
Report to Sefton Metropolitan Borough Council

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Date

Planning and Compulsory Purchase Act 2004 (as amended)

Section 20

**Report on the Examination of the Bootle Area Action Plan (Regulation 19) Draft
July 2024**

The Plan was submitted for examination on 16 December 2024

The examination hearings were held on 17 June 2025

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Abbreviations used in this report

BNG	Biodiversity Net Gain
Framework	National Planning Policy Framework, December 2023
MMs	Main Modifications
PPG	Planning Policy Guidance
SHMA	Strategic Housing Market Assessment

Non-Technical Summary

This report concludes that the Bootle Area Action Plan (Regulation 19) Draft July 2024 provides an appropriate basis for the planning of the Bootle area, provided that a number of main modifications [MMs] are made to it. Sefton Metropolitan Borough Council has specifically requested that I recommend any MMs necessary to enable the Plan to be adopted.

Following the hearings, the Council prepared schedules of the proposed modifications. The MMs were subject to public consultation over a 6 week period. I have recommended their inclusion in the Plan after considering all the representations made in response to consultation on them.

Introduction

1. This report contains my assessment of the Bootle Area Action Plan (Regulation 19) Draft July 2024 (the Plan) in terms of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended). It considers whether the Plan is compliant with the legal requirements and whether it is sound.
2. For clarity, given the dates of the Regulation 19 consultation and the transitional arrangements in the current version of the National Planning Policy Framework (the Framework), the Plan has been examined under the December 2023 version of the Framework. The report therefore refers to that version.
3. Paragraph 35 the Framework makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
4. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The Bootle Area Action Plan (Regulation 19) Draft July 2024, submitted in December 2024 is the basis for my examination. It is the same document as was published for consultation in September 2024.

Main Modifications

5. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any main modifications [MMs] necessary to rectify matters that make the Plan unsound and thus incapable of being adopted. My report explains why the recommended MMs are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2** etc, and are set out in full in the Appendix.
6. Following the examination hearings, the Council prepared a schedule of proposed MMs. The MM schedule was subject to public consultation for 6 weeks. I have taken account of the consultation responses in coming to my conclusions in this report

Policies Map

7. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted Plan. In this case, the submission policies map comprises the set of plans identified as the Policy Map as set out in document SD3.

8. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, none of the published MMs to the Plan's policies require further corresponding changes to be made to the policies map.
9. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the changes proposed in the Plan.

Context of the Plan

10. The Plan is proposed to supplement, and in some cases, supersede policies in A Local Plan for Sefton, adopted April 2017 (the adopted Local Plan) in order to support regeneration in Bootle and to direct and encourage the right development and investment into the area. The Plan builds on aspirations for the town set out in other Council documents and the adopted Local Plan, addresses the specific challenges and opportunities of Bootle, with regeneration at its heart.
11. Bootle shares close economic, social, cultural and transport links with Liverpool and the wider city region. Although it now relies heavily on the service sector for employment, it was previously closely connected to the expansion and operation of the docks, leading to large amounts of housebuilding and growth, often at high density. The legacy of previous growth, economic use and decline presents challenges for the future of Bootle, with difficult environmental conditions to address in places, associated land-value challenges and town-centre vacancy-rates, as well as a need for housing and facilities for an aging population.
12. The Plan outlines a Vision and Objectives to deliver the regeneration of Bootle. Amongst other things, meeting housing needs, providing services and facilities, jobs, training and opportunities, town centre improvements and protecting the built-heritage of the town.

Public Sector Equality Duty

13. I have had due regard to the aims expressed in S149(1) of the Equality Act 2010. This has included my consideration of several matters during the examination including the potential for the Plan to reduce discrimination and barriers to equality. Particularly in relation to people with disabilities and older people, as well as the potential for town centre improvements to create greater community cohesion.

Duty to Co-operate

14. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation. However, as identified in the Plan, and made clear through my examination, it is clear that the Plan does not 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.
15. Notwithstanding the close cross-boundary and city-region-wide working¹, the duty to co-operate was not therefore engaged by the Plan.

Assessment of Other Aspects of Legal Compliance

16. The Plan has been prepared in accordance with the Council's Local Development Scheme².
17. Consultation on the Plan and the MMs was carried out in compliance with the Council's Statement of Community Involvement³.
18. The Council carried out a sustainability appraisal⁴ of the Plan, prepared a report of the findings of the appraisal, and published the report along with the plan and other submission documents under Regulation 19.
19. The Final Habitats Regulations Assessment Test of Likely Significant Effects and Appropriate Assessment Report, May 2024⁵ sets out that a full assessment has been undertaken. Although the Plan may have some negative impact which requires mitigation, this mitigation has been secured through the adopted Local Plan, and Natural England are satisfied with this approach⁶.
20. The Development Plan, taken as a whole, includes policies to address the strategic priorities for the development and use of land in the local planning authority's area.

¹ Document SP16 Duty to Cooperate Statement of Compliance and CD01 Responses to Inspector's Questions of 10 February

² Document SP2 Local Development Scheme June 2024

³ Document SP3 Statement of Community Involvement March 2018

⁴ Documents SD4 Environmental Report of the Sustainability Appraisal for Bootle AAP July 2024, supported by Documents SD5 and SD6

⁵ Documents SD7 and SD8

⁶ Representation 05 Natural England 6 November 2024

21. It also includes policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change. In this Plan, those are specifically policies BAAP1 Design, BAAP2 Best Use of Resources, BAAP8 Getting Around, BAAP17 Affordable Housing and Housing Mix, BAAP19 Conversions to Flats and Homes in Multiple Occupation and BAAP23 Coffee House Bridge Regeneration Opportunity Area, which Appendix C of the Plan identifies as meeting Objectives 2 and 13 of the Plan.
22. The Plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations. Notably, as required by Regulation 8 (4) & (5) the Plan is consistent with the development plan, except where certain policies, as listed in Appendix A of the Plan, are intended to supersede another policy in the adopted Local Plan.

Assessment of Soundness

Main Issues

23. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, I have identified two main issues upon which the soundness of this plan depends. This report deals with these main issues. It does not respond to every point or issue raised by representors. Nor does it refer to every policy, policy criterion or allocation in the Plan.

Issue 1 – Is the role and scope of the Plan justified, effective and consistent with other local policy?

Consistency with other local policy

24. The Plan clearly establishes its role and scope in relation to national and local policy. It makes plain how it delivers on the aims of the adopted Local Plan, with particular focus on the specific challenges and opportunities in Bootle. It is also clear from the Plan how it will contribute to delivering adopted Local Plan housing aims, and how policies which supersede those in the adopted Local Plan will operate to achieve consistent outcomes.

Regeneration of Bootle

25. The adopted Local Plan identifies Bootle as a regeneration area, and the Plan develops that theme, providing a spatial strategy to achieve that regeneration as well as policies to deliver it. It is this central tenet of regeneration, but not regeneration at any cost, which gives me confidence that the Plan is sound in terms of its design-led approach to that regeneration, as well as the importance of master-planning and key design principles. Similarly, I am satisfied that although the technical, on-paper evidence on viability is marginal, overall it is a sound approach given the sensitivity of viability matters in an area such as this, and the obvious real-world experience of development pressure and activity in the area.

Conclusion

26. I am therefore satisfied that the role and scope of the Plan is clearly set out, justified, effective and consistent with other local policy and in that respect, the Plan is sound.

Issue 2 – Are the policies clear, justified, consistent with national policy and will they be effective?

Viability

27. Policies and proposals in the Plan have been subject to viability testing⁷, with a range of development typologies. This theoretical exercise showed that the viability of many of the allocations and development typologies was marginal. However, the overarching aim of the Plan is one of regeneration. The viability testing is clearly extremely sensitive to values and does not take into account any grant funding, nor is it able to factor in value uplift in the area from development under way, which would in itself improve the overall picture.
28. There is already development interest and pressure in the area, including on allocated sites whose viability was marginal in the testing. These findings apply equally for housing and employment sites. I agree with the overall position that it is not unusual in an area such as this, or in a Plan such as this with a regeneration focus, for viability to be marginal on paper. In any event, policies in the Plan allow for viability issues to be taken into account if necessary and where relevant, meaning that the plan is effective.
29. In specific viability terms, I am therefore satisfied that even in light of the Viability Testing, on balance the policies in the Plan would be effective and are sound.

⁷ Document SP5 Viability Testing

Design

30. Policy BAAP1 Design is an overarching design policy. It explicitly links the intention for the Plan to create places, buildings, or spaces that reflect the best of local character, work well for everyone, promote healthy active lifestyles, look good, last well, and will adapt to the future needs of residents and businesses with adopted Local Plan policies and design policies in the Framework.
31. Policy BAAP1 Design requires high quality and inclusive design on all development proposals at all scales. I am satisfied that this intention to raise design standards, and in particular, to do so having regard to the historic character and civic heritage of the area is consistent with other local and national policy, is effective, justified, and given that overarching aim, positively prepared. I am also satisfied that these aims, which were factored into the Viability Assessment can be achieved in the challenging viability context of the Plan, as good, high-quality design is not necessarily more expensive and viability challenges are no reason to allow any and all development, regardless of quality. This is supported by the design policies in the Framework.
32. The policy recognises the architectural, historic and social significance of Bootle's past, and is effective in ensuring that those qualities, balanced against all other design considerations, will deliver on the ambitions of the Plan.
33. At present, the policy is somewhat unclear as to the level of detail required in relation to drainage and flood risk, with concerns over the likely effectiveness of it as a result. **MM1** and **MM2** are therefore required to ensure that the policy is effective in managing drainage and flood risk, by clarifying the areas and proposed mitigation which should be considered. Subject to those MMs, the policy will ensure that drainage and flood risk factors are properly factored into high quality development. The policy will also be clearly written and unambiguous.
34. Policy BAAP3 Bootle Central Area aims to support the ongoing regeneration of the Central Area, and section 4 seeks to ensure that a masterplan is progressed to achieve the principles in the policy. However, such an approach is considered unsound as it may not be effective, given its particular wording. In order to ensure the effectiveness of Policy BAAP3 Bootle Central Area, **MM4** is required to allow for the development of a Masterplan or Masterplans, depending on their scale. This approach better reflects the likely approach to development of the Central Area in parts rather than as a whole, and allows the policy, and the regeneration-focussed plan as a whole to be effective. This better reflects the likely approach to the development of the Central Area. It is in this process that opportunities will arise to express more detailed design requirements reflecting the architectural, historic and social significance of Bootle's past and aims for the future.

Resources

35. Policy BAAP2 Best Use of Resources, seeks to ensure the best use of resources, including the reduction of greenhouse gas emissions, energy efficiency, and the use of low carbon, decentralised or renewable energy in order to support the transition to a low carbon future in a changing climate. In the context of that overarching aim, as well as Building Regulation requirements, and the evidence of United Utilities which demonstrates a clear local need for the imposition of the lower water consumption limit, I am satisfied that the limiting of water usage in new development proposed by the policy is an appropriate and positively prepared policy aim.
36. The evidence⁸ before me shows that there is a well-reasoned and costed rationale for the policy approach. In addition, although the reduced water consumption amount is an optional Building Regulations requirement, it is nevertheless a Building Regulations requirement. As such, the approach is consistent with national policy. Moreover, given the economic pressures of the area and pressures on its residents, that this approach will effectively reduce the cost of living shows that the policy is positively prepared.
37. At present, Policy BAAP2 Best Use of Resources is unsound as the wording around water usage in part 2 is not effective. Subject to **MM3** to amend the wording, the policy will be effective, as it would be clearly written and unambiguous so that it is evident how a decision maker should react to development proposals.
38. There is no evidence to suggest that the level of development proposed, coupled with the existing levels of healthcare provision in the area, and taking into account the specific health issues of the area⁹ will require additional healthcare facilities or resources which will require developer contributions. There is however clear evidence of the link between planning and health outcomes, particularly in Bootle¹⁰. As such, Policy BAAP10 Healthy Bootle, including the thresholds within it for the submission of Health Impact Assessments is positively prepared, justified and effective.

⁸ Document SP19 Environment and Climate Change Topic Paper
Document HS01 Sefton Council Hearing Statement
Representation 11 United Utilities

⁹ Document SP4 Health Impact Assessment of the Bootle Area Action Plan

¹⁰ Document SP4 Health Impact Assessment of the Bootle Area Action Plan

Affordable housing

39. Policy BAAP17 Affordable Housing and Housing Mix supersedes those parts of adopted Local Plan Policies HC1 Affordable Housing and HC2 Housing Type, Mix and Choice with respect to the Bootle area. The housing mix it now proposes is based on the most up to date identified housing needs in the area¹¹ and is consistent with the requirements of both the December 2023 Framework and the PPG, particularly with regard to its approach to First Homes. Changes in the December 2024 Framework update reduced somewhat the level of prescription around affordable housing mix. However, those changes still required the mix to meet identified local needs.
40. As the Plan takes an evidence-based approach to meeting local needs, and as the First Home requirements remain in the PPG, I am satisfied that the approach taken in the Plan is justified, will be effective and remains wholly consistent with national policy.
41. Similarly, the approach of the policy to requiring a percentage of homes on schemes of 50 dwellings or more to achieve Building Regulation Requirement M4(3) is positively-prepared, evidence-based¹², justified, and with the exemptions already included within the policy around conversions and other site-specific factors, justified and effective.
42. At present, section 6 of Policy BAAP17 Affordable Housing and Housing Mix does not clearly allow for the viability of development proposals to be taken into account. Given the marginal viability of the area, the policy would therefore not be effective and would not be sound. **MM7** and **MM8** give clarity for decision makers and applicants and make the requirements of the policy clear and unambiguous. They also ensure that subject to the submission of appropriate evidence, particularly when requirements cannot be achieved, the policy is flexible. This would make the policy effective,

Environmental improvements

43. Policy BAAP9 Nature requires development proposals to be consistent with national policy and legislation around Biodiversity Net Gain (BNG). As written, the policy is unsound as it is not effective. The wording of its approach to development proposals which do not have to provide BNG is unclear and requires additional interpretation. Whilst the aspiration in the policy, for those development types to take opportunities to secure biodiversity gains is sound, **MM5** is necessary to ensure the effectiveness of the policy through providing a clear link to, and consistency with the relevant legislation.

¹¹ Document SP17 Housing Topic Paper

¹² Document SP17 Housing Topic Paper

44. Policy BAAP24 Environmental Improvements seeks financial contributions to address environmental issues which, taken together, detract from the attractiveness of Bootle. This, in turn has a bearing on the overall effectiveness of the Plan in achieving its regeneration objectives. The policy sets thresholds for the types and scales of development which are required to make contributions, and makes clear what monies collected will be used for. Subject to **MM9**, **MM10** and **MM11**, which clarify that sums will be subject to viability testing, that on-site benefits could be an improvement over and above area-wide improvements in certain cases, and associated explanatory text, the policy will be effective and justified.
45. Policy BAAP11 Public Greenspace seeks to protect existing public green spaces, improve links between them, and secure investment in them. This approach reflects the dense urban environment of Bootle. There is an existing network of green spaces which are to be protected, and improved rather than added to or extended, in order to ensure that the emphasis is on quality rather than quantity, particularly in terms of investment in and spending on green spaces. Policy BAAP11 Public Greenspace will be effective, subject to **MM6** which makes clear that environmental enhancements may not specifically relate to green spaces. This MM also ensures that the Plan is internally consistent (notably with Policy BAAP24 Environmental Improvements) and that Policy BAAP11 Public Greenspace is clearly written and unambiguous.

Conclusion

46. Subject to the MMs explained above, the Plan's policies would be clear, justified, consistent with national policy and effective.

Overall Conclusion and Recommendation

47. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explained in the main issues set out above.
48. The Council has requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Plan satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is legally compliant and sound.

S Dean

INSPECTOR

This report is accompanied by an Appendix containing the Main Modifications.