



INSPECTOR'S INITIAL MATTERS, ISSUES AND QUESTIONS

SEFTON COUNCIL RESPONSES

Matter 1: Procedural/legal requirements

Issue: Whether all Statutory and Regulatory requirements have been met?

Duty to Cooperate

1. In light of paragraph 1.11 of the Plan and paragraph 2 of document SP16, does the Plan in fact deal with any strategic matters with cross-boundary impacts about which the Council was required to engage constructively, actively and on an ongoing basis with neighbouring authorities and prescribed bodies in accordance with section 33A of the 2004 Act?

The Bootle Area Action Plan only addresses non-strategic matters. The housing, employment and retail matters build upon the existing Local Plan policies with a local dimension, taking into account local circumstances to help with the regeneration of Bootle.

Paragraph 1.11 of the Bootle AAP sets out that one of the NPPF priorities is to boost the supply of housing and to provide 'sufficient amount and variety of sites'. The Bootle AAP does not seek to meet Sefton's housing need in full as this would be done within a borough wide Local Plan. It does however try to build on the existing Local Plan and help deliver existing housing allocations as well as bringing a regeneration focus to underused sites. Paragraph 2 of [SP16](#) (the Duty to Co-operate Statement of Compliance), sets out that this is the case that it isn't replacing the Local Plan strategic policies.

The Bootle AAP therefore does not deal with housing, employment land, retail or any other matter on a strategic level.

2. If not, is the Duty to Cooperate engaged by this Plan?

As the plan is non-strategic, it is not considered that the Duty to Cooperate is formally engaged. However, Sefton Council consider that engaging with neighbouring authorities and key infrastructure providers is important for all plan-making in order to identify any new or upcoming issues that need addressing.

In light of this, the Local Authority effectively carries out the Duty to Cooperate as a matter of course. The Liverpool City Region Local Planning Authorities put a lot of emphasis on addressing cross-boundary issues collaboratively by working with neighbouring Authorities. This supported by a regular schedule of meetings for Chief Planners, Policy team leaders and Development management team leaders, all led by the Liverpool City Region Combined Authorities where cross-boundary issues are identified and addressed.

In addition to the above, Sefton Council also meets with neighbouring authorities to discuss issues as they arise and to help understand current and future issues that may be occurring across Local Authority boundaries. Sefton Council have met twice with Liverpool City Council to discuss the emerging Bootle AAP as well as any issues happening in Liverpool.

3. If, however, the Duty to Cooperate is engaged, what are the specific outcomes of it?

See answer to question 2.

Sustainability Appraisal

4. Is the Sustainability Appraisal adequate and have the legal requirements of the 2004 Act and the 2012 Regulations been met?

The Sustainability Appraisal ([document SD4](#)) is considered to cover all the issues and meet all of the legal requirements. The SA/SEA assesses the Bootle AAP thoroughly.

The stage A scoping stage of the appraisal sets out the key sustainability issues that needed to be addressed in order to be both effective in informing and assessing the BAAP, and to make sure that it would comply with the regulations.

The statutory bodies were consulted informally through each stage as well as through the statutory consultations as required through regulation 4 of the 2004 Environmental Assessment of Programmes and Plans Regulations (2004). Their comments were considered in full.

There were few comments on the SA/SEA through the formal consultation and engagement processes of the Plan.

The Sustainability Appraisal meets the legal compliance test. The SA has met the procedures rigorously throughout.

The SA assessed the plan at each stage of the process against any reasonable alternatives against environmental, economic and social objectives.

The SA at each stage tested the plans objectives and policies for any significant effects and for how sustainable they were. This was used to help improve the plan and try and make it more sustainable wherever reasonably possible. It is noted at this stage that policies were amended in some instances as a result of the SA/SEA assessment. This was a 'live' process that ran through the plan-making process that helped both assess and shape the document as it progressed.

The evolution of the SA/SAE is set out transparently in the stage A, B and C reports that clearly set out what has been done at each stage and why.

Stage A (document SD5), included the review of existing documents, the identification of SA issues to be addressed and the formatting of SA objectives by which to assess the Bootle AAP.

Stage B (document SD6), included the assessment of the first draft Bootle AAP and recommendations for making that plan more sustainable.

The stage C (document SD4), report brought the first two stages together and assessed the final draft plan prior to submission and looked at whether it was sustainable and whether changes to policies had been effective and whether there were any significant effects. The stage C plan also looked at monitor and review framework for the Plan.

The Strategic Environmental Assessment was incorporated into the SA as per the regulations and it was considered that the SA/SEA puts environmental issues on a par with the economic and social issues.

Post-Adoption

It is considered that the SA/SEA will provide a sound basis for monitoring and reviewing the Bootle AAP post-adoption and this will assist in assessing the success of the policies and objectives as set out in the Bootle AAP.

Habitats Regulations Assessment

5. Has the Habitats Regulations Assessment been undertaken in accordance with the Conservation of Habitats and Species Regulations 2017?

The Council has consulted Natural England on Draft Habitats Regulations Assessment (HRA) Reports at various stages of plan preparation. The Council's Final HRA Test of Likely Significant Effects and Appropriate Assessment Report (May 2024) is document SD7 in the Examination Library. In this document Natural England comment that "*Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the BAAP in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended).*", that Natural England is a statutory consultee and that they concur that the Plan will not result in adverse effects on the integrity of any of the sites in question.

Local Development Scheme

6. Is the Plan compliant with the Council's Local Development Scheme in terms of its form, scope and timing?

The Local Development Scheme (LDS) (document SP2) sets out the intent of the AAP 'to guide the development and investment strategy for the wider Bootle area'. The LDS further outlines the AAP is likely to cover a range of issues that have a land use component but can also look to address wider factors that influence the quality

of place in which people live, work, shop, socialise, undertake leisure activities and visit. This is consistent with the submitted Plan.

The geographic scope of the AAP is shown on the map in Annex 1 of the LDS. This is consistent with the submitted Plan. The timeline of the AAP is also set out in the LDS, which is consistent with the engagement stages that were undertaken and are set out in [document SD10](#).

Community Involvement

7. Has the Council complied with the requirements of section 19(3) of the 2004 Act with regard to conducting consultation in accordance with the Statement of Community Involvement?

The Council has complied with the requirements of section 19(3) and in accordance with the Statement of Community Involvement. This has been set out in the following documents:

- [Bootle Area Action Plan Regulation 22 Statement of Consultation \(document SD10\)](#)
- [Issues and Options Consultation Report \(document SD11\)](#)
- [Preferred Option Stage Consultation Report \(document SD12\)](#)

Climate Change

8. Are the policies of the Plan designed to secure that the development and use of land contribute to the mitigation of, and adaptation to, climate change in accordance with Section 19(1A) of the Act?

The Plan's Vision identifies climate change as a key environmental challenge to be addressed in the Plan, and objective 13 is "To set standards in new development that help the Council respond to the challenge of climate change". Plan policies are designed to secure that the development and use of land contribute to the mitigation of, and adaptation to, climate change. This is set out in more detail in [document SP19 Environmental and Climate Change Topic Paper](#) in the [Examination Library](#), notably in section 2 and relation to policies BAAP1 Design, BAAP2 Best Use of Resources, BAAP8 Getting Around and BAAP9 Nature.

Equalities

9. In what way does the Plan seek to ensure that due regard is had to the three aims expressed in s149 of the Equality Act 2010 in relation to those who have a relevant protected characteristic?

[S149 of the Equalities Act](#) sets out the public sector duty to the following three steps:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The Act sets out a series of protected characteristics.

An [Equalities Impact Assessment \(EqIA\) \(SD9\)](#) was carried out to support the preparation of the Bootle AAP. A draft EqIA was carried out to support the first draft plan at the regulation 18 stage and against updated and reviewed for the regulation 19 plan. This assessed the plan against each of the statutory protected characteristic characteristics, along with children in care and care leavers who are identified in Sefton as being an important group.

The assessment looked at some of the statistics and characteristics of these groups in the BAAP area. For example, this identified that there are a greater number of people in the Bootle area with disabilities than the England average.

The assessment at both stages showed that many of the policies would have a neutral impact upon many of the characteristics. However, some of the AAP policies would help reduce discrimination and barriers to equality through development and would advance opportunities. This particularly applied to people with disabilities and older people where the BAAP policies were seen to promote greater accessibility both within development and from developments. The town centre policies would

also be likely to promote a greater variety of uses for local people that would be of an advantage to a number of characteristics and create greater community cohesion.

The Equalities Impact Assessment concludes that the BAAP has had due regard to the Equalities Act 2010.

Matter 2: Role and scope of the AAP

Issue: Is the Plan consistent with other National and Local Policy in light of Regulation 8(4) and 8(5)?

10. Is the Plan sufficiently clear and effective in establishing its relationship to the wider development plan?

Paragraphs 1.22 to 1.24 provides an overview of the existing Local Plan policies and that some of these will be supplemented or superseded by the AAP (Appendix A providing more detail). Throughout the AAP, reference is made to where relevant Local Plan policies remain relevant and would work in conjunction with the AAP policies. Examples include Policy BAAP1 'Design'; BAAP3 'Bootle Central Area'; BAAP4 'Bootle Town Centre'; BAAP5 'Bootle Office Quarter'; BAAP7 'Local Shopping Parades'; BAAP9 'Nature'; BAAP10 'Healthy Bootle'; BAAP12 'Employment Land Provision'; and BAAP20 'Hawthorne Road/Canal Corridor'.

11. Is the Plan consistent with the Local Plan?

The Local Plan identifies Bootle as a key regeneration area. The Bootle AAP is consistent with this and builds upon the aims the Council have for the town. Other policies with the AAP set out more detailed policies that will help support the regeneration of Bootle but will complement and be consistent with the overall vision for Sefton.

As set out to question 10 above, the Appendix A identifies which policies in the AAP supplement or supersede Local Plan policies. The AAP also set out which Local Plan policies remain relevant for development in Bootle.

Policy SD2 of the Sefton Local Plan ([document SP22](#)) identifies a list of principles for sustainable development in the borough. It is considered that each of them is reflected to some degree in the Bootle AAP.

12. Is the Plan required by policy in the Local Plan to deliver a particular amount of housing to assist with the delivery of the Local Plan aims?

The Local Plan sets out an overall housing requirement for Sefton but there is no specific target for individual settlements. Whilst the Local Plan (Policy SD2) sets out an aim 'to meet the diverse needs for homes, jobs, services and facilities, as close to where they arise as possible' there is an acceptance that, due to geographic and other constraints, that is not always possible.

Nonetheless, it is expected that Bootle, as Sefton's second largest town, would continue to provide a good supply of housing land in Sefton. The AAP has sought to maximise suitable housing sites and on many other sites provided the flexibility, through Regeneration Opportunity designations, to be supportive of housing proposals coming forward, including on mixed use schemes. These opportunities will be continued to be explored through the Masterplan work, ongoing and future regeneration programmes and engagement with local landowners and others.

Matter 3: The Policies

Issue: Are the policies clear, justified and consistent with national policy and will they be effective?

13. Are the policies contained in the Plan positively prepared in a way that is aspirational but deliverable?

The plan has been prepared to reflect the ambition that the Council have for the town and help deliver on the potential that we all see that it has. The policies reflect this ambition and set out how we will deliver on regeneration, economic growth, sustainability and opportunities for all. Whilst the Council consider the AAP is aspirational, there is an acknowledgement that there are no easy solutions, and each policy is grounded in practical delivery. Each policy has a delivery section setting out how we will achieve the policy.

14. Will the specific allocations and policies in the Plan as a whole be effective given the outputs of the viability testing?

The Council acknowledge that viability is challenging in Bootle. It continues to work with funding providers and others to find ways of unlocking sites and it has been successful at doing this in the past. Large residential areas (such as the Klondyke and Bedford/Queens Road areas) have, in the past decade or so, been transformed through regeneration programmes. This has helped to diversify the housing stock in the town, improve the local environment and change perceptions. This has shown that Bootle can become an aspirational place to live, and this helps support increase residential values.

The viability testing report ([document SP5](#)) shows that modest uplifts in residential value can make many more sites viable, even with planning obligations.

Only very recently the Council marketed one of its sites for sale (housing allocation BH1) and received significantly interest with 13 bids from a range of market and affordable housing providers. This was despite the site needing remediation. It is considered that this reflects the growing market confidence that housebuilders have in the town.

In terms of employment allocations, development activity is buoyant. Until recently, the largest vacant employment site was Atlantic Park (BE8). Construction on this site is well underway. Other employment sites are well utilised. The Office Quarter is currently less well used, hence much of this area has been identified for a flexible

range of alternative uses and a masterplan will be developed to help generate developer interest.

15. Have the allocations been selected on a robust basis?

[Document SP10 Site Sustainability Appraisal and Site Selection Assessment Technical Paper](#) in the [Examination Library](#) is the key document which demonstrates the Council's robust approach to the selection of allocations. This is supplemented by other documents such as [SD4 Environmental Report of the Sustainability Appraisal \(including Strategic Environmental Assessment\)](#) , [SP6 SFRA Overview Update](#), [SP7 Flood risk site sequential and exception test assessment](#), [SP17 Housing Topic Paper](#) and [SP18 Employment Topic Paper](#).

16. Are the proposed allocations flexible enough to accommodate needs not anticipated in the Plan and to enable a rapid response to changes in economic circumstances?

The Bootle AAP contains many allocations that allow for a flexible range of uses. This includes several sites within the Bootle Office Quarter and along the Hawthorne Road/Canal Corridor. This reflects that many of the sites are no longer used for the current (Local Plan) designation and that we want to allow for new uses that reflect changes in demand and new opportunities. This accords with paragraph 124 of the NPPF.

Furthermore, employment allocations set out the wide range of employment uses that we will allow. Each employment site type will allow for a different range of uses so that, in combination, there is ample opportunity for different businesses to locate or grow.

17. Are design code (BAAP1) and masterplan (BAAP3, BAAP4, BAAP6, BAAP20) requirements justified and effective?

It can often be quite difficult to engage on a plan that consists of a series of written policies. People and organisations will often prefer to see specific ideas for different uses and layouts presented in a graphic style. This is a format that is more suited to masterplans or design codes presented as a series of options. It is considered that the AAP sets out the parameters for the redevelopment of a number of key sites in Bootle and which can be 'brought to life' through more detailed, visual set of documents. It is considered this provides justification for committing to undertake the additional supporting documents. It is also considered that the masterplans will be effective as the consultants who have been engaged to undertake these for the Council (two have been commissioned so far) will consider delivery, landowner intentions and market demand in the potential development options. The first two masterplans (one within the Bootle Office Quarter and one for the Hawthorne Road/Canal Corridor) will be used as a template for others going forward.

In relation to Design Codes, the Council was a pilot authority for the Design Code process, the output which are provided at documents [SP11](#), [SP12](#), [SP13](#), [SP14](#) and [SP15](#). These covered canal side sites in Bootle and these will be used to inform proposals alongside the canal in Bootle.

18. Have the recommendations in the SFRA Overview Update been incorporated into the Plan? Are they necessary for soundness?

Document [SP6 SFRA Overview Update](#) includes seven recommendations. The relevant recommendations necessary for soundness, have been incorporated into the Plan. Section 3 of [document SP19 Environmental and Climate Change Topic Paper](#) sets out [Proposed Modifications \(CD04\)](#) to part 9 of policy BAAP1 and its explanation, to incorporate these recommendations more explicitly and in more detail

As set out in document [SP6 SFRA Overview Update](#), there are no Environment Agency Flood Warning Areas in the plan area and emergency planning relates to the Civil Contingencies Act 2004. Recommendation 4 (soakaway tests) refers to recommendations in the 2013 SFRA and requirements of the Council's [Drainage Pro Forma](#) (see Appendix 3 of [SP6](#)), rather than to planning policy. Recommendations 6 (flood warning plans) and 7 (emergency planning) reflect the content of the [2023 Liverpool City Region Combined Authority SFRA \(CD02\)](#) prepared to inform the emerging Spatial Development Strategy. They relate mainly to other legislation rather than issues which [national planning practice guidance](#) says should be included in a Level 1 SFRA.

19. Are the modifications already proposed to policies in the Plan necessary for soundness?

The Council have tried to keep [modifications \(CD04\)](#) to a minimum and they are made to make the AAP more effective and with stronger justification after listening to responses made at publication stage. It is therefore considered that the modifications are necessary for soundness.

BAAP1 Design

20. Would the policy be effective in raising design quality given the outputs from the Viability Assessment (document SP5)?

[See response below](#)

21. Is the explicit intention to raise design quality justified?

[\[response below is to Q20 and Q21\]](#)

The National Planning Policy Framework (paragraph 135) sets out that 'planning policies and decisions should ensure that developments will function well and add to the overall quality of the area'. This is supported by the National Design Guide (NDG) which sets out the ten characteristics of well-designed places.

It is the case that many previous developments in the Bootle have been poorly designed and have not respected the existing higher quality built environment. The Council believes that good design does not necessarily equate to more expensive developments but through the application of good principles, such as those expressed in the NDG. For example, many of the characteristics of well-designed

places do not directly relate to factors that would have a significant cost implication. This would include respecting existing building lines and heights; using a specific mix and palette of materials; building orientation and interface with highways, open spaces, and the canal; suitable mix of uses; providing public spaces and spaces for nature; and energy efficient and long lasting.

The Council are well aware of the challenging economic situation in a deprived post-industrial town such as Bootle, but it will not allow opportunities to raise standards to be missed. The importance of good design in changing perceptions of Bootle is key and is the reason why the Design policy is the first policy in the AAP. It was also the reason the Council (successfully) applied to be a pilot authority for the Design Code process, the result of which was a draft design code for the canal side areas of Bootle.

The Council therefore considers that Policy BAAP1 is justified.

BAAP2 Best Use of Resources

22. In the 23 December 2023 Written Ministerial Statement, the Government set out that they do not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned building regulations (unless the criteria set out are met). The Statement notes in particular effects on complexity, economies of scale and viability. In light of that, are criteria 1 and 2 of the policy justified and will the policy be effective?

Section 4 of [document SP19 Environmental and Climate Change Topic Paper](#) and its [Appendix 4](#), especially paragraphs 4.2 to 4.5 and 4.8-4.9 under the headings 'energy' and 'water', set out why the policy is justified and will be effective, under the headings 'energy' and 'water' respectively. Section 4 of [SP19](#) sets out [Proposed Modifications \(CD04\)](#) to part 2 of policy BAAP2, to give greater clarity and certainty.

It should also be noted that the first three bullet points in criterion 1 of policy BAAP2 are the same as parts a-c of Local Plan policy EQ7 'Low carbon and energy efficient design' and reflect paragraphs 163 – 167 of the National Planning Policy Framework (NPPF). The fourth bullet point in policy BAAP2, "*Other alternative measures to reduce greenhouse gas emissions*" is also in line with these NPPF paragraphs, and in effect replaces part d of Local Plan policy EQ7 (infrastructure for low emissions vehicles) which has been overtaken by Building Regulations requirements and Sefton's 2018 [Sustainable Travel and Development Supplementary Planning Document \(CD03\)](#).

23. If the policy as written is sound, is it flexible enough to meet changes in economic circumstances?

Section 4 of [document SP19 Environmental and Climate Change Topic Paper](#) illustrates why policy BAAP2 is considered sound, taking account of the [Proposed Modifications to part 2 of the policy \(CD04\)](#). This section (especially paragraphs 4.3

to 4.5, first paragraph 4.9 and 4.14) demonstrates that the policy is flexible enough to meet changes in economic circumstances or national or other requirements.

24. Is the policy clearly written and unambiguous, so it is evident how a decision maker should react to development proposals?

Section 4 of [document SP19 Environmental and Climate Change Topic Paper](#), and especially paragraphs 4.2 to 4.5, 4.8 to 4.9 and 4.12 to 4.14, demonstrates that policy BAAP2 is clearly written and unambiguous, so that it is evident how a decision maker should react to development proposals. This takes account of the [Proposed Modifications to part 2 of the policy \(CD04\)](#).

BAAP5 Bootle Office Quarter

25. Is the policy consistent with the National Planning Policy Framework paragraph 125d requirement to promote and support the development of under-utilised land and buildings?

The policy seeks to protect a limited number of the better quality, well used offices in the office quarter. The remaining land and under-used office buildings will be subject to a highly flexible range of uses for re-use or redevelopment. The largest vacant site (site of both former St John's Houses) will be included within a Masterplan, the work on which has commenced. This will explore the preferred uses on the site and explore design and delivery issues. Ongoing further work on other available sites in the officer quarter will explore alternative uses.

The Council therefore considers the policy does support the re-use of under-utilised land and buildings in accordance with paragraph 125d of the Framework, whilst protecting much needed office accommodation.

26. What are the 'other uses' allowed under the Town and Country Planning General Permitted Development) (England) Order 2015, referred to in part 4c?

This refers to the allowance to convert commercial premises to dwellinghouses allowed under Class MA of the General Permitted Development) (England) Order 2015.

27. Is the policy effective in light of those other uses?

The introduction and expansion of permitted development rights on Use Class E has made it more difficult to protect office uses. However, the Council still considers it appropriate to protect the most valued office buildings as set out in Policy BAAP5. In many cases the buildings aren't suitable for conversion to residential and would have to be redeveloped. In addition, the policy protects the loss of the offices (for a 2 year period) to a whole range of alternative uses other than residential. Therefore, it is considered that the policy is effective.

BAAP7 Local Shopping Parades

28. Is criteria 8 justified?

Criteria 8 sets out that non-core blocks in existing parades should be redeveloped block by block rather than on a site-by-site basis.

The part of the policy is justified by the poor quality of previous ad hoc and partial redevelopments of some of the parades.

The older Victorian and Edwardian shopping parades were built specifically for commercial uses, with the business owners living on the upper floors. The ground floor units often make poor quality homes and are not ideal for many other purposes. There are a number of instances where part of block in a shopping parade have been taken place and resulted in really poor and incongruous redevelopment. Rebuilding on a block-by-block basis allows for a comprehensive redevelopment that can be better designed, more architecturally coherent and better suited for a flexible range of modern uses.

Stanley Road has seen a few parade blocks rebuilt and, whilst keeping the grain of the street scene, they have resulted in much improved units, with better design and have uplifted the character of the area.

The last part of part 8 requires any development to front onto the public highway. This is justified to avoid incongruous development that further detracts from the appearance and character of the street scene.

BAAP10 Healthy Bootle

29. Is criteria 1.viii justified and effective?

Policy BAAP10 sets out the range of policy interventions that both the AAP and the Local Plan have in respect of public health. These are the types of issues that should be demonstrated through the health impact assessment. Whilst it is not expected that the level of demographic change in the town would be of a scale that would warrant the provision of new health facilities, the plan would be supportive of many regeneration sites coming forward for homes. This flexibility built into the plan could result in an increase in population that could legitimately warrant investment in public services. This was raised by NHS Property Services and the Council accepted the point that this should be reflected in the policy so that that potential requirement is forefront of any deliberation on appropriate schemes.

30. Is the requirement for a Health Impact Assessment at the thresholds set out in the policy, justified?

The importance and interconnectedness of health and planning is well established and the NPPF, at section 8, sets out how planning policies and decisions can promote healthy communities. Bootle, as set out in the explanatory text to Policy BAAP10, has worse health outcomes than other parts of Sefton and it is therefore considered a justified approach that developments of a certain scale demonstrate what measures they have taken to address out health outcomes can be improved or mitigated as a result of the development.

31. Are those thresholds justified?

Whilst the Council consider health outcomes from planning to be important, it doesn't want to place too much of a burden on small and medium developers or to create a bottleneck to the development management process. The thresholds have been chosen as they are considered high enough to avoid too many relatively inconsequential proposals to be subject to the process and low enough that each of the housing allocations would require an HIA. The threshold would also pick up most employment proposals on the strategic employment allocations and most large retail stores if proposals for those were to come forward. The thresholds for HIA match those for the Employment and Skills Plan as set out in policy BAAP15.

BAAP11 Public Greenspace

32. Is the policy justified?

Sections 2 and section 8 of [document SP19 Environmental and Climate Change Topic Paper](#), especially paragraphs 2.2, 2.6, 2.7 and 2.18, and its [Appendices](#), notably Appendices 1, 2 and 4, set out the justification for the policy.

33. Is the policy consistent with national policy on open space and recreation?

It is considered that the policy is broadly consistent with national policy on open space and recreation, notably paragraphs 96, 103 and 104 of the National Planning Policy Framework. The explanation to the policy and [document SP19 Environmental and Climate Change Topic Paper](#) (especially paragraphs 8.3 to 8.5) set out the evidence and reasons that, in relation to the National Planning Policy Framework, the Council has, in effect, already determined that there is no clear surplus of open space in Bootle. No sites identified within the plan area are considered to be suitable for replacement provision for pitches, parks or other public greenspaces. Replacement provision outside the plan area would not represent equivalent or better provision.

There is a relative shortage of main, neighbourhood and community parks (all parks) in the plan area compared to all of Bootle and Netherton and the whole of Sefton. There are 1.20 hectares of all parks per thousand population (1.2 ha/1000) in the plan area, compared to 1.18 ha/1000 in Bootle and Netherton and 1.24 ha/1000 for Sefton as a whole. With the exception of Opportunity Area BAAP 22 below, the Council wishes to protect all of the public greenspaces (including pitch sites) in the plan area from development other than that set out in part 1 of policy BAAP11.

34. Is part 1 clearly written and unambiguous, so that it is evident how a decision maker should react to development proposals?

The Council considers that the part 1 of the policy is clearly written and unambiguous and that it is evident how a decision maker should react to development proposals, taking into account the response to question 33 above. The first bullet point relates to environmental or green infrastructure improvements, in line with part 1a of Local Plan policy NH5 'Protection of open space and Countryside Recreation Areas'. The second bullet point is in line with paragraph 104 c of the December 2024 National Planning Policy Framework (NPPF) (paragraph 103 of the December 2023 NPPF as set out in paragraph 8.4 of [SP19](#)).

BAAP13 Protection of Employment Land

35. Is the two-year continuous and active marketing period justified and will it be effective?

Justified

The justification for the policy is in two parts. Firstly, Sefton borough has a limited supply of developable land. The current Local plan required a Green Belt review to meet all Sefton's identified employment and housing needs. Available land in the borough remains restrictive with much of Sefton covered by International, national and local nature designations; large tracts of Green Belt; tight boundaries to neighbouring authorities; and a sea boundary around one side of the borough; large areas of low-lying land subject to various forms of flood risk; and a highly dense urban areas that doesn't present many opportunities for new employment allocations. Large parts of Sefton's employment supply is in the Bootle area and so it can't easily be replaced or situated elsewhere. It is also difficult to deliver new employment areas, and the Council have found that allocating sites for new employment uses does not necessarily lead to sites being available in the short or medium-term. Therefore, protecting existing employment land for its intended use remains important.

Secondly, and in the above context, it is necessary to ensure that any development that would result in the loss of employment land, isn't genuinely required. A two-year timeframe will allow better for fluctuations in the market. One year is not considered to be a long enough period to show that a site is genuinely not required for employment uses. The policy will also allow part of that timeframe to include notice to vacate so allows for some flexibility and is not considered to be onerous. This is considered to be reasonable and justified.

Effective

It is also considered that the policy will be effective as it sets out a clear process for the landowner to follow if they wish to promote employment land/premises for other uses. By giving the option of starting the two-year process by giving a notice to vacate the land, it may make the process of marketing the site for other employment uses more proactive and hopefully we generate more market interest.

It is considered this policy will be more effective at protecting much needed employment land from alternative uses than the current Local Plan policy (which requires one-year).

36. Is criteria 2 justified?

Criteria 2 is considered justified because provides a mechanism to bring back into employment use land/premises that have previously been lost to other uses. This is

important for the reasons set out above around the shortage of and difficulty if providing new employment land.

BAAP14 Limiting the Impact of Industry on Residents

37. Is the policy consistent with the National Planning Policy Framework paragraph 200 requirement ensure that new development can be integrated effectively with existing businesses and community facilities?

The policy is considered to be consistent with NPPF para 200. The policy does not put new restrictions on existing businesses and will allow them to grow sustainably.

The policy text refers to “significant” impacts upon living conditions of residents through development. A significant impact is only likely to occur where there is an entirely new commercial use, or significant intensification of the existing use. In those instances, it would not be unreasonable that existing residents are given some protection from those developments, and this is not inconsistent with NPPF para 200.

Much of Bootle’s employment land supply consists of large sites that are not directly adjacent to residential areas or with residential on just one boundary. Therefore, in many instances there will not be a significant interaction between employment allocations and residential areas. However, where employment land does sit close by residential properties, the policy gives appropriate protection without placing unnecessary restrictions on existing businesses.

Part 3 of the policy sets out that the responsibility is on the developer where a new residential proposal is proposed next, or near, to an employment site to ensure that there is no significant impact upon residents from the employment land. This is entirely consistent with the ‘Agent for Change’ principle as set out in para 200 of the NPPF.

BAAP16 Housing Land Provision

38. Will the policy be effective in helping the Council deliver against its overall housing requirement?

Bootle is one of Sefton’s most constrained settlements. It is bounded by Liverpool to the south; Crosby and Netherton to the north and east; and the River Mersey and docks to the west. Much of its available land is subject to contamination and values are generally much lower than other parts of Sefton.

Nonetheless, the town is highly accessible and has a good range of services and facilities and is suitable for new homes. The Policy BAAP16 identifies a range of sites that the Council consider have a reasonable prospect of being delivered in the timeframe of the AAP. There are other sites that could forward for housing, such as those allocated as regeneration opportunity areas, but where the prospect is more uncertain.

Whilst the sites in the AAP will make a meaningful contribution to Sefton's housing requirement, there is an acceptance in light of the amended approach to calculating the housing requirement for authorities (which increased Sefton's housing requirement from 578 to 1,368 per year) that other less constrained settlements will likely take a disproportionately share of this.

However, the 1,500 homes set out would help the Council deliver against its overall housing requirement.

39. Are the proposed allocations flexible enough to accommodate needs not anticipated in the Plan and to enable a rapid response to changes in economic circumstances?

As set out above Bootle is constrained and has limited opportunities for new housing. Nonetheless the AAP contains both a range of housing allocations and other allocations on which the Council would support new housing. Many of the sites are development ready; others would need some on site demolition and remediation; whilst other may need some site assembly. Together they provide a good range of sites for delivery across the plan period and provide excellent opportunities for a range of innovative development types that allow for changes in economic circumstances.

BAAP17 Affordable Housing and Housing Mix

40. Is the policy flexible enough to accommodate needs not anticipated in the Plan?

The policy (part 1) sets out a minimum of 15% of homes on schemes of 15+ to be made affordable. The policy allows for more affordable homes if that is what is being proposed to reflect needs. The Council (part 4 of this policy) will even allow 100% affordable housing schemes, subject to a mix of tenures being provided. In this respect the policy can be considered flexible.

In terms of the size of homes (i.e. number of bedrooms) the policy (part 6) sets out a minimum percentage of smaller homes that should be achieved but leaves plenty of scope for larger homes on site. For example, up to 35% of the market homes on a site could be 4-bedroom or more. The mix policy for affordable homes is written in a way to provide significant flexibility, with the applicant able to provide a mix that reflects the needs of local social housing providers. The policy allows more smaller units as affordable housing to meet the needs of local people if needed, and which reflects the most recent assessment in the 2019 Strategic Housing Market Assessment (SHMA) and summarised in the Housing Topic Paper ([Document SP17](#)).

41. Is the proposed tenure mix consistent with national and local policy?

At the time of submission, the relevant national policy (National Planning Policy Framework, December 2023) set out that on major schemes 'at least 10% of the total number of homes to be available for affordable home ownership' homes'. The Written Ministerial Statement on 24 May 2021 and Planning Practice Guidance on First Homes introduced a need for 25% of homes secured through a planning obligation should be made available for First Homes.

Policy BAAP14 requires that 15% of the homes should be affordable on schemes of 15 homes or more. This requirement is the same as the Local Plan policy for Bootle which is set out in Local Plan policy HC1 part 3. Of these 67% should be affordable homes ownership homes (i.e. 25% First Homes plus 42% other affordable homes as set out in the policy). This would give the 10% of the total scheme, which would accord with the national policy at the time. The only exception is that the policy only applies to schemes of 15 homes or more, rather than all major proposals.

The December 2024 National Planning Policy Framework update removed the need for both the 10% of all homes to be affordable home ownership homes and the 25% First Home requirement. Whilst the Bootle AAP is being test against the December 2023 Framework, as set out in paragraph 234 of the current Framework, the Council would be happy to reflect the existing Local Plan policy and revert to a 50:50 between affordable/social rented home and affordable home ownership homes, subject to the modifications process.

BAAP20 Hawthorne Road/Canal Corridor Regeneration Opportunity Area

42. Is the policy as a whole justified and effective?

The Hawthorne Road/Canal Corridor is one of the key areas for regeneration, growth and improvement within Bootle. It is perhaps the largest cluster of existing and potential development sites that exist in the own and as such warrants a policy that set out some key principles that will guide future development. It is expected that the transformation of the area will take many years to occur, and this will happen in phases. The policy is therefore intended to reflect this long-term horizon to enable the sites available now to be developed for new housing development whilst allowing existing uses to continue, at least for the short to medium term. To support this policy, work has already commenced on a Masterplan for the area.

Without this policy, and supporting Masterplan, there is a risk that each site is developed in isolation, with no regard to other sites, the canal or the wider area. The Council therefore considers the policy justified and effective.

BAAP21 Bootle Village Regeneration Opportunity Area

43. Is criteria 5 sufficiently robust to ensure the policy is effective?

The Council appreciates that this would be a very challenging site to redevelop. Previous attempts to secure permission for residential redevelopment have stalled in part due to lack of affordable housing. Since then, the government introduced the vacant building credit for the very reason to assist sites such as this to come forward for development. Part 5 of the policy reflects this and sets out that the Council will not expect an applicant to go through the process of applying for vacant building credit (or indeed a viability assessment) to reduce affordable housing and will, as a matter of policy, allow for 100% market homes. Whilst this would inevitably be the outcome anyway, it is considered removing this administrative barrier will help demonstrate the willingness of the Council to positively engage with prospective developers on the future of the site.

Therefore, the Council considers criterion 5 is sufficiently robust and helps ensure the policy is effective.

BAAP22 Open land between Irlam Road and the Asda Store Regeneration Opportunity Area

44. Is the policy consistent with greenspace policies in this Plan and the Local Plan?

The Council accepts that the site of this Opportunity Area was designated as open space in Local Plan policy NH5 'Protection of open space and Countryside Recreation Areas'. However, it is not, and never has been, a park in the traditional sense, more like 'left over space' after development. Engagement with ward members during the early stages of the Bootle AAP identified this site as a location of anti-social behaviour to the extent that they were content that it be considered for other uses. Notwithstanding the relative shortage of all parks in the plan area (a calculation which omits this site), its poor quality and location are key reasons why it has been identified as an Opportunity Area. Much of the justification for this is set out in policy BAAP22 and its explanation. Paragraph 8.36 of [document SP19 Environmental and Climate Change Topic Paper](#) supplements this.

BAAP23 Coffee House Bridge Regeneration Opportunity Area

45. Is the policy consistent with greenspace policies in this Plan and the Local Plan?

The site was allocated in the Sefton Local Plan as a housing allocation, so the principle of developing the former St Marys playing fields has previously been established. The school closed in August 2005. The part of the allocation that is open land is not publicly accessible and is used, on occasion, by the social enterprise who work from the adjacent buildings. They aspire to redevelop the site for a mix of uses focussed on housing.

In this respect, the open land on this site is very different from the open space that Policy BAAP11 is seeking to protect and therefore the Council considers Policy BAAP23 is compatible with Policy BAAP11 and the aim to protect public greenspaces.

46. Is the policy as effective as the one it supersedes in terms of securing appropriate developer contributions?

Paragraph 5.235 of the Bootle AAP sets out that the Council is no longer seeking planning obligations on this site towards compensatory provision for the loss of playing field. As set out above, the school closed almost 20 years ago, and the site has not been used as playing fields since then. The most recent Playing Pitch Strategy did not identify a shortfall of the type of playing field that was once available to the primary school. The monies that were due to be secured through the Local Plan policy would have been allocated to Litherland Sports Park, which is 3.3km away and not well served by public transport. Subsequent to the adoption of the Local Plan, the Council approved a windfall housing development on Copy Lane in Netherton (DC/2019/01435) which secured £190,000 towards local playing pitches. This site is close to Litherland Sports Park and more than compensates for the loss of any monies that would have been achieved on the Coffeehouse Bridge site. The

Council consider that securing a contribution towards environmental improvements in the local area, through Policy BAAP24, is a much more justified and effective approach.

47. Is the policy justified in its approach to sports and recreation facilities?

See response to Q46 above. It is considered the change in approach to planning obligations to more local environmental improvements over contributions towards playing pitches in the neighbouring town is justified.

BAAP24 Environmental Improvements

48. Is the overall requirement for and threshold of contributions towards environmental improvements in the local area justified?

The Council considers that the overall requirement, thresholds and approach is justified, as set out in [document SP19 Environmental and Climate Change Topic Paper](#) and its [Appendices](#), notably section 2 (notably paragraphs 2.2, 2.6, 2.7 and 2.18, all of section 8 and Appendix 2. This includes [Proposed Modifications \(CD04\)](#) to the explanation of policy BAAP24, as set out in the Topic Paper.

49. What evidence is there to justify the inclusion of hot food takeaways in the requirement for contributions to environmental improvements?

Fly-tipping and litter were raised as significant concerns multiple times in earlier Bootle AAP consultation stages by many residents, as having a detrimental impact on the attractiveness and perception of Bootle for those living, visiting or investing the town (see for example plan paragraphs 2.35 and 5.12, policies BAAP1 parts 5 and 6 and BAAP24 part 5). The inclusion of takeaways as a qualifying scheme to contribute to the environmental improvement contribution reflects that these businesses, more than others, will provide packaged goods that will often be eaten immediately just off the premises. This often results in a proliferation of litter that is disproportionate to the size of the business. This often results a cost to the Council to provide additional street bins and refuse collection/cleaning services. Whilst many of the takeaways would fall under the 100m² threshold otherwise required by the policy, it is considered justified that the Council apply this policy to these uses.

50. Is the policy clearly written and unambiguous, so that it is evident how a decision maker should react to development proposals

Section 8 of [document SP19 Environmental and Climate Change Topic Paper](#), and especially paragraphs 8.22 to 8.35, demonstrates that policy BAAP24 is clearly written and unambiguous, so that it is evident how a decision maker should react to development proposals. This takes account of the [Proposed Modifications \(CD04\)](#) to part 3 of the policy and a new paragraph of explanation. Successive parts of the policy set out what types of development it applies to, the cost per unit/floorspace, how this will be secured, viability exceptions, priorities for spending and inflation adjustments.

Ends.