portal features centrally on the west facade, providing the hospitality spaces within spectacular views of the Mersey and the Wirral. Constructed from the same black metal cladding as the portal in the east facade that houses the Club retail shop, its introduction establishes an architectural relationship between the east and west facades of the building.
- 5.43 Minor adjustments to the design of the roof have reduced the overall height of the building to fall below 45m above ground level, meaning the scheme is now classified as a "mid-rise building" within the WHS SPD. The overall proportion of the stadium is in keeping within the historic dockland setting, especially when seen across the river from the Wirral.
- 5.44 In response to concerns that the previously submitted scheme elevations appeared too busy the building façade has been simplified. The distinctive Leitch Truss pattern has been adjusted for better legibility and now appears only in the brickwork, not in the metal panels or glazing, resulting in a bolder clearer impression. The thinnest brick piers have been removed to give the project a more solid presence in line with the warehouse setting and the east facade openings have been rationalised to a single glazed portal. A new glazed portal has been introduced in the west façade which provides access and break out potential to the hospitality areas within the west stand and helps bring greater cohesion between the east and west elevations.
- 5.45 In response to feedback received from the Corporate Access Forum, LCC's Inclusive Access Officer and user groups such as the Everton Supporters Disabled Associated (ESDA) a number of improvements have been made to improve accessibility. A greater number of wheelchair seating positions and accessible amenity seating have been identified in the seating bowl. Additional toilet facilities, including gender neutral toilets and more changing places toilets have been added along with lift access to the west terrace. The club have also committed to maintain positive engagement with disabled community continues in future through the Everton Disabled Supporters Association who have confirmed their support for the application.
- 5.46 The revised design brief has also led to several improvements to the quality and provision of the public realm outside the stadium building. The new west terrace mediates between the west public realm and the stadium itself. As an elevated terrace, it features similar surface materials to that of the ground level to establish it as an extension of the public realm. Similarly, the reconfigured west

quay has enabled a selection of finishes that will support the multi-use, flexible brief for this space. The removal of the outrigger wind baffles allows an improvement in the overall provision for seating, especially along the south concourse overlooking Nelson Dock and the wider World Heritage Site and Stanley Dock Conservation Area. Other detail developments, for example the materiality of the dock infill paving, have benefitted from the input of LOR as a contractor to ensure the public realm is constructed in durably and for a high-quality finish. Further work has been undertaken in consultation with LCC's Conservation Officer and Inclusive Access Officers to catalogue, assess, and identify the further works required to repair or re-purpose existing maritime heritage artefacts, such as capstans and mooring bollards, whilst ensuring there is ease of movement and good access is achieved throughout the public realm.

Townscape and Visual Impact

- 5.47 The EIA submitted with the application has considered the potential townscape and visual effects of the proposed stadium and ancillary works upon the site and surrounding area (TVIA). The assessment took account of all mitigation to be embedded within the scheme design.
- 5.48 The study identified a number of local townscape character areas to be assessed including the Stanley Dock Conservation Area and the World Heritage Site. The scope of the TVIA was agreed with Historic England and the LCC Planning team and has considered the relevant requirements of the adopted WHS SPD (2009), including key views/vistas within and towards the WHS.
- 5.49 The assessment of townscape effects concludes that there would be major adverse and significant effects upon the townscape character of Character Area 3 – Stanley Dock Conservation Area during the construction phase. However, such effects would improve to major beneficial and significant post construction. There would also be a moderate adverse and significant effect upon The Waterfront and Its Fringes character area during the construction phase which would improve to moderate beneficial and significant effects post construction. The Hydraulic Engine House would also experience moderate adverse effects as the works are being undertaken to the structure, however these would be short term in nature.
- 5.50 The assessment of visual effects concludes that there would be moderate adverse and significant effects experienced during the construction phase by pedestrian and cyclists. However, once the stadium was in operation such adverse and significant effects would improve to moderate beneficial from the same viewpoint locations, during all scenarios except for match day scenarios in relation to Viewpoints 3 (Regent Road) and 8 (Bascule Bridge) contained in the study. The daytime non matchday, along with daytime and night-time match day scenarios would remain moderate adverse and significant.
- 5.51 The assessment of cumulative townscape and visual effects concludes that the addition of the proposed development to a baseline that includes the Liverpool Waters mixed-use scheme (original outline permission 10O/2424 – latest non-material amendment is 20NM/1801) will not give rise to any significant effects. Similarly, when the proposed development is considered in the context of the

approved Liverpool Waters parameter plans and all other relevant and agreed cumulative schemes, there are also no significant effects arising.

- 5.52 Overall, the TVIA concludes that significant townscape and visual effects are likely to occur within the local environs of the site only. However, notwithstanding these findings it is noted the stadium will certainly be visible to waterborne traffic travelling on the river and from the Wirral and create a new and important landmark on the waterfront and in land will substantially enhance the surrounding neighbourhood.

Signage / Wayfinding & Lighting

- 5.53 The appearance of the stadium will be characterised primarily by its built form and materiality. The success of the design will also be heavily influenced by how the building and its surroundings are dressed.
- 5.54 The identity of the stadium will be an important and the club will naturally want to maximise the potential of the opportunities the development presents. Signage and lighting effect how people experience the stadium along with the architecture so also require sympathetic and sensitive design.
- 5.55 A signage strategy for the site has been developed to consider the extent and nature of signage and advertising and inform what would be suitable for the building and the external areas. This applies to both illuminated and non-illuminated signage and commercial opportunities to brand the development. Zones for signage, including illuminated signage have been identified on the application drawings so that specific details can be considered and approved through planning conditions.
- 5.56 Within the public realm further opportunities exist for site interpretation, club branding and fan personalisation which can also be developed in accordance with planning conditions. Public realm interpretation will form part of the holistic strategy that encompasses all elements both internally and externally. Inspiration from both the club's own history, colours and branding will go hand in hand with that of the heritage of BMD. The eastern fan plaza will host most of the Club's football references in the public realm within the street furniture. Other opportunities will occur around the stadium perimeter and will need careful consideration to ensure these finishes have a coherent appearance and ensure the site is legible to navigate.
- 5.57 A lighting strategy has been developed in accordance with industry guidelines and regulations to ensure a suitably safe environment is provided. Key considerations in addition to safety are the impact of lighting on the environment and heritage assets.
- 5.58 The lighting concept for the stadium focuses on highlighting the prominent architectural elements so these are visible from afar. The experience at night will play an important role in defining the character of the stadium and its surroundings and the aim is to create a unique experience through careful consideration of the lighting intensity, luminosity, light colour temperature, mounting heights and desired lit effects. The aim is to the whole building with a unified character which can then

distinguish between match and non-day days and provide independent lighting designs for individual events.

- 5.59 Powerful luminaires will be installed within the roof to increase visibility within the stadium and turn the stadium into a beacon at night-time. The luminaires will be concealed within covered areas to limit the spill of light into the night sky and ensure this is kept minimal while still achieving a dramatic effect.
- 5.60 Lighting across the public realm will be designed to ensure light levels are adequate to create a comfortably safe and welcoming environment for all fans and other users. The lighting will be designed to help identify each different area within the fan's plaza and other external areas so they are clearly legible which will support wayfinding through the site.
- 5.61 The lighting standards have been designed taking into consideration existing neighbours and the interface with Nelson Dock and potential future residential developments planned as part of the Liverpool Waters scheme. Smart lighting control systems employing energy saving features will ensure efficiency and the lighting operates at optimal levels inside and outside the stadium.
- 5.62 Naming rights locations have been identified in the strategy to highlight the signage at night around the buildings' façade along with opportunities for enhancing the impact through integrated design. The specific details of all the lighting will need to be developed in accordance with the lighting strategy and conditions are proposed to ensure those details are fully considered before being approved.

Sustainability

- 5.63 The proposed development is pursuing an ambitious framework of sustainability objectives to ensure its ecological footprint is as light as possible. In accordance with the revised brief, the design team has sought to refine and improve sustainability aspects of the scheme, including:

- Roof mounted PV canopy with improved efficiency
- Future proofing of roof to increase PV coverage if viable
- Lighting and energy efficiency measures
- Fixtures to reduce water usage
- Electric vehicle charging points
- Battery storage rather than back-up diesel generators
- Future connectivity to the district heat network (known as 'Mersey Heat')
- Exploring potential for seats to be made using recycled plastic with manufacturers
- DfMA construction process engaged

- 5.64 The development of this Sustainability Performance Framework has been developed to meet the Club's aspirations to harness the unique features of the BMD location and create an environmentally friendly and sustainable stadium which is environmentally efficient in design, construction and operation. Extensive

work has been carried out by the project team to minimise carbon footprint of the development based upon a review of the most appropriate, robust and pioneering elements of existing certification frameworks such as BREEAM and LEED.

Design Review Feedback on Revised Design

- 5.65 The feedback from the first Places Matter design review was that the panel was supportive of the overall project and design approach but that the stadium building would benefit from simplification and the western plaza needed further work.
- 5.66 A second review with Places Matter was held in May 2020 to update the panel on the developing design and show how the scheme had been amended to incorporate the points previously raised. The panel was pleased how the stadium design had progressed and the scheme had changed positively in response to the panel's recommendations.
- 5.67 In summary the panel report state's "*the introduction of the Western Terrace is a major improvement, as is the change in form, massing and symmetry of the building itself*". The panel considered the Eastern Plaza still required further refinement and noted 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.
- 5.68 The Panel also recognised the key catalytic role this development would play for the regeneration of the area and recommended the club work with the City Council to define a vision for the area outside the 'red-line' boundary of the site as this really needs a new treatment as part of the ground approach.
- 5.69 In conclusion the Panel felt the architecture of the amended design is much improved and the symmetry of the building now echoes the initial ambition. The development must be a truly exemplary civic project, with all that that implies, and it recommended that quality of the finished piece must be rigorously conditioned by planning to capture the details which define that quality and delivered as consented.

Summary of Design Considerations and Policy Compliance

- 5.70 In line with the club's brief the proposed stadium promotes architectural excellence by embodying a forward-looking contemporary design grounded firmly in its historic industrial setting, reflected architecturally by the modern barrel roof sitting on top of the solid brick base. The building massing supports high-quality public spaces with year-round use and a mix of uses that attract the public to the Northern Docks. The height of the building has been carefully considered and minimised to avoid impacting substantially on views into and across the WHS. From the River Mersey the stadium is of the same order of magnitude as other major structures within the Stanley Dock Conservation Area and elsewhere along the waterfront. The development will create a new high profile building on an area of dockland that is currently underutilised contributing to the creation of a newly energised and high

quality area introducing a new high quality building to the skyline whilst opening views of the WHS which are not currently available to the public.

- 5.71 The design has been informed by and celebrates the site's heritage. It incorporates historic artefacts such as the dock gates, capstans, railway tracks, and cobbled surfaces within the public realm and makes use of reclaimed materials where the originals cannot be retained in situ. The design has been developed to minimise the impact on historic assets and where an adverse impact is unavoidable steps have been taken mitigate the harm for example by the foundations spanning the dock walls and being revealed in the hard landscaping.
- 5.72 The massing of the building has been carefully formed to give space around the Hydraulic Engine House so that it can be seen as an independently functioning part of the urban realm which through refurbishment has been returned to positive use. The proposals provide a substantial area of new public realm within the fan's plaza and on the western terrace which will provide flexible event space for the community to enjoy. The design of these areas and the stadium itself has been refined in consultation with the Corporate Access Forum and Everton Disabled Supporters Association to ensure all aspects of the development are accessible including arrival and entry to the ground as well as within the stadium itself. A clear wayfinding and signage strategy are proposed to aid legibility and guide supporters and visitors around the site and to specific gateways and entrances.
- 5.73 The club have declared they are pursuing an ambitious framework of sustainability objectives to ensure its environmental footprint is as light as possible. This includes high performance insulation and systems to reduce energy use, renewable energy generation, landscaping to promote biodiversity and fixtures that reduce water consumption. Public art is being incorporated into a variety of forms including street furniture, boundary treatments and in the ground surfacing to tell the history of the site and the club. Details that build on the public art and interpretation strategy can be considered and approved through planning conditions. The lighting strategy has been developed in accordance with guidelines and with the reduction of obtrusive light and the potential residential interface with Nelson Dock being carefully factored into the design.
- 5.74 It is evident from the application process and based on this assessment, that the design of the stadium has been very carefully considered and would deliver a well designed place in accordance with local and national planning policy requirements. The original design fulfilled the club's brief and met the development principles outlined for the scheme. It has subsequently progressed in response to advice offered by the LCC Planning Team with constructive contributions from Historic England, Places Matter Design Review Panel, EDSA and the Corporate Access Forum. It is considered the final scheme, as amended, will deliver an outstanding and innovative design that is rooted in the site context and would substantially enhance the surrounding neighbourhood. The building has a compact form that makes an efficient use of the site. It delivers a coherent pattern of development with a clear identity informed by its dockland location. The stadium is an attractive and distinctive building which optimizes the opportunity and is accompanied by well located, high quality and attractive new public spaces.

- 5.75 On this basis it is considered the design complies with the NPPF (para's 128-132) and National Design Guide requirements, the UDP (including policies HD18, HD11, HD19, HD20, HD23, HD24 and HD28), the WHS SPD (including para 4.2.12) and the Draft Local Plan (including policies CC10, CC11, UD2, UD3, UD4, UD5, UD6, and UD8).

6.0 Conformity with Liverpool Waters

- 6.1 The proposed stadium lies within the northern most part of the Liverpool Waters development site which comprises a major regeneration scheme that covers 60 hectares of former dockland extending from Princes Dock in the south to Bramley Moore Dock in the north.
- 6.2 The Liverpool Waters scheme received outline planning permission in June 2013 (Ref: 10O/2424) and set a framework for a mixed-use development to provide a mixture of office/commercial space, residential accommodation, visitor attractions and supporting uses, public spaces and local shops and services.
- 6.3 The scheme, branded as Liverpool Waters, by the landowner Peel Land & Property Holdings Ltd, forms a key part of their Atlantic Gateway concept in conjunction with the Wirral Waters regeneration scheme. Combined these two schemes they aim to create a higher profile for development opportunities around the River Mersey and Manchester Ship Canal.
- 6.4 The Liverpool Waters scheme has been designed as a planned expansion of Liverpool city centre and aims to stimulate economic and social regeneration and further integration with the adjoining areas of the city centre, North Liverpool and the wider sub-region. Based on a 30-year construction programme between 2012 and 2042, the aspiration is that Liverpool Waters will become a new quarter with a substantial workforce and population delivering many thousands of new jobs and homes through a multi-billion pound private sector investment.
- 6.5 The Liverpool Waters site extends by 2 km to the north of the Pier Head along the waterfront from Princes Dock to Bramley Moore Dock. It is bounded on the landside by the historic dock wall running along King Edward Street, Bath Street, Waterloo Road and Regent Street and includes the Bramley Moore Dock waterbody, land and access for the proposed stadium.
- 6.6 Due to the scale and nature of the Liverpool Waters development project and the timescale over which it is to be developed the site is broken down into five distinct neighbourhoods each with their own local facilities focused around local neighbourhood hubs. The outline permission is structured around a series of parameter plans which define the extent of development permissible under the outline consent. Maximum floorspace parameters are defined for each of the neighbourhoods within the limits of the scheme as a whole. The proposal is based on a spatial Masterplan which draws upon a series of key development principles that underpin the concept and design of the scheme. In addition to the Masterplan a Phasing Strategy has been provided which identifies the layout of the various development parcels and the timescale over which these building plots are intended to be developed.

- 6.7 The outline planning permission provides a framework through which individual development proposals will be delivered in accordance with detailed neighbourhood masterplans. The outline permission comprises a number of conditions and legal obligations (s106) that enable the Local Planning Authority to manage development and ensure the constituent parts are acceptable and compatible with existing and future schemes.
- 6.8 Policy CC12 of the Draft Local Plan states the City Council will support applications which deliver the vision for the Liverpool Waters site, which is to create a world class, high quality, mixed use waterfront that provides for the substantial growth in the city's economy. The sub text to this policy acknowledges that given the extent of the site and period over which the permission is to be implemented other development proposals could be brought forward which did not feature in the original Liverpool Waters indicative masterplan. In such instances it will be necessary for the LPA to assess any such proposals on their individual merits alongside the development approved to date to ensure such schemes do not prejudice the delivery of the overall scheme.
- 6.9 The application site, BMD, along with Nelson Dock, form the Northern Docks Neighbourhood. The Northern Docks Neighbourhood is identified as the final phase of the Liverpool Waters development which is scheduled to take place between 2036-2041.
- 6.10 Details of the approved Development Plots Parameters Plans are set out in appendix 3.
- 6.11 The anticipated delivery timescale of the five neighbourhoods is set out in the approved phasing plan as follows:
- Princes Dock (Phase 1, 2019 – 2024);
 - Central Docks (Phase 2, 2020 – 2036);
 - King Edward Triangle (Phase 3, 2021 – 2029)
 - Clarence Docks (Phase 4, 2031 – 2036); and
 - Northern Docks (Phase 5, 2036 – 2041).
- 6.12 The proposed stadium was not envisaged in the original Liverpool Waters masterplan so it is necessary to consider how the proposal effects the delivery of the wider Liverpool Waters scheme given this is a corporate development priority.
- 6.13 A number of developments have already been approved as standalone permissions because they were also not covered by the outline. These include the new cruise terminal at Princes Dock, (application ref;17O/3230 approved 11th April 2018) the new Isle of Mann Ferry Terminal at Princes Half Tide dock (application ref:18F/3231, approved 23/04/2019); and the Northern Link Road at West Waterloo Docks (references 17F/2628 approved 11/04/2018). In addition to these standalone permissions detailed masterplans for Princes Dock and Central Dock neighbourhoods have been modified along with the associated conditions of the outline permission to reflect the separately approved developments. through the granting of s96a (non-material amendment) decisions (Ref;18NM/2766 approved

16th November 2018, Ref:19NM/1121 approved 23rd August 2019 and Ref:20NM/1801 approved 18th September 2020).

- 6.14 The outline permission includes a condition requiring all reserved matters applications for the entire development to be submitted for approval by the Local Planning Authority within a 32 year period, starting from the date of the permission (19th June 2013). The outline permission also dictates that prior to commencement of any phase of development delivered through the outline permission, a Neighbourhood Masterplan for the relevant neighbourhood must be submitted to and approved by LCC via a discharge of condition application.
- 6.15 To date, two Reserved Matters applications have been approved both relate to a speculative 6 storey office development on Plot A03 of Princes Dock (Ref: 18RM/1554 approved 14th June 2019 and Ref; 19RM/1817 approved 30th August 2019). Condition 8 of the outline permission has therefore been met and the outline permission remains extant but there have been no Neighbourhood Masterplan submissions made in relation to the Northern Docks area, as this is the last phase in the Liverpool Waters development, as identified above, and was not planned to be brought forwards until 2036.
- 6.16 The approved scheme for the Liverpool Waters Northern Docks area includes development plots/blocks that straddle the stadium application site and Nelson Dock. In the original Liverpool Wasters masterplan the approved development at BMD comprises five blocks along the quaysides and a block within the BMD waterbody. The approved maximum heights for development at BMD ranges from 8 metres within the waterbody plot to 38m along the western rivers side plots. A further 8 plots are located around Nelson Dock and 2 others within the water body of that dock. These plots range in height from 6m (2 storeys) in the dock to 38m along the riverside western quay.
- 6.17 The development parameters set within the outline permission for the Northern Docks allowed for a range of uses with maximum floorspace for each different use the main being residential (219,500 sqm) and parking 103,100 sqm with other ancillary uses, resulting in a maximum total floorspace of up to 347,500sqm for the neighbourhood.
- 6.18 Should the stadium application be approved it is understood that the proposed blocks within the Liverpool Waters would be delivered in accordance with the approved parameters of the outline permission, but the detailed design revised to sit outside the stadium boundary.
- 6.19 To enable an appropriate assessment to be undertaken of future receptors within the EIA the club agreed with Peel as landowner/developer of Liverpool Waters a working assumption how those blocks would broadly be delivered including which blocks would need to be removed or delivered with a reduced footprint to respect the red line boundary of the stadium application and given the scale and proximity of the development. This includes the removal of the two 33m blocks on the northern flank of Nelson Dock and a reduction in the length of the two blocks on either side of Nelson Dock (west and east) to correspond with the stadium application redline boundary.

- 6.20 The EIA has assessed different scenarios from the current baseline to a combination of future options with the stadium included. This has enabled the impact of the stadium to be considered on its surroundings including future schemes that could be still built out under the Liverpool Waters permission.
- 6.21 Given that there are no immediate plans exist to develop Bramley Moore Dock under the outline permission and the site will shortly become vacant once leases expire there will be no occupiers affected at the construction stage. Adjoining sites potentially will be affected from construction activities on site such as dust, noise and vibration and from construction traffic however, these are predicted to be short term and temporary and can be mitigated through suitable control measures. Once complete it is anticipated that the effects on neighbouring residential properties and businesses will generally be short term and negligible provided the mitigation measures recommended in the EIA are adopted. In terms of daylight sunlight and overshadowing the EIA assessment found that the conditions would be an improvement and have less of an impact on future occupiers if the stadium were built compared to the original Liverpool Waters masterplan proposals.
- 6.22 In policy terms the application site falls within an area that is zoned for port related uses in the Unitary Development Plan (Policy E3) and mixed used development in the Draft Local Plan. In the Draft Local Plan Liverpool Waters is specifically identified as a major development opportunity within central Liverpool under policy CC12. The overall ambition for the scheme being a comprehensive transformation of the city's northern docks by creating a world class, high quality, mixed use waterfront quarter in central Liverpool over the next 40 years.
- 6.23 Whilst the proposed stadium was not part of the original indicative masterplan the new stadium will accelerate regenerative development by introducing new facilities that will provide valuable infrastructure bringing underused derelict dockland back into active use. The scheme will compliment plans for the redevelopment of the Ten Streets Regeneration Area and help attract further investment in the vacant area to the south of the site and the city's waterfront generally.
- 6.24 The impact of the stadium development on the surrounding highway network has been carefully considered by the Highways Manager who is confident the scheme can be accommodated at this site without disrupting access to, and travel patterns within, the Liverpool Waters site given the other programmed highway works that will connect the site to the highway network and improve the flow of traffic across this part of the city centre.
- 6.25 The proposed scheme includes the provision of new public realm that offers the potential to link into a riverside walk that will tie the development into the surrounding area which is an important component of the Liverpool Waters masterplan.
- 6.26 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, during construction and subsequent

operation to protect residential and environmental amenity, as well as public health and safety.

- 6.27 Taking these factors into account it is considered the stadium proposals will not prejudice the delivery of the remainder of the Liverpool Waters development, indeed to the contrary, the construction of the proposed stadium will help open up development opportunities within the docks and attract further investment in the wider Liverpool Waters scheme and subject to the terms and conditions recommended in this report will secure environmental improvements including landscaped public realm. It will thereby give rise to beneficial regeneration of this part of the Liverpool Waters site at a much earlier point in time that would otherwise have been anticipated.

7.0 Impact on Surrounding Area / Neighbouring Businesses and Residents

- 7.1 Bramley More Dock is situated within an industrial dockland environment. The application site is contained behind the Regent Road dock boundary wall that creates an effective physical barrier between the dock system and land and property to the east.
- 7.2 Regent Road provides a direct route to the city centre from the north providing access to the disused docks within North Liverpool and the operational docks and associated uses in Bootle and the rest of Sefton.
- 7.3 The area immediately to the east of the site comprises the Ten Streets and Wellington Employment Area which contains mix of commercial and industrial premises some historically linked to the port activities and others that have developed taking advantage of the low land values and space available. These properties include the Bramley Moore Public House, storage yards, a timber retail and tyre retail businesses. The Titanic Hotel and Stanley Dock warehouse, which is currently being converted into residential apartments, are located close-by to the south-east.
- 7.4 The stadium development in conjunction with the Ten Streets regeneration initiative and the Liverpool Waters development will have a transformational impact on the general character of the area. It is anticipated the changes to the social and economic fabric of the area will be significantly beneficial for the local community and the changes to the physical environment will be positive for the neighbouring businesses and residents.
- 7.5 The EIA has assessed how the stadium will affect 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. The change in the nature of the area will be most dramatic when football matches or major events are held, which will affect occupiers of nearby premises more extensively, particularly from an access perspective as the scale of activity increases and measures to contend with this are implemented.

- 7.6 The primary effect on those occasions will be the result of the temporary road closures necessary to ensure a safe environment around the stadium when significant numbers of fans and spectators are getting to and from the stadium. The technical analysis which supports the proposed traffic controls is set out in the Transport Assessment. The arrangements for managing the local road network are contained in the Match Day / Major Event day Strategies which have been prepared in close consultation with LCC Highways and transport stakeholders such as Merseytravel and Merseyside Police and will be implemented in accordance with the terms of the conditions and legal obligations attached to the permission if granted. The effectiveness of the strategies will be carefully monitored by all parties with the approved details amended time to time where necessary by agreement with LCC. The Strategies consist of measures to encourage safe, convenient and sustainable access to the stadium and to minimise impacts on neighbouring residents and businesses.
- 7.7 A Transport Working Group is to be formed (as a requirement of the s106 Legal Agreement) to periodically review and monitor the effectiveness of the Transport Strategies, and the suitability of the measures required to deliver them. The Group shall consist of senior representatives of ESDL (the Club), the Merseyside Passenger Transport Executive (including Merseytravel), Merseyside Police, the transport operators, LCC Highways and other transport stakeholders including United Utilities, Peel Holdings and Sefton Borough Council.
- 7.8 A central component of the traffic management measures will be the creation of a Controlled Parking Zone (CPZ). The details of the CPZ are set out in the Transport Assessment and have been discussed and agreed with LCC Highways and ward councillors. The requirements will be captured through planning conditions and S106/S278 agreements.
- 7.9 Representations have been received from some local businesses expressing concern about the level of traffic the development will generate and the impact parking controls will have on their operations. It is acknowledged that the stadium development will pose a challenge with large flows of people in the area around the stadium and traffic controls will be essential for crowd management during busy periods. To address these concerns the CPZ will involve a permit system that allow residents and business users to gain reasonable access along with parking restrictions with appropriate signage and road markings to prevent uncontrolled parking in the area.
- 7.10 The temporary road closures will be undertaken and managed by club representatives supported by LCC Highways and the Police. In addition the area around the stadium and the access points from Regent Road will be staffed by the Club who will be responsible for public safety and security within the Fans Plaza and the rest of the site.
- 7.11 To prevent excessive noise and disturbance a curfew of 23.30 is considered to be necessary as a condition of the running time for events. This is similar to the restrictions applied at Anfield Stadium and allows for a period of over running time past the notional curfew of 23:00 hours, which is considered more appropriate for

consistency and to protect future residential amenity. With construction activities controlled to minimize noise and disturbance through the Construction Management Plan conditions.

Policy

- 7.12 The impact on of the development neighbouring businesses and residents is a material planning consideration. The NPPF (para 110) states development should create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, and allow for the efficient delivery of goods, and access by service and emergency vehicle. It also states applications should ensure developments should function well and add to the overall quality of the area, creating attractive, welcoming and distinctive places to live, work and visit and do not undermine the quality of life or community cohesion and resilience (para 127).
- 7.13 The requirements of the NPPF are reflected in the broad thread of policies contained within the UDP and Draft Local Plan. Specifically, UDP Policy states that the scale, density and massing of development should relate well to its locality. There should be no severe loss of amenity to adjacent residents and adequate arrangements should be made for pedestrian and vehicular access and car parking. Policy C7 states the City Council will seek effective solutions to remedy car parking and other amenity problems experienced by residents on a match day and to maintain and enhance residential amenity in the area. Policy TP1 of the Draft Local Plan states development proposals should make the best use of existing infrastructure and positively manage travel demand and improve accessibility of development. Policy UD1 establishes that development proposals should demonstrate that several aspects have been taken into account including patterns of movement and street character.

Summary of Land Use Considerations and Policy Compliance

- 7.14 Having regard to the provisions proposed to support the development, referred to above, it is considered the proposed stadium will not have an unacceptable adverse impact on the surrounding area and neighbouring businesses and residents.
- 7.15 Without doubt the development will significantly alter the local environment and effect local interests. The stadium development will create a new leisure and visitor destination at a location which has not experienced high levels of activity for a long time. For some the disruption caused to current situation will inevitably be unwelcome, however, overall, it is considered this change should be a positive experience as the stadium and activity it brings will uplift the local area and provide new opportunities for the community.
- 7.16 The area has already been earmarked for re-development under the Ten Streets Regeneration Framework and the site lies within the area that has permission for development under the Liverpool Waters outline planning permission. The stadium proposal has the potential to act as a catalyst that will accelerate interest in these initiatives and will provide infrastructure improvements that will facilitate further

development. During the construction phase there will inevitably be a period of increased activity, however, this impact will be temporary and all site activity will be carefully managed to minimise disruption. For these reasons it is considered that subject to the measures proposed in the recommended conditions no conflict with planning policy arises and the development will not have an unacceptable harmful effect on neighbouring businesses and residents. On this basis the application complies with the NPPF (as referred to above), the UDP (including policies C7, T15, HD18, EP11 & EP15) and the LLP (including policies CC10, CC11, UD5, R1 & TP2).

8.0 Regeneration

- 8.1 The proposed stadium represents a £505m direct investment which will benefit an area of the city which has experienced a long period of economic decline and is in need of regeneration. This is an important land use planning consideration and is a point made strongly in the majority of the 2000 plus public representations submitted in connection with the application.
- 8.2 The proposed football stadium is a unique opportunity. It is inconceivable that any other single project would be likely to invest to the same degree in this part of city for the foreseeable future. Furthermore, if delivered it is highly probable that the stadium would attract additional development interest and activity compounding the benefits of the scheme. The stadium development would provide transformative physical, social and economic benefits that would transform the area by giving public access to the dock estate, re-developing disused land and creating job opportunities in an area where they are currently very few, backed up locally by the Training and Employment Strategy the club will be committed to by the proposed s106 Agreement.
- 8.3 The application site falls within the Kirkdale ward. Kirkdale is rated as one of the most deprived wards in Liverpool and one of the 2-3% most deprived wards in the country. Kirkdale is ranked 4th in Liverpool which is then ranked 4th out of 317 local authorities in the country in the indices of multiple deprivation 2019. The adjoining ward of Everton is ranked first whilst to the north Bootle in the Borough of Sefton BC is also ranked amongst the most deprived nationally. The worklessness rate within Kirkdale is around 33.5% with over 40% of the workforce having no qualifications. The number of benefit claimants is highest in the city and almost twice the national average. Child poverty is rated at 38.9% within the ward and the Council's data indicates that life expectancy amongst males in the ward is amongst the lowest in the City and nationally.
- 8.4 The value of the development in regeneration terms is a key planning consideration that is reflected in national and local planning policy and the application has sought to quantify that in the supporting application documents.
- 8.5 The ES includes an Economic Impact Assessment (EIA) which has assessed the collective impact of the People's Project examining the impact of the new stadium in conjunction with the plans for the re-development of Goodison Park. The

assessment defines current baseline conditions and assesses the likely effects of the stadium development on the current situation both directly and cumulatively in relation to employment, expenditure and social value in combination with the Goodison Park legacy proposals.

- 8.6 The EIA is based on core guidance including from the HM Treasury, The Green Book: Central Government Guidance on Appraisal and Evaluation (2018); Homes and Communities Agency (HCA), Employment Density Guide (Third Edition, 2015); HCA, Additionality Guide (Fourth Edition, 2014). It recognises that the proposed new stadium project is not one project in isolation but a series of projects with significant and complex inter-relationships that require measurement and assessment.
- 8.7 There are four key elements of analysis that were examined, including:
- The current baseline socio-economic contribution of Everton operating from Goodison Park;
 - The additional (or incremental) impact of the new stadium proposals at BMD;
 - The legacy impact of Everton as part of the Goodison Park community as a result of the redevelopment of the Club's existing stadium site (the GPLP); and
 - The catalytic impact on surrounding neighbourhoods at BMD within the 'Northern Ten Streets' area (broadly including land within the Ten Streets to the north of the Titanic hotel).
- 8.8 The assessment has considered the impacts of the development on several socio-economic indicators including:
- Generation of employment;
 - Generation of training and apprenticeship opportunities;
 - Generation of GVA;
 - Generation of additional wage income;
 - Generation of additional expenditure;
 - Increase in marketing and sponsorship revenue;
 - Generation of societal value associated with the Goodison Park Legacy Project (GPLP) and Everton in the Community (EitC); and
 - Social and heritage value associated with the new stadium development.
- 8.9 During the construction phase, the EIA anticipates the development will realise the following benefits (based on a £505m expenditure):
- The creation of over 8,100 jobs for the sub-region;
 - The creation of 505 new trainees or apprentices' places;
 - Generation of £420m GVA.
- 8.10 During the operational phase, the following benefits (based on a £505m expenditure) are anticipated:
- The creation of 93 net additional jobs at the sub-regional level and around 196 net additional jobs at the regional level.

- The creation of 15 net additional suppliers' jobs at the sub-regional level and 69 jobs supported at the regional level.
- With the attraction of approximately 1.15m football fans to the city each season, this should support 20 additional jobs at the sub-regional level. From five non-footballing events during the year, this would support 184 jobs locally at the sub-regional level;
- Taking account of additionality factors, generation of an estimated net additional almost £4.5m GVA the sub-regional level and more than £9m GVA at the regional level.

8.11 It is also anticipated that the as the stadium would be an enhancement on Goodison Park and support non-footballing events this would yield significant additional benefits for the site operators and suppliers by attracting additional tourists/visitors. Detailed estimates are set out in the EIA of the expected additional wage income and expenditure. Taking account of additionality factors the EIA estimates the net additional wage income at the sub-regional level would be £14.5m annually, rising to over £58m at regional level. Net expenditure by additional tourists/visitors is estimated at approximately £9.3m.

Headline Economic Benefits of the People's Project

OUTPUT	NEW STADIUM AT BMD	GOODISON PARK LEGACY	WIDER CATALYTIC DEV'T ADJ TO BMD
CONSTRUCTION PHASE			
Construction Value	£505m	£82.5m	£212m
Construction Jobs	8136	1382	3562
Construction GVA	£420m	£69m	£176m
Apprenticeship/Trainee Jobs	505	82	212
OPERATIONAL PHASE			
Net Additional Jobs	312	520	2046
Net Additional GVA	£11.2m	£29m	£99m
Net Additional Wage Income& Household Income	£14.5m	£6.8m	£28m
Net Additional Spend	£39.5m	£1.42m	n/a

8.12 The EIA also refers to the fact that the development projects will not only deliver significant additionality in terms of jobs and investment but will also accelerate the development of key regeneration priorities along the Northern Docks including Liverpool Waters, the Ten Streets and the wider Atlantic Corridor regeneration area.

Covid - 19

- 8.13 The EIA first submitted with the application in December 2019 has been reviewed and updated where necessary as part of the re-submission received in September 2020 and takes account of current circumstances. Since the original report was submitted there has been a significant negative shift driven by the unprecedented economic impact of the Covid – 19 pandemic on jobs and economic activity. For example, nationally UK benefit claimants has increased to 2.8m up over 0.5m in a month and unemployment rates are expected to climb once the fallout from the furlough scheme materialises.
- 8.14 It is anticipated the significant adverse impact of the pandemic on the economy will be felt sharply across the city region particularly to the detriment of communities such as those in North Liverpool which are already economically stressed and have reduced ability to withstand further strains. This point has featured prominently in the feedback received to the second consultation with a high number of respondents referring to the increased need to support the stadium because of the unique extra reasons created by the pandemic.
- 8.15 In response to the pandemic the Government have made a number of legislative changes have been made to the planning regulations but yet not issued advice if the pandemic affects the weight given to material considerations. Some temporary permitted development rights have been extended in relation to outdoor markets; takeaway food operations from restaurants, cafes and drinking establishments, and some emergency development rights have been created but no guidance has been issued so far to advise decision makers whether additional weight should be given to the interests of economic development to take into account the economic and other effects arising from the current pandemic.
- 8.16 The updated EIA notes construction costs have increased considerably because of the changes to the scheme and changing circumstances, with the development now valued at a total of £505m. Although operational phase impacts have broadly remained the same the construction related benefits have increased with the greater construction value translating into more construction jobs and apprenticeships/trainee positions with the scheme generating more GVA than originally assessed.
- 8.17 Although the EIA acknowledges the trends of economic recovery in a post Covid situation are difficult to predict, the updated EIA notes that the delivery of development schemes of such scale as the stadium proposals will be critical in providing the jobs and investment required to support the City Region's economic recovery. The Covid-19 crisis places increased focus and importance on the jobs created by the BMD & GPLP projects as these would provide a major economic boost to the region helping support its recovery from the pandemic.
- 8.18 As only positive socio-economic impacts have been identified as a result of the proposed development, there is no requirement for mitigation measures specified in the EIA. However, for both the construction and operational phases, it is nonetheless recommended that a working group, or Local Employment Group (LEG), is established involving key local stakeholders in order to maximise job and training opportunities for local people. The proposed s106 includes the commitment

to establish a local skills, employment and training strategy and it is recommended the LEG should be secured via the s106 with suitable triggers.

Policy

- 8.19 The NPPF has placed achieving sustainable development at its core. Along with social and environmental objectives it states the economic objective of helping to build a strong, responsive and competitive economy, by supporting growth innovation and improved technology are central to achieving sustainable solutions. Para 10 of the NPPF details that a presumption in favour of sustainable development is at the heart of national planning policy and in doing so decisions should take local circumstances into account, to reflect the character, needs and opportunities of each area. Para 80 states significant weight should be attached to the need to support economic growth and productivity through the planning system.
- 8.20 The UDP supports growth and development subject to avoiding any unacceptable adverse impact on adjoining interests and environmental concerns. In strategic terms Policy GEN1 expresses general support for economic regeneration and aims to reverse the decline in economic activity, investment and employment in the City. Means of achieving this include concentrating available resource in Regeneration Areas, including the waterfront and docks; promoting the principle of mixed use development in appropriate locations; promoting the role of Liverpool as a regional retail, cultural and tourism centre; strengthening the commercial role of the City Centre; encouraging leisure development in areas which are highly accessible with no detrimental impact on existing centres; and promoting regeneration within the City's most deprived communities.
- 8.21 The Draft Local Plan outlines several strategic priorities including strengthening the city's economy, creating a high quality historic environment and maximising social inclusion and equal opportunities. A key aspect of achieving the vision it outlines is support for investment and regeneration within the City's waterfront and its fringes. The aim of the policy is to create a world class, high quality, mixed use waterfront which focuses on the tourism offer and leisure economy by supporting and enhancing existing attractions and supporting the regeneration of the historic docklands.
- 8.22 Policy EC3 Delivering Economic Growth establishes that the development of the tourism and visitor economy, including the football club of Everton, will be supported and where appropriate, protected and enhanced.
- 8.23 Policy EC4 Culture, Tourism and Sport details that the Council will support proposals which reinforce and promote Liverpool as a centre for tourism, culture and major events. This includes proposals for new / expanded provision which contributes to the city's continued success as a destination for visitors and venue for major events, including sports. (Within this policy, the sustainable development or redevelopment of Everton football club is specifically mentioned, providing the proposals are of an appropriate scale and subject to other relevant planning policies).

- 8.24 Policy STP1 Spatial Priorities for the Sustainable Growth of Liverpool aims to create a robust and regionally significant, competitive economy. To achieve this economic development will be focused in the City's key employment areas, including North Liverpool and the Enterprise Zone at Mersey Waters.
- 8.25 Policy CC10 Waterfront Design Requirements establishes that development on the waterfront must be of a high quality design which respects its historic surroundings, whilst making adequate provision for access, parking and servicing. This includes protecting the character, setting, distinctiveness and Outstanding Universal Value (OUV) of the World Heritage Site (WHS).
- 8.26 Policy CC11 Recreational Use of Dock Water Spaces, Quaysides and the Waterfront supports proposals which facilitate greater access and recreational / leisure use of dock water spaces and their quaysides, including through the installation of stepped dockside structures to gain access to water level, use of feature lighting that assists in animating dock water spaces and adjacent quaysides and proposals which enhance the interpretation of the cultural heritage and archaeology of the historic dockland environment.

Summary of Regeneration Considerations and Policy Compliance

- 8.27 The Economic Impact Assessment has provided a comprehensive analysis and quantified the expected impact of the development. The assessment has demonstrated that the stadium development together with the re-development of Goodison Park will deliver transformational benefits for North Liverpool, the City and the wider region. The proposals will contribute a significant investment in a part of the city on a scale not seen in North Liverpool for a considerable time and act as a catalyst attracting significant additional investment to the benefit of the Northern Ten Streets regeneration zone and accelerating the speed the Northern Docks Neighbourhood of the Liverpool Waters will be built out.
- 8.28 The site and surrounding area are characterised by economic decline and ranked amongst the poorest parts of the city on almost all indices of deprivation and well below the national average by the same measures. The proposal is accurately described as a once in lifetime opportunity to secure investment which will transform the site and trigger new interest and activity in the area that will benefit the local community and beyond.
- 8.29 Having assessed the likely economic impact of the proposals with regard to the factors outlined it is considered the application is fully compatible with the national and local policies that support regeneration and is acceptable in this regard (including the NPPF as referred to above, UDP policies GEN1, C7 & E8 and LLP policies STP1, STP2, EC3, EC4, CC10 & CC11).

9.0 Other Planning Considerations

Climate Change

- 9.1 In July 2019 at a Special Council meeting the City Council declared a Climate Change Emergency and made a commitment to work together with staff, residents, businesses, partners and stakeholders to take action to reduce our carbon footprint and become a zero-emissions council by 2030. This includes considering the impact of Council actions, including planning decisions, on climate change.
- 9.2 The need to plan for climate change is also set out explicitly within the NPPF. *“The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure”.* (para 148)
- 9.3 In policy terms this means plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising. In development terms this requires new development to be planned for in ways that avoid increased vulnerability to the range of impacts arising from climate change and help to reduce greenhouse gas emissions, such as through its location, orientation and design.
- 9.4 Para 153 states when “determining planning applications, local planning authorities should expect new development to: a) comply with any development plan policies on local requirements for decentralised energy supply....; and b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption”.
- 9.5 In the application the impact on climate change has been considered from both the perspective of ensuring that the development is not vulnerable from the consequences of climate change in terms of flood risk, and also to make the most efficient use of resources and so reduce the development’s carbon footprint.
- 9.6 One of the Club’s eleven Principles of Development is “Harnessing the Environment”. The aim being to be environmentally efficient in both design and construction and environmentally friendly and sustainable in operation. Details explaining how this is to be achieved are set out in the application documents including the Sustainability Statement, Energy Statement and Environmental Impact Assessment.
- 9.7 Section 4 of this report describes how the environmental considerations have been assessed in line with national and local planning policy to ensure the scheme is a sustainable development. The Sustainability Statement explains how the club’s sustainability aspirations are embedded within the project and how a Sustainability Framework is used to make informed decisions through the project lifecycle. The Energy Statement explains the strategy to reduce energy demand through a series

of design measures to improve thermal performance, reduce heating and cooling loads and utilise photovoltaic panels and battery storage and smart grid technologies to save energy and minimise costs.

- 9.8 Section 3 of this report describes how accessible the site is by sustainable modes of transport and the measures proposed to facilitate access by public transport and walking/cycling rather than private cars. The construction strategy the club's appointed contractors, Laing O'Rourke, have formulated involves off site fabrication where possible, using DfMA process for the façade which substantially reduces the number trips required for the delivery of materials, saving costs and reducing traffic pollution at the construction stage. The building performance will be tracked to ensure the development functions most efficiently in future and results from Building Regulations Part L calculations demonstrate that the energy efficiency measures have the potential to reduce the regulated carbon emission by at least 4% compared to the target notional building and therefore meet the Building Regulations and satisfy the Club's own performance requirements.
- 9.9 Section 4 of the report also describes how the proposed stadium has been designed to ensure the building and its surroundings are safe from the risk of flooding by raising the development platform above the 2115 1 in 200 year still water level which is defined as the designed flood level with a minimum of 300mm freeboard, as agreed with the Environment Agency.
- 9.10 The Flood Zone Map produced by the Environment Agency indicates that the majority of the site lies within Flood Zone 1 which is considered to be at low risk of flooding. (There are small areas to the west of the site which are shown to be within Flood Zones 2 and 3 which are defined as medium and high risk areas respectively). The stadium level has therefore been set at 7.30m above ordnance datum allowing more than 300mm freeboard from the designed flood level and the Flood Risk Assessment determines the site to be at low risk of flooding with allowance for climate change.
- 9.11 The Environment Agency have been consulted throughout the design development at the pre-application stage and formally on the application submission. The proposals have been designed in line with the advice received and the EA have confirmed they have no objections subject to appropriate conditions.
- 9.12 Having assessed the energy conservation and flood protection measures, along with the construction and transport arrangements, it is considered the impact of climate change has been considered sufficiently in relation to the proposals. On this basis the requirements of the development plan and NPPF have been satisfied in this respect.

Crime/Anti-Social Behaviour/Counter-Terrorism

- 9.13 Given the nature of development the application raises a range of security issues that need to be considered from the land use planning perspective. These range from incorporating crime prevention measures within the design to the management of large numbers of different user groups once the stadium is completed.

- 9.14 The NPPF requires developments to take account of security and defence requirements for areas where large numbers of people will congregate including at stadia (para 95). In relation to crime specifically it requires development to ensure that crime, or fear of crime, do not undermine the quality of life, community cohesion or resilience (para 127). Policy HD20 of the UDP encourages the incorporation of measures to provide for personal safety and crime prevention, including increasing overlooking, discouraging provision of hiding place, ensuring well designed public spaces and making a clear distinction between public and private space. It states the Council will encourage the creation of lively and varied environments, to increase activity and passive surveillance.
- 9.15 To fulfil these objectives the Merseyside Police Counter Terrorist Security Advisor and Design Out Crime Officer have been consulted frequently by the Club throughout all phases of the design process and to assist the foundation of an appropriate security strategy which ensures that terrorist and crime prevention concerns are addressed. A Security Report has been provided as one of the application's supporting documents which outlines the approach that has been adopted to deliver effective and flexible solutions that complement the Club's and other stakeholders' requirements.
- 9.16 During football matches and periods when major events are held the stadium will be classed as a Crowded Space so counter terrorism measures will be provided essential protection from hostile vehicles. Vehicle Access Control Points will be created at the site perimeter, road closures will be carried out prior to, during and after events along with associated mitigation measures on adjacent roads. Search and screening of vehicles and visitors will be carried out. There will be extensive CCTV throughout. Site boundaries allow the site to be secured if necessary and access to different areas of the site and stadium building controlled as necessary along with appropriate training and briefing of staff.
- 9.17 The security strategy is based on an integrated solution that seeks to minimise opportunities for crime through careful design whilst allowing scalable measures that can be raised or lowered depending on the security threat and risk assessment for both when events are occurring and during other times when there are no events.
- 9.18 Appropriate lighting will be used to ensure there is sufficient light levels internally and externally, to assist both natural and remote surveillance. Also the stadium will bring public activity that will animate the site and help deter crime and the fear of crime in the area.
- 9.19 The Security Report demonstrates that a robust strategy has been prepared to minimise crime and security threats in accordance with current best practice. It is acknowledged the response to threats will continue to evolve as the Club's security team and management continue to assess matters from an operational perspective. For the purposes of assessing this application it is considered the proposals comply with UDP Policy HD20 and the NPPF (as referred to).

Crowd Control

- 9.20 Extensive crowd modelling has been undertaken to inform the proposed development, ensuring that safe access and egress to and from the stadium building can be achieved, in accordance with relevant guidance.
- 9.21 Public safety is an important consideration which the NPPF (para 95) states should be promoted in new developments with appropriate and proportionate steps taken to reduce vulnerability, increase resilience and ensure public safety and security.
- 9.22 The majority of fans will arrive at the site on foot having walked along Regent Road. There will be limited arrivals by vehicle and any taxi coach or private vehicle drop off will have to be prior to the hard road closures once they are initiated. Spectators will access the stadium via turnstiles on level 00. Corporate and hospitality spectators will access via the central areas on the west and east concourses on level 00. Away fans will access the stadium via turnstiles on the north east quadrant of the building on level 00. All fans and other visitors will leave the site via the pedestrian entrances/exits being created through the grade II listed Regent Road dock boundary wall on Regent Road.
- 9.23 The crowd modelling has been used to inform the minimum width, location and number of proposed openings required to enable safe and timely access and egress from the site based on the stadium being used at full capacity. Any hospitality members/guests who have parked at the stadium will not be able to leave the venue via vehicle for a period until it is safe to do so. This applies to anyone parked on site and including blue badge holders.
- 9.24 Crowd disaster and violence has been considered as part of the EIA. The Transport chapter of the ES (chapter 7) proposes the adoption of crowd safety policies and measures to minimise the risk of crowd disturbance through the creation of an Event safety Policy, Event Day Contingency Plan, Event Transport Strategy along with the Club's Safety Policy and its Working Contingency Plan. With these measures in place the ES concludes that crowds will move through a managed environment with police and crowd and traffic marshals controlling traffic and pedestrian movement and reducing risk of disaster. Through this mitigation, it is considered that there are sufficient measures and controls in place to effectively manage the risk of crowd disaster or violence occurring and mitigate the impact should such an event occur in accordance with the public safety requirements outlined in the NPPF.

Canal & Rivers Trust request

- 9.25 The Canal & Rivers Trust are a statutory consultee on this application and have advised their interests in the proposed development are:
- a) Heritage considerations and potential impact on Trust owned heritage assets.
 - b) Sustainable Access utilising the Leeds & Liverpool Canal.
 - c) Securing future access along the Waterfront
 - d) Water management and pollution prevention

- 9.26 In response to consultation the Trust have recommended a condition relating to production of a pollution prevention plan is required and requested that the Club be required to 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 to the site.
- 9.27 Any control provided through a planning obligation must meet the five tests established under the Conditions Circular. In addition, the Community Infrastructure Levy (CIL) Regulations 2011 introduced stricter legal tests on when Section 106 contributions can be required; namely; it must be:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
- 9.28 In this case the Trust has provided a thorough explanation of why it considers the contribution requested meets the relevant tests and is justified in the circumstances because the towpath will be a valuable pedestrian link to and from the stadium which is in poor condition which needs to be improved (copy of representations provided in appendices 5 and 6).
- 9.29 In response the Club have contested the grounds the Trust have provided and stated they do not consider the towpath improvements are essential to the delivery of the stadium and or necessary to make the scheme more acceptable in accessibility or sustainability terms.
- 9.30 LCC Highways have scrutinised the pedestrian access arrangements for the stadium as part of the Transport Assessment review and advised that they 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. Although the Transport Assessment indicates a significant percentage of travel to and from the stadium will be by sustainable transport modes, it is considered that as a result of pedestrian movements to and from the stadium, 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. In that particular location the towpath is considered fit for purpose, and the package of measures requested are not considered essential to accommodate the development.

S106 Agreement

- 9.31 As part of the application the Club have submitted proposed Heads of Terms of a Section 106 Legal Agreement. This document (appendix 10) summarises the obligations the Club has agreed to undertake in relation to the proposals as part of any permission.
- 9.32 The Heads of Terms lists the series of covenants that bind the Club as owners of Bramley Moore Dock and Goodison Park as follows;

- To commence the redevelopment of Goodison Park within 3 years from the first use of BMD as a football stadium or major event venue;
- To repair and refurbish the Hydraulic Engine House prior to the first match or major event;
- Develop and implement a local skills, employment and training strategy;
- Undertake the measures contained within the Match Day/Major Event day Transport Strategies
- Reimburse LCC's stadium signage costs;
- Reimburse LCC's costs for establishing a Controlled Parking Zone;
- Undertake the provisions agreed with Merseytravel in relation to Sandhills Railway Station;
- Reimburse Merseytravel's reasonable costs in providing a passenger bus service between Sandhills station, BMD and Liverpool city centre.
- Commit to provide the agreed ecological mitigation measures (cormorant rafts) in Nelson Dock (in association with Peel Land & Property Ltd.).

9.33 These measures have been negotiated with the Local Planning Authority and statutory consultees through the consultation process. The obligations are considered necessary to address identified impacts of the proposed development and make the scheme acceptable in planning terms. The measures reflect the details set out in the updated application documents including the EIA and Transport Assessment. They are directly related to the development and fairly and reasonably related in scale and kind to the development.

9.34 Although the stadium development does not command the same requirements for public open space and street trees as residential or city centre commercial schemes which can trigger s106 contributions, it will provide considerable amount of new public realm, including the Fans Plaza and Western Terrace, which will support the use of the stadium and meet the needs it generates. The s106 Agreement also requires restoration of the grade II listed Hydraulic Engine House prior to stadium opening which represents a further substantial public and heritage benefit.

9.35 The application is being recommended for approval subject to the stated conditions, and the completion of a Section 106 as these reasonably reflect the mitigation measures identified in the supporting application documents.

9.36 Government guidance indicates that where matters can be covered by condition in preference to planning obligation, then they should be. Accordingly, those control measures which cannot be entirely covered by planning conditions will be dealt with by planning obligation. This is because: they fall outside of the total control of the applicant, they require physical off-site works, they require the contribution of commuted sum payments, or they need a level of flexibility to change with evolving development proposals, which conditions cannot provide.

9.37 The legal agreement is in final draft form and considered to be sufficiently well advanced and agreed by all parties (and their legal representatives) to ensure it can be signed shortly following a favourable determination of the application.

10.0 Decision Process

- 10.1 The application is recommended for approval subject to the recommended conditions and completion of a s106 Legal agreement which accords with terms outlined.
- 10.2 Should the Planning Committee resolve to grant planning permission, the application must be referred to the Secretary of State (MHCLG) for him to decide whether he wishes to call-in the application for determination. This is necessary under the World Heritage provisions of The Town and Country Planning (Consultation) (England) Direction 2009, because Historic England have formally objected to the application and recommended that due to the international importance of the World Heritage Site, and the degree of harm which the proposed development would cause to it, the application should be determined at a national level by the Secretary of State rather than at the local level by the Local Planning Authority.
- 10.3 In accordance with 2009 Consultation Direction the Secretary of State will consider whether he wishes to “call in” the application for his own decision - in which case the proposal would be subject of a Public Inquiry, or if he is content for the Local Planning Authority to make the decision - in which case the permission would be issued in accordance with the committee resolution.
- 10.4 The Secretary of State will, in general, only consider the use of his call-in powers if planning issues of more than local importance are involved. Such cases may include, for example, those which in his opinion:
- may conflict with national policies on important matters;
 - may have significant long-term impact on economic growth and meeting housing needs across a wider area than a single local authority;
 - could have significant effects beyond their immediate locality;
 - give rise to substantial cross-boundary or national controversy;
 - raise significant architectural and urban design issues; or
 - may involve the interests of national security or of foreign Governments.
- 10.5 Each case is to be considered on its individual merits.
- 10.6 The consultation requirements are set out in the Consultation Direction with further details on procedures explained in the National Planning Practice Guide and the Planning Inspectorate’s Procedural Guide July 2020. Under the Direction the Local Planning Authority cannot issue a decision within 21 days of referral unless the Secretary of State authorises it, and the Secretary of State can issue a holding direction if necessary which in effect extends the time period to consider the application.
- 10.7 Should Committee resolve to grant planning permission in line with the recommendation Planning Officers will refer the application to inform the Secretary of State of this resolution in accordance with the requirements of the Consultation Directive.

Other Consent Regimes

- 10.8 In addition to planning permission the proposed development also requires listed building consent for the works to the listed structures, and a marine licence for the works within and affecting the water bodies. The Marine Licence application is being considered separately by the Marine Management Organisation.
- 10.9 The proposed works to the listed buildings are subject to the following applications which are being considered alongside the stadium planning application:

Application Ref: 20L/2543 - Creation of three openings in Regent Road Wall following part demolition of the wall; installation of new structural foundations and structural frame to new openings, including columns, lintel and endplates following grouting of wall; reconstruction of salvaged stonework; part removal and remediation works to remnant brick structure; installation of hard surfacing, gate structures and associated works at new entrances; creation of new drainage connections underneath the wall; removal of items attached to the wall; repair works to timber gates at southern entrance; and remediation works to wall and turrets, to include essential repair works and cleaning.

Application Ref: 20L/2611 - Works to the Bramley-Moore Dock walls and Nelson Dock (north quay) wall and heritage artefacts affixed to and within the curtilage of the walls, including infill of the Bramley-Moore Dock; construction of a stadium, associated structures and landscaping works within the site; creation of a water channel; construction of an isolation structure between Bramley-Moore Dock and Sandon Half-Tide Dock (temporary followed by permanent structure); repairs and remediation works to the walls, lock gates and associated artefacts; creation of drainage penetrations through the walls; and works affecting heritage artefacts associated with the dock walls (including items removed, relocated and retained).

- 10.10 Should the Planning Committee resolve to approve the planning application (and the Secretary of State be minded not to call-in the application for determination) then it is requested that the Head of Planning be authorised to determine the listed building applications under delegated powers and issue consent in accordance with appropriate conditions.

Note: Historic England have advised their position on the listed building applications is the same as the planning application to which they are linked. They have recommended refusal 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. As such they advise that both the planning and listed building applications should be considered together.

11.0 Conclusion

- 11.1 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.

- 11.2 The club have combined both the new stadium and the re-development of Goodison Park as 'The Peoples Project' as two inter-related development proposals. 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.
- 11.3 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.
- 11.4 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.
- 11.5 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 which is presently 'at risk' due to UNESCO's concerns about what it considers the threat of development proposed. The counterview is that the development will enhance waterfront and breathe life back into the unused dock estate.
- 11.6 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.

- 11.7 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.
- 11.8 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.
- 11.9 Section 1 of this 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.
- 11.10 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.
- 11.11 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.
- 11.12 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.*
- 11.13 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.
- 11.14 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.

- 11.15 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)).
- 11.16 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
- 11.17 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.
- 11.18 The heritage assessment in section 2 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.
- 11.19 A number of changes have been made to the design of the stadium in response to feedback received on the application. Additional information has also been provided in response to consultation and to support the updated design. A second formal consultation has been undertaken to inform all interested parties of the amendments with full details provided in this report.
- 11.20 The design of the stadium and the public realm has evolved following extensive engagement with the City Planning Team and Historic England and benefited from a constructive design review process involving Places Matter. 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.

- 11.21 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.
- 11.22 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.
- 11.23 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 and local and national policy. Where an adverse impact has been identified mitigation measures have been proposed to remove or reduce the impact including measures to off-set loss of biodiversity. The implementation of such measures can be secured through the recommended conditions.
- 11.24 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 affect existing 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 any disruption during the construction phase will be temporary and managed to minimise nuisance and overall the proposed changes will be positive for the neighbouring businesses and residents.
- 11.25 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.

- 11.26 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.
- 11.27 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.
- 11.28 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.
- 11.29 The application is supported by an Economic Impact Assessment and Social Value report 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.
- 11.30 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.
- 11.31 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.

- 11.32 The level of harm is considered ‘common ground’ between the Club the LPA and Historic England, the latter of which has 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.
- 11.33 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.
- 11.34 Section 1 of this 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.
- 11.35 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.
- 11.36 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.
- 11.37 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.

- 11.38 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.
- 11.39 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.
- 11.40 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.
- 11.41 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.

Recommendation:

For the reasons stated above, taking account of the information set out in the Environmental Impact Assessment, the Head of Planning recommends that the application be granted:

- (a) subject to the stated conditions;
- (b) subject to the applicant entering into a Section 106 Agreement for:
 - i. To commence the redevelopment of Goodison Park within 3 years from the first use of BMD as a football stadium or major event venue;
 - ii. To repair and refurbish the Hydraulic Engine House prior to the first match or major event;
 - iii. Develop and implement a local skills, employment and training strategy;
 - iv. Undertake the measures contained within the Match Day/Major Event day Transport Strategies
 - v. Reimburse LCC's stadium signage costs;
 - vi. Reimburse LCC's costs for establishing a Controlled Parking Zone;
 - vii. Undertake the provisions agreed with Merseytravel in relation to Sandhills Railway Station;
 - viii. Reimburse Merseytravel's reasonable costs in providing a passenger bus service between Sandhills station, BMD and Liverpool city centre.
 - ix. Commit to provide the agreed ecological mitigation measures (cormorant rafts) in Nelson Dock (in association with Peel Land & Property Ltd.).
- (c) upon completion of the legal agreement referred to in (b), the Head of Planning be authorised to approve this planning application (20F/0001), subject to referral to the Secretary of State (MHCLG);
- (d) the associated listed building applications (ref no's 20L/2543 & 20L/2611) be determined in accordance with the recommended conditions;
- (e) payment on the completion of the agreement of 15% of the planning application fee towards covering the costs of administering the Section 106 Agreement, (£29,992); and,
- (f) the payment on completion of the Agreement of legal fees of £1,500.

Conditions

1	<p>The development hereby permitted shall begin before the expiration of 3 years from the date of this permission.</p> <p>REASON: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2	<p>Approved Drawings/Documents</p> <p>The development hereby permitted shall be carried out strictly in accordance with the schedule of plans/reports attached to this notice.</p> <p>Reason: To ensure that the development is carried out in accordance with the approved plans and within the parameters of the grant of planning permission.</p>
3	<p>Flood Risk Assessment</p> <p>The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment submitted with the application (Appendix 11.3 - Flood Risk Assessment, 040026, v7, dated 20th August 2020).</p> <p>Reason: To comply with NPPF (paras 163 - 165), UDP Policy EP13 and LLP Policy R3 and reduce the risk of flooding to the proposed development.</p>
4	<p>Sustainability Statement</p> <p>The development permitted by this planning permission shall be carried out in accordance with the approved Sustainability Statement submitted with the application (Buro Happold Engineering Doc Ref: 0040026 Rev 04 dated 11 September 2020).</p> <p>Reason: To comply with the NPPF (para 148) and UDP Policies GEN8 and HD21 and LLP Policies R7 and R9 and ensure a sustainable and efficient stadium is delivered in terms of its design, construction and operation.</p>
5	<p>Transport Strategy</p> <p>The development shall be carried out in accordance with the submitted application details including the provisions set out in the Match Day Transport Strategy and Framework Event Day Transport Strategy.</p> <p>Reason: In order that the development is implemented in accordance with the agreed highway and transport arrangements agreed with the applicant to ensure the development operates efficiently and does not compromise highway safety.</p>
6	<p>Construction Management Plan</p> <p>No works shall take place on the site until a Construction Management Plan</p>

	<p>comprehensively detailing the phasing and logistics for the demolition/site preparation/dock infill and the construction phases of the proposed development has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall reflect the details provided in the Construction Strategy submitted with the application as Appendix 4.1 of Environmental Statement Volume III (Laing O'Rourke (2020) Rev. P02) and shall include:</p> <ul style="list-style-type: none"> a) An indicative programme for carrying out the works; b) Details of the proposed number and frequency of construction vehicle movements; c) Construction traffic routes including provision for access to the site; d) Entrance/exit from the site for visitors/contractors/deliveries; e) Location of directional signage within the site; f) Siting of temporary containers; g) Parking strategy for contractors, site operatives and visitors including measures to control off-site parking; h) Identification of working space and extent of areas to be temporarily enclosed and secured during each phase of demolition/construction; i) Temporary roads/areas of hard standing within the site; j) Schedule for large vehicles delivering/exporting materials to and from site; k) Storage of materials and large/heavy vehicles/machinery on site; l) Measures to control noise and vibration m) Measures to control and prevent dust, debris, emissions and water run-off from entering the River Mersey and adjacent docks; n) Details of street sweeping/street cleansing/wheel wash facilities; o) Details for the waste minimisation, recycling and disposal of waste resulting from demolition and construction works; p) Hours of working; q) Construction Lighting; r) Measures for ensuring the protection of existing water mains within the site boundary during construction; s) Details of any temporary hoardings or other boundary enclosures; t) Flood Emergency Contingency Plan; and u) Measures for the protection of listed structures and associated curtilage within the site during construction. <p>The development shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.</p> <p>Reason: To ensure that adequate on-site provision is made for construction traffic, including allowance for the safe circulation, manoeuvring, loading and unloading of vehicles, as well as parking, and to reduce impact on residential amenity and the general amenity of surrounding occupiers and in the interests of public health and ensure protection of the water supply.</p>
7	<p>Dock Infilling Works</p> <p>The infilling of Bramley Moore Dock shall be carried out in accordance with details provided in the Construction Strategy contained in Section 4.10 of the Environmental Statement (ES Volume II September 2020) and the Dock Infill</p>

	<p>Methodology in Appendix 4.2, submitted with the application unless any variation is otherwise first agreed in writing by the Local Planning Authority.</p> <p>Reason: To ensure that the details of the infilling and dock reclamation operation reflect the details considered in the assessment of the application in the interests of public health and ensure protection of the water supply.</p>
8	<p>Site Investigation</p> <p>No part or phase of the development hereby permitted, except for demolition, site preparation and dock infill works, shall commence until;</p> <p>a) An investigation and assessment methodology for potential contamination, including analysis suite and risk assessment methodologies has been completed and submitted to and approved by the Local Planning Authority in writing,</p> <p>b) A site investigation and assessment has been carried out by competent persons to determine the status of contamination including chemical, radiochemical, flammable or toxic gas, asbestos, biological and physical hazards at the site and submitted to the Local Planning Authority. The investigations and assessments shall be in accordance with current Government and Environment Agency recommendations and guidance and shall identify the nature and extent of any contaminants present, whether they originate on the site, their potential for migration and risks associated with them.</p> <p>The assessment shall consider the potential risks to:</p> <ol style="list-style-type: none"> human health, controlled waters, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ecological systems, and Archaeological sites and ancient monuments. <p>c) A detailed remediation scheme (if required), has been submitted to and agreed in writing with the Local Planning Authority. This scheme shall include an appraisal of remedial options, implementation timetable, works schedule, site management objectives, monitoring proposals and remediation validation methodology. The scheme once completed must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use.</p> <p>Reason: To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with UDP Policy EP2 and LLP Policy GI5.</p>
9	<p>Remediation/Verification Report</p> <p>After development commences and prior to opening of the approved development;</p> <p>a) Following completion of the measures identified in the approved remediation scheme and prior to occupation of any part of the development, a verification report</p>

	<p>which shall confirm the adequacy of remediation must be prepared and submitted to and approved in writing by the Local Planning Authority before this condition will be discharged.</p> <p>If a phased approach to the development is being proposed, then a validation/completion report for each of the proposed phases shall be submitted to the Local Planning Authority and approved in writing before the condition relating to the phase in question shall be discharged.</p> <p>b) If any potentially contaminated (unusual/suspect) material or flammable/toxic gas not previously identified is discovered, this must be reported in writing to the Local Planning Authority and a further assessment and a revised remediation scheme will be required by the Local Planning Authority. If no contamination is found then this should be detailed in the remediation verification report.</p> <p>Reason: To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with UDP Policy EP2 and LLP Policy GI5.</p>
10	<p>Drainage Controls</p> <p>No infiltration of surface water drainage into the ground where land contamination is known or suspected to be present shall be permitted other than with the express written consent of the Local Planning Authority, which shall only be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.</p> <p>Reason: For the ongoing protection of the Water Environment from risks arising from land contamination in accordance with UDP Policies EP11 & EP12 and LLP Policy R3.</p>
11	<p>Foundation Design / Piling</p> <p>The foundation design shall be carried out in accordance with the approved Foundation Level General Arrangement drawing (ref. BMD01-BHE-XX-00-DR-S-0010 Rev. P04). A Piling Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority in advance of any piling works to demonstrate that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.</p> <p>Reason: For the future protection of the Water Environment from risks arising from land contamination in accordance with UDP Policies EP11 & EP12 and LLP Policy R3.</p>
12	<p>Bramley Moore Dock Deposit Safeguards</p> <p>The proposed development shall be carried out in accordance with the Dock Disturbance Note (Appendix 11.8, ES Volume 3).</p>

	<p>Reason: To ensure that any dock deposits that are left in place at the base of the current dock feature do not pose an unacceptable risk to the water environment now or in the future in accordance with UDP Policies EP11 & EP12 and LLP Policy R3.</p>
13	<p>Construction Environmental Management Plan</p> <p>No development shall commence until a Construction Environmental Management Plan (CEMP) and an Ecological Conservation Management Plan (ECMP) has been submitted to and approved in writing by the Local Planning Authority. 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 should describe how construction will be managed to avoid, minimise and mitigate any adverse construction effects on the Environment in accordance with the provisions of the Environmental Statement Appendix 8.1 and include the following details:</p> <ul style="list-style-type: none"> i. Measures to control and prevent dust, debris, emissions and water run-off from entering the River Mersey and adjacent docks during construction; ii. How certain activities will be limited in time, location or noise level to minimise the risk of disturbance to SPA birds and to minimise impacts to supporting habitat; iii. Measures for reducing impact of lighting. iv. The fish capture and translocation methodology (submitted as Appendix A of the CMP); v. Details of the biosecurity measures which will be adopted during the dock infilling works to prevent the spread of invasive non-native species; vi. Details of the water quality monitoring of Nelson Dock, including the parameters which will be monitored and the frequency of monitoring; and vii. Measures that will be undertaken to avoid harm to roosting bats and breeding birds. <p>The development shall be carried out in accordance with the approved CEMP and ECMP. 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 and be implemented in accordance with the agreed provisions over the course of construction of the development.</p> <p>Reason: To ensure any impact on the environment during construction will be minimised in accordance with the NPPF and Policies GEN8, EP11 & EP12 of the of the UDP and Policies STP3, CC26, GI1 & GI5 of the LLP.</p>
14	<p>Drainage Strategy</p> <p>Prior to the commencement of development (excluding demolition/site clearance and dock infill) details of a 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</p>

	<p>the principles set out in the submitted Proposed Combined Utilities Sheet 1 & Proposed Combined Utilities Sheet 2 BMD01-BHE-C1-XX-DR-C-6000 Rev P06 & BMD01-BHE-C1-XX-DR-C-6001 Rev P06 (Buro Happold Engineering). The drainage schemes must include:</p> <p>(i) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;</p> <p>(ii) Foul and surface water shall drain on separate systems (note: surface water shall discharge to the public sewer either directly or indirectly); and</p> <p>(iii) A timetable for its implementation.</p> <p>The development hereby permitted shall be carried out only in accordance with the approved drainage scheme and retained thereafter for the lifetime of the development.</p> <p>Post construction a full drainage design scheme shall be submitted to the Local Planning Authority (and Local Lead Flood Authority) which is a true record of the installed drainage system.</p> <p>Reason: To secure proper drainage and to manage the risk of flooding and pollution in accordance with UDP Policies EP12 & EP13 and LLP Policy R3.</p>
15	<p>Drainage Maintenance</p> <p>Prior to occupation of the development a drainage management and maintenance plan for the lifetime of the development shall be submitted to the Local Planning Authority and agreed in writing. The drainage management and maintenance plan shall include as a minimum:</p> <p>i. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a management company; and</p> <p>ii. Arrangements for inspection and ongoing maintenance of all elements of the drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.</p> <p>The development shall subsequently be completed, maintained and managed in accordance with the approved plan.</p> <p>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.</p>
16	<p>Material Samples</p> <p>Prior to their implementation and use on site, samples or specifications of the following materials to be used in the construction of this development shall be submitted to and approved in writing by the Local Planning Authority (including the stadium building, public realm, security unit & sub-station):</p> <p>i. External facing materials including façade brickwork and metal panels</p>

	<ul style="list-style-type: none"> ii. Roofing materials iii. PV Panels iv. Portal materials v. Glazing vi. Ground surface materials for areas of hard landscaping vii. Specifications for all street furniture, hoardings and boundary enclosures (permanent). <p>Reason: In order to ensure the materials are suitable for the development in the interests of visual amenity in accordance with UDP Policies HD18 and LLP Policies UD1 & UD5.</p>
17	<p>Landscaping Scheme Submission / Implementation</p> <p>Within 18 months of commencement of development, or an alternative timeframe to be agreed with the Local Planning Authority, a detailed landscaping scheme for all external areas outside the stadium building shall be submitted and approved in writing by the Local Planning Authority. The scheme shall reflect the approved drawings and provide full details of the following:</p> <ul style="list-style-type: none"> i. all planting areas including species, height and spacing of planting; ii. proposed ground surface materials for areas of hard landscaping iii. inclusive design provisions incorporated into the scheme, ensuring inclusive access to all areas around the stadium; and iv. a maintenance plan for the landscaped area. <p>The approved landscaping scheme shall be implemented in full before first public use of the stadium.</p> <p>Any trees or shrubs which die, become diseased, damaged or are removed within 3-5 years of planting shall be replaced with trees and shrubs of similar sizes and species or as may otherwise be agreed with the local planning authority in the first available planting season thereafter.</p> <p>All works must be carried out to BS 8545:2014 Trees: from nursery to independence in the landscape and BS 4428: 1989 Code of Practice for General Landscape Operations.</p> <p>An audit trail of the plant stock used for the scheme must be submitted to the Local Planning Authority on completion of the planting.</p> <p>The newly planted trees must be irrigated in accordance with following schedule and include at least 75 litres of water per session ideally delivered using watering bags. Watering must be carried out on the first working day after each date for the 3 years following the planting: 15 April; 1 & 15 May; 1 & 15 June; 1, 8, 15 & 22 July; 1, 8 & 15 August; 1 September.</p> <p>Reason: It is in the interests of visual amenity and in accordance with Policies HD18, HD19 & HD23 of the UDP and Policies UD3 UD4 & GI 7 of the LLP.</p>

18	<p>Regent Road Boundary Wall - Demolition, Repair and Construction Works</p> <p>Demolition, repair and construction works to the grade II listed Regent Road boundary wall, including the creation of the 3no. new pedestrian access gates and surrounding stonework, shall be carried out in accordance with the approved plans and Construction Management Plan.</p> <p>Reason: For the avoidance of doubt.</p>
19	<p>Retaining Dock Wall Repairs</p> <p>Any repair works to the grade II listed Bramley Moore Dock retaining walls and associated curtilage shall be carried out in accordance with a methodology statement to be submitted to and agreed in writing with the Local Planning Authority.</p> <p>Reason: The Council wishes to ensure that the works are satisfactory to protect the significance of the heritage asset.</p>
20	<p>Bramley-Moore Dock Gates - Retention & Protection Works</p> <p>The dock gates within the grade II listed Bramley Moore Dock shall be retained and protected in accordance with details to be submitted to and approved in writing with the Local Planning Authority.</p> <p>Reason: The Council wishes to ensure that the works are satisfactory to protect the significance of the heritage asset.</p>
21	<p>Heritage Artefacts</p> <p>The retention / relocation / removal of heritage features identified in the Heritage Asset Schedule & Plans (Appendix 18.6, ES Volume 3), shall be carried out in accordance with the approved schedule unless otherwise agreed in writing by the local planning authority. Any additional heritage features identified during construction shall be reported in an updated Heritage Asset Schedule which is to be submitted to and approved in writing by the local planning authority. Additional features should not be removed from the site prior to written approval of the Local Planning Authority.</p> <p>In advance of temporary removal to enable construction, details of temporary storage shall be submitted to and approved in writing by the local planning authority.</p> <p>Reason: The Council wishes to ensure that the works are undertaken in accordance with the approved arrangements in order to protect the significance of the identified heritage assets.</p>
22	<p>Archaeology WSI</p> <p>No ground works, excluding demolition, site preparation and infill, shall take place until the applicant has submitted a Written Scheme of Investigation for the</p>

	<p>archaeological work required for the specific receptor locations identified in ES Chapter 19, Volume 2 and Appendix 19.1, ES Volume 3 for approval in writing by the Local Planning Authority. The work shall be carried out strictly in accordance with the approved scheme.</p> <p>Reason: To ensure appropriate investigation, conservation, recording and publication of archaeological remains that would be affected by the development from the first construction stage, in accordance with UDP Policy HD17 and LLP Policy HD1.</p>
23	<p>Archaeological Building Recording</p> <p>No demolition shall take place until the applicant has submitted a written programme of archaeological building recording for approval in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved programme.</p> <p>Reason: To ensure appropriate investigation, conservation, recording and publication of archaeological remains that would be affected by the development from the first construction stage, in accordance in accordance with UDP Policy HD17 and LLP Policy HD1.</p>
24	<p>External Lighting</p> <p>Prior to the completion of the stadium construction, or an alternative timeframe to be agreed with the Local Planning Authority, a comprehensive scheme of the specification for external site lighting; architectural lighting; and stadium flood lighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting details shall be in accordance with the strategy as outlined in Chapter 16 of Volume 2 the Environmental Statement, Appendix 16.1 of Volume 3 of the Environmental Statement and approved lighting plans and include details for:</p> <ul style="list-style-type: none"> a) the illumination of the playing surface; b) the stadium roof and building exterior, including all external areas within the site with information regarding lighting lux levels, colour and coverage; c) lighting operations with time controls to prevent glare and light pollution; d) type and location of all luminaires; and e) extent and method of lighting signage including any projections. <p>All external light fittings shall be orientated so that any measurements taken at any nearby habitable room windows do not exceed the following limits:</p> <ul style="list-style-type: none"> i. Pre-Curfew Period (07:00-23:00) - maximum of 10 lux. ii. Post-Curfew Period (23:00-07:00) - maximum of 2 lux. <p>The approved scheme shall be implemented prior to the stadium being brought into use and no other external lighting installed without the prior consent of the Local Planning Authority.</p> <p>Reason: In the interests of the safety and convenience of stadium users, and to</p>

	avoid light pollution in accordance with UDP Policies H4, C7 and LLP Policy R1.
25	<p>Stadium Floodlighting Curfew</p> <p>The main stadium floodlights shall be turned off at 23:59 and no floodlighting to outdoor areas shall take place outside the hours between the hours of 23:59 - 07:00.</p> <p>Reason: In order to avoid light pollution occurring during the late night-time period and safeguard the amenity of adjacent occupiers.</p>
26	<p>Bat Mitigation</p> <p>The mitigation measures proposed to protect bats described in paragraph 12.12.14 of Appendix 12.1, ES Volume 3 shall be implemented in full accordance with the details proposed unless otherwise agreed in writing by the Local Planning Authority</p> <p>Reason: To ensure any necessary provisions to safeguard protected species are undertaken in accordance with UDP Policy OE5 and LLP Policy GI5.</p>
27	<p>Operational Waste Management Strategy</p> <p>The development shall be carried out and maintained in accordance with the Operational Waste Management Strategy submitted with the application (Buro Happold ref 040026 Rev P05 dated 12 August 2020) unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To ensure that appropriate arrangements are made for waste management including allowance for the storage, transfer and collection of waste to reduce impact on the general amenity of surrounding occupiers in accordance with Policy WM9 of the Merseyside and Halton Joint Waste Local Plan.</p>
28	<p>Signage Strategy</p> <p>Prior to completion of the stadium construction a Signage Strategy shall be submitted to an approved in writing by the Local Planning Authority which provides details of the guidance measures for governing all signage and advertisements that will be:</p> <ul style="list-style-type: none"> i. Externally projected from the interior of the stadium (e.g. portal/glazed windows); ii. Displayed on any external elevations of the stadium or other associated structure (sub-station, security hut), iii. Displayed on the stadium roof; and iv. Displayed on site boundary enclosures/fences or within the external public realm areas. <p>The strategy shall define the means and scope of any proposed branding on the external elevations of the stadium building, in accordance with the signage zones shown on the approved plans.</p>

	<p>The approved scheme shall be implemented prior to the stadium being brought into use unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: In order that any signage or advertisements displayed on the stadium building or elsewhere within the site are managed in accordance with an overall strategy, so as to ensure a satisfactory external appearance and to preserve the integrity of the design of the stadium.</p>
29	<p>Wayfinding, Signage & Interpretation</p> <p>Prior to completion of the stadium construction, or an alternative timeframe to be agreed by the Local Planning Authority, details of a package of wayfinding, signage & interpretation measures that facilitate access within the site shall be submitted to and approved in writing by the Local Planning Authority. The submitted wayfinding and signage proposals shall reflect intentions outlined in Chapter 12 of the Design & Access Statement and Chapter 8 of the Design and Access Statement Addendum submitted with the application with all works proposed implemented in accordance with the approved details prior to the stadium being brought into use unless agreed in writing by the Local Planning Authority.</p> <p>Reason: In order to promote sustainable access to the stadium and enhance appreciation of the site's historic dockland location.</p>
30	<p>Advertisement/Signage Control</p> <p>Notwithstanding the provisions of Schedule 3 The Town and Country Planning (Control of Advertisements) (England) Regulations 2007, no advertisements or other signage shall be displayed on any external elevation of the stadium development (including inside windows), the stadium roof, or on any of the site boundary enclosures or within the external areas which does not conform to the Signage Strategy approved as a condition of this permission.</p> <p>Reason: In order that any advertisements displayed on the building are assessed in the context of an overall strategy, so as to ensure a satisfactory external appearance and to preserve the integrity of the design of the building.</p>
31	<p>Public Art Strategy</p> <p>Prior to completion of the stadium construction, or an alternative timeframe to be agreed by the Local Planning Authority, details of proposals for the inclusion of public art in external public realm areas within the application site shall be submitted to and approved by the Local Planning Authority. The public art proposals shall be based on the intent / principles set out in Section 7.0 of the Design & Access Statement Addendum (September 2020).</p> <p>The works shall be implemented in accordance with the approved details prior to the stadium being brought into use unless agreed in writing by the Local Planning Authority.</p>

	Reason: In order to comply with UDP Policy HD24 and LLP Policy UD3 and ensure public art features are carefully considered in the development.
32	<p>Public Realm Management Plan</p> <p>Prior to first public access of the site, a Public Realm Management Plan shall be submitted for approval in writing by the Local Planning Authority. The management plan shall set out arrangements for managing public access to external public realm areas within the site.</p> <p>All publicly accessible areas within the site, outside the stadium building, shall remain open and available for public use at all times (24/7) apart from occasions when public access has to be restricted for security/safety reasons to ensure the safe management of the site in accordance with criteria that have been submitted and agreed in writing by the Local Planning Authority in the management plan.</p> <p>The plan shall be implemented in accordance with the approved details unless agreed in writing by Local Planning Authority.</p> <p>Reason: In the interests of public amenity and safety.</p>
33	<p>Fan Plaza Management Plan</p> <p>No structures associated with food, drink and entertainment concessions (including temporary structures/vehicles) shall be erected within the external public realm area until a Fan Plaza Management Plan (FPMP) has been submitted to and approved in writing by the Local Planning Authority. The FPMP shall provide clear guidelines which support the use and activation of the external public realm areas for match day and major event day entertainment, in accordance with the principles set out in Section 7.8.3 of the Design & Access Statement Addendum. The FPMP will define the means of control for the siting and extent of any structures/vehicles with details regarding the design, appearance and use; means of power supply and lighting; PA Systems; furniture; litter control measures; period of installation; and arrangements for the installation and removal of any structures/vehicles.</p> <p>All uses within the external public realm area shall only be operated in accordance with the approved details unless agreed in writing by the Local Planning Authority.</p> <p>Reason: These details are not included in the application and the Council wishes to ensure that all temporary facilities are appropriate for the approved use of the site to safeguard it's visual amenity.</p>
34	<p>Drain Interceptors</p> <p>Prior to being discharged to any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas, roadways and hard standings for vehicles shall be passed through an agreed level of treatment designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.</p>

	Reason: To prevent the pollution of the water environment in accordance with UDP Policies EP11, EP12 & EP13 and LLP Policy R3.
35	<p>Telecoms Permitted Development Restrictions</p> <p>Notwithstanding the provisions of Schedule 2 of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order replacing or superseding that Order), no telecommunications equipment shall be installed upon the roof of the stadium building hereby permitted without the written agreement of the local planning authority.</p> <p>Reason: The City Council wishes to retain control over any addition of telecommunications equipment or roof top structures in the interests of protecting the integrity of the building design and general visual amenity and in accordance with Policy HD18 of the Liverpool Unitary Development Plan.</p>
36	<p>Operating Hours</p> <p>No more than four non-football events (e.g. concerts and other sporting events) as described in Chapter 3 of the Environmental Statement Vol II submitted with the application shall take place at full capacity within the stadium in any calendar year, and of those no more than two may continue up until 23:30 with all music concerts finishing by 23:00.</p> <p>Reason: it is in the interest of residential amenity.</p>
37	<p>Noise Level Limits - Concerts</p> <p>During sound checks, rehearsals and Major Events, the music noise level (MNL) measured at a point one metre from the façade of any noise sensitive receptor shall not exceed 75 dB LAeq 15min.</p> <p>Reason: it is in the interest of residential amenity.</p>
38	<p>External Public Realm Noise Controls</p> <p>There shall be no amplified music within the external public realm areas, beyond levels agreed with the Local Planning Authority (in conjunction with the Environmental Health Service).</p> <p>Reason: To protect residential amenity and avoid causing noise nuisance to neighbouring premises.</p>
39	<p>Stadium Building - Noise Control Measures</p> <p>Noise control measures must be employed such that amplified music generated within the internal concourse and hospitality areas contained within the stadium building does not give rise to noise levels exceeding NR25 at the boundary of any nearby residential accommodation (expressed in terms of the maximum sound pressure level in each octave band) outside the hours of 07:00 - 23:30.</p>

	Reason: To protect the amenity of such residential occupiers.
40	<p>Stadium Building - Plant Noise</p> <p>The rating level of the noise emitted from any fixed plant or machinery on/within the stadium building shall not exceed the existing background noise level. The noise level shall be determined at the nearest noise sensitive premises. The measurements and assessments shall be made according to BS4142:2014+A1:2019. 'Methods for rating and assessing industrial and commercial sound'.</p> <p>Reason: To protect public amenity.</p>
41	<p>Spectator Numbers</p> <p>The stadium shall be restricted to a maximum of 52,888 spectators.</p> <p>Reason: The application has been assessed based on this capacity as this was the figure submitted in the planning application and the Local Planning Authority would need to consider the acceptability of any increase should safe standing be permitted in future.</p>
42	<p>Electric Charging Vehicle Strategy / Implementation</p> <p>Prior to works associated with the laying out of the car park area, an 'Electric Vehicle Infrastructure Strategy and Implementation Plan' has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include details of the specification and maintenance of the electric vehicle charging points. The electric vehicle charging points shall be implemented in accordance with the approved details and timescales for implementation, with the agreed details maintained in a working manner thereafter. Parking or servicing areas not provided with charging points shall be installed in a manner to allow the future installation of electric charging points.</p> <p>Reason: In order to ensure electric vehicle charging points are provided in accordance with approved details.</p>
43	<p>Staff Travel Plan</p> <p>Within six months of the first public use of the stadium, or in accordance with a timeframe that has been previously agreed in writing by the Local Planning Authority, a Staff Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Staff Travel Plan shall be based on the submitted Interim Travel Plan (dated September 2020) and detail:</p> <ul style="list-style-type: none"> i. Measures to encourage sustainable transport options and reduce the need to travel to and from the site by private motor vehicle; and ii. The timing of such measures.

	<p>The operation of the stadium shall be undertaken in accordance with the approved Staff Travel Plan and shall be maintained and kept up to date, taking account of any changes in circumstances.</p> <p>Reason: In order to manage travel demand in accordance UDP Policies T6, T7 & T8 and LLP Policies TP1, TP5 & TP6.</p>
44	<p>On-Site Parking Management</p> <p>In accordance with submitted plans hereby approved, on-site parking within the application site is limited to a maximum of 159no. car parking spaces (including 26no. electric vehicle charging bays and 54no. accessible bays) and 4no. motorcycle bays at all times.</p> <p>Prior to first public use of the stadium, a Car Park Management Plan shall be prepared and submitted for approval to the Local Planning Authority. The plan should set out the detail of how on-site parking provision is to be managed. The development shall thereafter be managed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: In order to ensure on-site parking is provided as proposed on the approved plans and thereafter maintained in line with an agreed Parking Management Plan in accordance with UDP Policy T12 and LLP Policy TP8.</p>
45	<p>Off-Site Highway Works</p> <p>No less than 12 months prior to the first public use of the stadium, a scheme for the design and construction of a series of highway improvement works shall be submitted to and approved in writing by the Local Planning Authority based upon the recommendations of the Transport Assessment (including the submitted Match Day Strategy and Major Event Transport Strategy). The scheme of highways works shall be implemented under a S278 Agreement and for the avoidance of doubt shall include the following provisions:</p> <ul style="list-style-type: none"> i. 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); ii. A scheme of highway signage local to the stadium to direct the travelling public to the stadium. Traffic approaching from the north to use Boundary Street, and traffic approaching from the south to use Blackstone Street; iii. 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; iv. 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; v. Upgrade of footways on Blackstone Street to be more suited to the high footfall anticipated, subject to review and assessment via pedestrian audit; vi. 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

	<p>the City Council's existing city-wide pedestrian signage scheme;</p> <p>vii. Two new VMS Signs on north and southbound approaches, exact locations to be agreed with LCC, to be coordinated with the wider VMS programme; and</p> <p>viii. Removal of deterrent paving on Great Howard Street at its junction with Boundary Street</p> <p>The scheme shall be completed in accordance with the approved details before the stadium is brought into first public use unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: The highways improvement works listed are required to support the development and have been agreed to be necessary with the applicant in the interests of highway and pedestrian safety.</p>
46	<p>Off-Site Parking Management Strategy</p> <p>No less than 12 months prior to the first public use of the stadium, details of an off-site parking management strategy shall be submitted to and agreed in writing by the Local Planning Authority. The strategy shall be prepared in accordance with the Proposed Parking Restrictions Plan (Appendix I of the Transport Assessment, Appendix 7.1, ES Volume III) and include:</p> <p>i. Extending the existing FMPZ to include those additional residential areas identified in the Transport Assessment</p> <p>ii. Introducing a new Business Permit Parking Area to the immediate east of the stadium identified in the Transport Assessment;</p> <p>iii. Introducing more general, location specific kerbside parking and loading restrictions in the Northern Industrial Area outlined in the Transport Assessment,</p> <p>iv. A package of kerbside use restrictions to accommodate Coach Parking facilities, as outlined in the Transport Assessment;</p> <p>v. 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;</p> <p>vi. A scheme of highway works to introduce a (match and event day use only) taxi rank on Dublin Street; and</p> <p>vii. A scheme of works on Sandhills Lane to re-designate kerbside space to taxis, coaches and buses;</p> <p>The scheme shall be completed in accordance with the approved details before the stadium is brought into first public use unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: In order to ensure all necessary off-site parking restrictions are delivered in accordance with details agreed by the Highways Authority in the interests of highway and pedestrian safety.</p>
47	<p>Cycle Parking</p> <p>No part of the development shall be occupied or brought into use until the areas indicated on the submitted plans to be set aside for the provision of 152no. cycle parking spaces (including 30no. covered spaces) have been provided in</p>

	<p>accordance with the details and specifications shown in drawing GA Plan Furniture - Street Furniture, Wind Mitigation & Signage (dwg. no. BMD01-PLA-L1-00-DR-L-4000 Rev. P16). The cycle parking shall be retained as such thereafter.</p> <p>Reason: To ensure that adequate provision is made for parking cycles on the site; and to establish measures to encourage non-car modes of transport.</p>
48	<p>Motor Vehicle Movement Restrictions - Crowd Safety/Security</p> <p>No motor vehicles/motor bikes, except those under the direction of the emergency services, shall be permitted to access or egress the Hostile Vehicle Mitigation Zone area defined in the submitted Security Planning Report and Transport Assessment (Appendix 7.1, ES Volume III),</p> <p>On Match and Major Event Days, no motor vehicle/motor bike movements in or out of the stadium grounds are permitted from 1 hour before kick-off until 45 minutes after final whistle.</p> <p>Reason: In the interests of highway and pedestrian safety.</p>
49	<p>Biodiversity Net Gain</p> <p>Prior to dock infill, a scheme for offsetting biodiversity impacts on the site shall be submitted to the local planning authority. Any proposed offsetting scheme shall include:</p> <ul style="list-style-type: none"> o Details of the offset requirements of the development in accordance with the current Defra biodiversity metric; o The identification of a receptor site or sites which generate a net gain of [10%] or such amount as is prescribed in statute prior to dock infilling works commencing; o The provision of evidence of arrangements that secures the delivery of the offsetting scheme; o A management and monitoring plan (which shall include for the provision and maintenance of such offsetting measures for a period of not less than 25 years from commencement of development). <p>No dock infilling works shall be undertaken prior to this condition being discharged and dock infill works shall not be commenced prior to the written approval of the scheme by the local planning authority. The developer shall thereafter secure and implement such measures in accordance with the requirements of the approved scheme.</p> <p>Reason: In the interests of promoting nature conservation in accordance with UDP Policy OE6 and LLP Policy GI5.</p>
50	<p>Water Channel - Habitat Creation Plan</p>

	<p>Prior to excavation works associated with the creation of the new water channel within the application site, a habitat creation plan shall be 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. The development shall be carried out in accordance with the approved details.</p> <p>Reason: In the interests of promoting nature conservation in accordance with UDP Policy OE6 and LLP Policy GI5.</p>
51	<p>Building Works - Ecology</p> <p>No scrub removal, ground clearance and/or building works is to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all buildings, scrub and affected areas are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted for approval.</p> <p>Reason: In order to minimise disturbance to wildlife in accordance with UDP Policy OE6 and LLP Policy GI5.</p>
52	<p>Externally Mounted Plant</p> <p>Following the first use of the development, no additional externally mounted plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts, vents for similar internal equipment, shall be fitted, unless full details thereof, including design and acoustic emissions data, have first been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: In order for the LPA has the opportunity to assess such features in relation to the approved building design.</p>

Informatives

1.	Reason for Approval - Please refer to Appendix 9
2.	Schedule of Approved Documents - Please refer to Appendix 8
3.	Decision Policy Reasons - Please refer to Appendix 7.
4.	This permission is granted subject to the applicant entering into a legal agreement under Section 106 of the Town and Country Planning Act 1990. (Please refer to Appendix 10 for details).
5.	Local Planning Authority Advice for Applicant: Note the works to Regent Road boundary wall and Bramley Moore Dock hereby approved are also subject to applications for Listed Building Consent ref No's 20L/2543 and 20L/2611, and the development to be carried out must be completed in accordance with any conditions attached to the corresponding Listed Building Consents.
6.	Local Planning Authority Advice for Applicant: Liverpool expects strict compliance with all conditions attached to planning decisions. Conditions particularly pre-commencement conditions require submission to and approval in writing by local planning authority before any works start. Failure to discharge conditions before commencing development could result in the development being unlawful. Central Government regulations since April 2008 now mean that a fee is normally payable to formally discharge planning conditions.
7.	Local Planning Authority Advice for Applicant: The permission hereby granted does not convey any rights or approval to build on, or develop, any land that is not fully owned or controlled by the applicant, including party boundaries. Applicants should satisfy themselves that the agreement of any adjoining land owners has been given prior to works commencing on site.
8.	Local Planning Authority Advice for Applicant: The application site is on previously contaminated land which has been remediated (cleaned up) by the developer. Under the circumstances you are advised that No development shall take place until the Environmental Health & Trading Standards Division (Environmental Protection Unit) has been contacted and approval obtained in writing.
9.	Local Planning Authority Advice for Applicant: Liverpool City Council guidance relating to the re-development of potentially-contaminated land is available at http://www.liverpool.gov.uk/Business/Environmental-health/contaminated-land/ . This sets out general advice for Developers, the responsibilities of all involved parties, and detailed technical requirements for Environmental Consultants preparing information for regulatory submission. The Developer & Consultants. Guide, in particular, should be followed during the preparation and reporting of investigations so as to ensure of their adequacy, and allow swift, informed decisions to be made on the suitability of a proposed development and any remediation schemes put forward. We stress that failure of an appointed

	Environmental Consultant to submit adequate information is likely to result in requests for further information, which may delay the commencement of a development, or prevent the discharge of associated Planning Conditions.
10.	<p>Canal & Rivers Trust Advice for Applicant:</p> <p>The applicant/developer is advised to contact The Third Party Works Team ((01782 779909)) in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust.</p> <p>The applicant/developer is advised to contact the Canal & River Trust Utilities Team at the Wigan Office on 01942 405766 to discuss the acceptability of discharging surface water from the site to the adjacent canal in order to ensure that any necessary consents are obtained. Please be advised that the Trust is not a land drainage authority, and such discharges are not granted as of right- where they are granted, they will usually be subject to completion of a commercial agreement.</p>
11.	<p>Local Planning Authority Advice for Applicant:</p> <p>The applicant is advised that the challenge to comply with the requirements of the Disability Discrimination Act (DDA) 1995 (updated 2005) and the Equality Act 2010 remains the duty of the building occupier. The Acts oblige the service provider / operator of a building or place that is open for people to enter or use, to remove, alter or provide a reasonable means of avoiding physical barriers where it would be seen as a reasonable adjustment and where it is possible to do so.</p>
12.	<p>Environment Agency Advice:</p> <p>Model Procedures and good practice</p> <p>Due to the former land use(s), soil and /or groundwater contamination may exist at the site and the associated risks to controlled waters should be addressed by:</p> <p>We recommend developers should:</p> <ul style="list-style-type: none"> " Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination " Refer to our Guiding principles for land contamination for the type of information that we require in order to assess risks to controlled waters from the site - the local authority can advise on risk to other receptors, such as human health " Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed " Refer to the contaminated land pages on gov.uk for more information <p>All investigations of land potentially affected by contamination should be carried out by or under the direction of a suitably qualified competent person and in accordance with BS 10175 (2001) Code of practice for the investigation of potentially contaminated sites. The competent person would normally be expected to be chartered member of an appropriate body (such as the Institution of Civil</p>

	<p>Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites. The Specialist in Land Condition (SiLC) qualification administered by the Institution of Environmental Management provides an accredited status for those responsible for signing off LCR's. For further information see - www.silc.org.uk</p> <p>Piling and Penetrative ground improvement methods</p> <p>Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater.</p>
13.	<p>Environment Agency Advice:</p> <p>If waste is to be used on site, the applicant will need to ensure they can comply with the exclusion from the Waste Framework Directive (WFD) (article 2(1) (c)) for the use of, 'uncontaminated soil and other naturally occurring material excavated in the course of construction activities. Meeting these criteria means the material is not waste and permitting requirements do not apply.</p> <p>Where the applicant cannot meet the criteria, they will be required to obtain the appropriate waste permit or exemption from us. A deposit of waste to land will either be a disposal or a recovery activity. The legal test for recovery is set out in Article 3(15) of WFD as:</p> <p>" Any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy.</p> <p>" We have produced guidance on the recovery test which can be viewed as (insert https://www.gov.uk/guidance/waste-recovery-plans-and-permits#waste-recovery-activities)</p> <p>" You can find more information on the Waste Framework Directive here: https://www.gov.uk/government/publications/environmental-permitting-guidance-the-waste-framework-directive</p> <p>More information on the definition of waste can be found here: https://www.gov.uk/government/publications/legal-definition-of-waste-guidance</p> <p>More information on the use of waste in exempt activities can be found here: https://www.gov.uk/government/collections/waste-exemptions-using-waste</p> <p>Non-waste activities are not regulated by us (i.e. activities carried out under the CL:ARE Code of Practice), however you will need to decide if materials meet End of Waste or By-products criteria (as defined by the Waste Framework Directive). The 'Is it waste' tool, allows you to make an assessment and can be found here: https://www.gov.uk/government/publications/isitwaste-tool-for-advice-on-the-by-products-and-end-of-waste-tests</p>

	<p>We are keen to work with you in resolving any of the above issues, should you wish us to undertake a detailed review of your reports or want further advice to address the above issues, and we can do this as part of our charged service.</p> <p>Further engagement at the pre-application stage can speed up the formal planning application process and provide you with certainty as to what our response to your planning application will be. It should also result in a better quality and more environmentally sensitive development. As part of our charged for service we will provide a dedicated project manager to act as a single point of contact to help resolve any problems.</p> <p>We currently charge £100 per hour (VAT). We will provide you with an estimated cost for any further discussions or review of documents.</p> <p>The terms and conditions of our charged for service are available upon request and we recommend that you contact the area Sustainable Places team at the following email address SPPlanning.RFH@environment-agency.gov.uk</p>
14.	<p>Environment Agency Advice:</p> <p>The applicant has assessed the risks to water quality during construction and must implement the controls they have highlighted. These should be secured in a CEMP and their effectiveness reviewed regularly when construction is underway.</p> <p>The dewatering and discharge activities associated with this development will require an Environmental Permit under the Environmental Permitting (England & Wales) Regulations 2016, from the Environment Agency, unless an exemption applies.</p> <p>The applicant is advised to contact the Environment Agency on 03708 506 506 for further advice and to discuss the issues likely to be raised. You should be aware that there is no guarantee that a permit will be granted. Additional 'Environmental Permitting Guidance' can be found at: https://www.gov.uk/environmental-permit-check-if-you-need-one.</p>
15.	<p>Merseyside Fire and Rescue advice:</p> <p>The Fire Authority requests that any decision notice includes the following information;</p> <p>The plans relating to the above application have been examined and below are the Fire Authority's observations:</p> <p>Access for fire appliances should comply with the requirements of Approved Document B5 of the Building Regulations.</p> <ul style="list-style-type: none"> - 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)

	<p>- Shopping, offices, recreation and tourism</p> <p>* The premises should comply with Section 55 of the County of Merseyside Act 1980</p>
16.	<p>Highways Authority Advice for Applicant:</p> <p>The applicant is advised that all necessary off-site highway works shall be carried out by means of a Section 278 Highways Agreement and all highway materials removed shall be reclaimed by the City Council. In this respect, the applicant should contact the Council's Highway Development Control Team on 0151 233 0324 or email HDC@Liverpool.gov.uk to be advised further on the processes and information requirements.</p>
17.	<p>Highways Authority Advice for Applicant:</p> <p>If a street name and/or property numbering is required as part of this development, developers are required to contact Liverpool City Council who are the street naming and property numbering authority to arrange for addresses to be attributed to the development. Developers or property owners cannot attribute property numbers or addresses themselves, these can only be undertaken by the Council. Attributing addresses can take approximately 6 weeks to progress from application therefore applicants must give themselves sufficient time and are advised to make an early application to enable the process to be completed so that an address can be issued and used. In the first instance, the applicant is required to contact the Council's Highway Development Control Team on 0151 233 0324 or email HDC@Liverpool.gov.uk to be advised further on the processes and information requirements. Please note there is a fee for this process which shall be advised upon application.</p>