

## **EXAMINATION OF THE BOOTLE AREA ACTION PLAN**

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Examination web pages: <https://www.sefton.gov.uk/Planning-building-control/Planning-policy-including-local-Plan-and-neighbourhood-Planning/bootle-area-action-Plan/>

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**24 March 2025**

### **INSPECTOR'S INITIAL MATTERS, ISSUES AND QUESTIONS**

#### **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?
2. If not, is the Duty to Cooperate engaged by this Plan?
3. If, however, the Duty to Cooperate is engaged, what are the specific outcomes of it?

#### **Sustainability Appraisal**

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

#### **Habitats Regulations Assessment**

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

#### **Local Development Scheme**

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

#### **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?

## **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?

## **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?

## **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?
11. Is the Plan consistent with the Local Plan?
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?

## **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?
14. Will the specific allocations and policies in the Plan as a whole be effective given the outputs of the viability testing?
15. Have the allocations been selected on a robust basis?
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?
17. Are design code (BAAP1) and masterplan (BAAP3, BAAP4, BAAP6, BAAP20) requirements justified and effective?
18. Have the recommendations in the SFRA Overview Update been incorporated into the Plan? Are they necessary for soundness?
19. Are the modifications already proposed to policies in the Plan necessary for soundness?

## **BAAP1 Design**

20. Would the policy be effective in raising design quality given the outputs from the Viability Assessment (document SP5)?
21. Is the explicit intention to raise design quality 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?
23. If the policy as written is sound, is it flexible enough to meet changes in economic circumstances?
24. Is the policy clearly written and unambiguous, so it is evident how a decision maker should react to development proposals?

### **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?
26. What are the 'other uses' allowed under the Town and Country Planning General Permitted Development) (England) Order 2015, referred to in part 4c?
27. Is the policy effective in light of those other uses?

### **BAAP7 Local Shopping Parades**

28. Is criteria 8 justified?

### **BAAP10 Healthy Bootle**

29. Is criteria 1.viii justified and effective?
30. Is the requirement for a Health Impact Assessment at the thresholds set out in the policy, justified?
31. Are those thresholds justified?

### **BAAP11 Public Greenspace**

32. Is the policy justified?
33. Is the policy consistent with national policy on open space and recreation
34. Is part 1 clearly written and unambiguous, so that it is evident how a decision maker should react to development proposals

### **BAAP13 Protection of Employment Land**

35. Is the two-year continuous and active marketing period justified and will it be effective?
36. Is criteria 2 justified?

### **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?

### **BAAP16 Housing Land Provision**

38. Will the policy be effective in helping the Council deliver against its overall housing requirement?
39. Are the proposed allocations flexible enough to accommodate needs not anticipated in the Plan, ~~allow for new and flexible working practices~~ and to enable a rapid response to changes in economic circumstances?

### **BAAP17 Affordable Housing and Housing Mix**

40. Is the policy flexible enough to accommodate needs not anticipated in the Plan?
41. Is the proposed tenure mix consistent with national and local policy?

### **BAAP20 Hawthorne Road/Canal Corridor Regeneration Opportunity Area**

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

### **BAAP21 Bootle Village Regeneration Opportunity Area**

43. Is criteria 5 sufficiently robust to 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?

### **BAAP23 Coffee House Bridge Regeneration Opportunity Area**

45. Is the policy consistent with greenspace policies in this Plan and the Local Plan?
46. Is the policy as effective as the one it supersedes in terms of securing appropriate developer contributions?
47. Is the policy justified in its approach to sports and recreation facilities?

### **BAAP24 Environmental Improvements**

48. Is the overall requirement for and threshold of contributions towards environmental improvements in the local area justified?
49. What evidence is there to justify the inclusion of hot food takeaways in the requirement for contributions to environmental improvements?
50. Is the policy clearly written and unambiguous, so that it is evident how a decision maker should react to development proposals

**Ends.**