



**RTPI**

mediation of space · making of place

Royal Town Planning Institute  
41 Botolph Lane  
London  
EC3R 8DL  
Tel +44(0)20 7929 9494  
Fax +44(0)20 7929 9490

Email [online@rtpi.org.uk](mailto:online@rtpi.org.uk)  
Website: [www.rtpi.org.uk](http://www.rtpi.org.uk)

Patron HRH The Prince of Wales KG KT PC GCB

Mrs Sabina Ali  
Department for Transport  
2/31 Great Minster House  
76 Marsham Street  
London SW1P 4DR

31 August 2006

Our ref: Policy

Dear Mrs Ali

**DISCUSSION DOCUMENT FOR THE PORTS POLICY REVIEW  
RESPONSE BY THE ROYAL TOWN PLANNING INSTSTITUTE**

I refer to the current consultation on the Ports Policy review and thank you for the opportunity to provide a response.

I enclose the comments of the Royal Town Planning Institute (RTPI), developed following a period of internal consultation within the Institute. Detailed observations made by the RTPI's London and North West Regions must be acknowledged as having formed a substantial input to these, while the comments also reflect the views of the Royal Town Planning Institute in Scotland that have been submitted to the Scottish Executive.

Yours sincerely,

Kelvin MacDonald FRTPI  
Director, Policy and Research



**RTPI**

mediation of space · making of place

## **DISCUSSION DOCUMENT FOR THE PORTS POLICY REVIEW: A RESPONSE TO THE DFT**

August 2006

---

<b>CONTENTS</b>	<b>PAGE</b>
<b>PART 1: SUMMARY</b>	<b>1</b>
<b>PART 2: INTRODUCTION - STRUCTURE AND SCOPE OF RESPONSE</b>	<b>2</b>
<b>PART 3: GENERAL POLICY RESPONSE</b>	<b>2</b>
<b>PART 4: RESPONSE TO QUESTIONS</b>	<b>6</b>

### **PART 1: SUMMARY**

1. The RTPI warmly welcomes this discussion document which examines some of the major issues surrounding the development of the nation's port facilities over the next 25 years. We would particularly welcome what we hope we can construe to be an acceptance in this consultation document that the time has now arrived for a national ports strategy.
2. In making our comments on this consultation document there are several points that the RTPI wants particularly to emphasise. We have elaborated on these in some detail in our submission, but highlight them in bullet point below:
  - Recent experience in approving applications for new port developments have demonstrated an overwhelming case for formulating a National Ports Strategy.
  - A Strategic Environmental Assessment should form part of this strategy.
  - Major new port developments in the UK need to recognise and respond to the UK's sustainable infrastructure gap.
  - To rectify this gap, we require a national spatial planning framework to integrate new infrastructure development proposals. A national port strategy has an important role to play in the construction of such a framework.
  - A national ports strategy must reflect the role that ports have to play as a driver of economic growth and regeneration in underperforming regions.
  - The strategy must also reflect and respond to DEFRA's Marine Spatial Planning proposals more closely than this consultation document does.
  - The opportunities for streamlining regulatory processes to create a more unified process of regulation need to be examined.

## **PART 2: INTRODUCTION - STRUCTURE AND SCOPE OF RESPONSE**

3. The RTPI is a membership organisation representing over 19,000 town planners. The RTPI exists to advance the science and art of town planning for the benefit of the public. It is strongly committed to a new vision for planning, which we consider should be spatial, sustainable, integrative and inclusive, embracing the wider environment as distinct from urban or terrestrial space alone. This vision closely informed the changes to the planning system for England provided for in the Planning and Compulsory Purchase Act 2004 and has informed similar reform processes and the development of national terrestrial spatial planning frameworks in Scotland, Wales and Northern Ireland.

4. RTPI’s 2001 *New Vision for Planning* stated that:

*Our focus is on the location and quality of social, economic and environmental changes. In developing a New Vision for Planning we therefore use the term ‘spatial planning’. We do so to emphasise that planning is as much concerned with the spatial requirements for, and impacts of, policies - even where these do not require a ‘land-use’ plan - as it is with land use zonings. The interrelationships, for example, of governmental policy can only be properly demonstrated by consideration of their aggregate impacts for specific places.<sup>1</sup>*

The scale and impacts of our ports mean that they have a central role to play in all levels of spatial plan-making. We have sought to emphasise this in our response to the consultation.

5. This review raises some vital issues relating to spatial planning – particularly, as far as the Institute is concerned, those in Section 4 (National, regional and local impacts), 5 (Inland Connections), 6 (Safety, Security and the Environment) and 9 (Making the Planning System Work More Efficiently). Our response starts with some general comments about the need for a national ports strategy that should form part of a wider framework for major infrastructure development in the UK. It then answers the questions from Sections 1, 4, 5, 6 and 9 where the Institute has views that we would like considered.

6. Our comments are entirely concerned with widening the contribution that our ports can make to the nation and to improving the planning and decision making processes that surround new port developments. As a national body, RTPI has not attempted to provide responses that are specific to individual regions or ports.

## **PART 3: GENERAL POLICY RESPONSE**

### **The Case for a National Ports Strategy**

7. The nation’s ports are vital to national well-being. Almost all the goods that enter and leave the country do so by sea. The volume of these goods is growing inexorably and it is essential that future port capacity in the country is sufficient to handle it. Yet, providing new capacity involves major investment, and the economic and environmental impacts of the ensuing

---

<sup>1</sup> From the RTPI ‘New Vision for Planning’: <http://www.rtpi.org.uk/about-the-rtpi/vision.pdf>

development extend across the country. An indication of the level of this impact is provided by paragraph C1.11 of the consultation document which forecasts that lorry tonne kilometres to and from GB ports will double by 2030, and that by then they will represent almost one quarter of all GB lorry traffic. Roughly half of this traffic will be in the Greater South East which already contains the most congested motorways in Europe<sup>2</sup>. Growth on this scale is so large that the nation cannot begin to accommodate it just by muddling through, as it has done in the past. The UK needs a strategy to respond to it.

8. The arguments for a national ports strategy were rehearsed as recently as 2001/2 when the DfT accepted the port operators’ view that a strategic approach to new port development is not required. The argument then<sup>3</sup>, which the Government accepted was that:

*The port operators do not agree that a strategic approach is needed. They say that a commercially driven approach produces the most efficient outcome. Private sector companies that put forward projects incur significant out of pocket expenses to go through the existing procedures, and there is a risk that there might not be a successful outcome. In these circumstances promoters are unlikely to bring forward unacceptable projects.*

9. One of the problems for port operators was that a national strategy for ports would require a Strategic Environmental Assessment (SEA). This would allow proper consideration of cumulative effects of different port developments in a way that would streamline decision making for individual proposals. The need for such an SEA was dismissed on the grounds that:

*In a largely private sector industry working to commercial pressures, the industry has an incentive to make the best judgment regarding trade-offs between commercial, economic and environmental and other objectives within the existing policy framework, rather than extend regulations to direct activity. The existing regulations and directives affecting port developments require a very full and comprehensive reporting of environmental and other impacts.*

10. A 43 month application process<sup>4</sup> for the new port at Dibden Bay tested this approach and found it badly flawed. The Government’s decision not to approve the development caused the value of the developer ABP Ports’ shares to fall 10% in a day<sup>5</sup> while the public inquiry Inspector criticised the impact diagnosis of what was a candidate Special Area of Conservation under the EU Habitats Directive. Dibden Bay’s delays have been repeated at London Gateway where an application under the Harbours Act 1964 for a Harbour Empowerment Order was made in July 2002 but has remained unresolved since the public inquiry closed in September 2003 despite two minded to approve letters<sup>6</sup>. It is a situation that satisfies nobody.
11. These cases highlight the absence of certainty about public policy surrounding major new developments. The RTPI is encouraged that, in their search for certainty, operators seem to have recognised that better decision making processes are required. As Sir Rod Eddington

---

<sup>2</sup> [www.advantagewm.co.uk/downloads/sinei--surface-infrastructure-of-national-economic-importance.pdf](http://www.advantagewm.co.uk/downloads/sinei--surface-infrastructure-of-national-economic-importance.pdf)

<sup>3</sup> [www.dft.gov.uk/stellent/groups/dft\\_shipping/documents/page/dft\\_shipping\\_508250-01\\_hcsp#P47\\_2510](http://www.dft.gov.uk/stellent/groups/dft_shipping/documents/page/dft_shipping_508250-01_hcsp#P47_2510) - Para 11

<sup>4</sup> [www.hm-treasury.gov.uk/media/3E7/E1/barker2\\_interim050706.pdf](http://www.hm-treasury.gov.uk/media/3E7/E1/barker2_interim050706.pdf)

<sup>5</sup> <http://business.scotsman.com/index.cfm?id=447112004>

<sup>6</sup> [http://www.dft.gov.uk/stellent/groups/dft\\_shipping/documents/pdf/dft\\_shipping\\_pdf\\_612278.pdf](http://www.dft.gov.uk/stellent/groups/dft_shipping/documents/pdf/dft_shipping_pdf_612278.pdf)

who is undertaking the review of the links between transport and the UK’s economic productivity, growth and stability, told the Transport Select Committee:

*The key stakeholders in those circumstances say, "Well, we accept that sometimes the answer will be no, but it should not take four years and cost us £45 million to get a no".<sup>7</sup>*

12. A national ports strategy can provide the kind of certainty that port operators and Sir Rod seek. This is not as DfT argued<sup>8</sup> in 2002, akin to the process of picking winners and losers that provided the basis for Britain’s discredited industrial policies of the 1970s. Instead a national ports strategy would enable ports to be viewed in the context of a wider integrated transport policy, and it would enable the cumulative effects of port developments to be considered in a way that would streamline the planning procedures for individual port decisions. A national ports strategy provides a more systematic way to work through issues such as the demand for new capacity, alternative means of serving the public interest, impacts on national and regional transport networks and conformity to national policies for sustainable development that are examined individually at every public inquiry into major port development.<sup>9</sup> It can promote the objectives for regional development as for instance described for the Northern Way<sup>10</sup> and it provides a chance to compare the environmental impacts of major developments as is demanded for example by Portswatch<sup>11</sup>.
13. In short, a national ports strategy would enable better coordination of all the Government’s development objectives – be they economic, environmental social or regional – in a way that is impossible for the piecemeal decision making that has occurred so far. The case for a national ports strategy is, in the RTPI’s view, irrefutable.

### **Recognising the UK’s Sustainable Infrastructure Gap**

14. The Institute is encouraged that Section 2 of the Consultation Paper discusses the principles for Government involvement, particularly with regard to the problem of market failure and the role of state intervention. This is an issue about which there are conflicting views and it is surprising that his section of the consultation should carry no specific questions.
15. Major port developments in the UK require substantial infrastructure to support and service the new facilities. Unfortunately, as the RTPI<sup>12</sup> has described elsewhere, the nation suffers from a ‘sustainable infrastructure gap’ in that a combination of market failure and lack of strategic direction form substantial barriers to the large scale infrastructure development necessary to secure sustainable growth. This gap has emerged over the past 25 years and can be attributed to changes in the way that infrastructure delivery has been managed and regulated since privatisation. Before 1979, the great majority of infrastructure relevant to new port development was publicly owned and provided. Direct and consultative relationships between infrastructure providers and planning authorities ensured that necessary infrastructure was available to service new development. Since 1979 a broad range of

---

<sup>7</sup> Oral evidence taken before the Transport Committee on Wednesday 30 November 2005 - answer to Question 25  
<http://www.publications.parliament.uk/pa/cm200506/cmselect/cmtran/737/5113006.htm>

<sup>8</sup> [www.dft.gov.uk/stellent/groups/dft\\_shipping/documents/page/dft\\_shipping\\_508250-01.hcsp#P47\\_2510](http://www.dft.gov.uk/stellent/groups/dft_shipping/documents/page/dft_shipping_508250-01.hcsp#P47_2510)

<sup>9</sup> See for example the decision letters on, [Dibden Bay](#), [Bathside](#), [Felixstowe](#) and at [London Gateway](#)

<sup>10</sup> TCPA’s Connecting England’ elaborates: [www.tcpa.org.uk/press\\_files/pressreleases\\_2006/CONNECTING\\_ENGLAND.pdf](http://www.tcpa.org.uk/press_files/pressreleases_2006/CONNECTING_ENGLAND.pdf)

<sup>11</sup> [www.foe.co.uk/campaigns/transport/portswatch/](http://www.foe.co.uk/campaigns/transport/portswatch/)

<sup>12</sup> <http://www.rtpi.org.uk/resources/policy-statements/2006/aug/pol20060839.pdf>

public infrastructure necessary to support new growth, has been privatised, while those areas – including highways - where the public sector has remained responsible for delivery have become subject to much more rigorous internal market control.

16. At the time of their privatisation, infrastructure providers inherited forward investment strategies and growth directions that had been closely related to the requirements identified by local planning authorities through the development plan system. This programmed growth and service capacity reserve is a finite resource and it is now close to exhaustion in a number of locations. Over the last quarter century, there has been relatively limited investment in large scale new infrastructure. To deliver the kind of developments required by our steadily growing economy, it will be necessary to develop substantial new service capacity across a broad range of privatised infrastructures. Port operators need to recognise this and play their part in responding to it.

### **The role of a Ports Strategy in a National Spatial Framework for major infrastructure**

17. A national ports strategy has an important role to play in the preparation of a national spatial planning framework which the Institute has long argued<sup>13</sup> the UK requires to address its infrastructure gap and to enhance national competitiveness. Those nations that have a clear strategy for providing essential infrastructure are likely to be better placed to compete for investment than those whose strategy is less clear. Within the EU most Member States have a national spatial planning framework that outlines, amongst other things, the sustainable development priorities for that State. The UK and England are conspicuous in not having any such framework and it is not a coincidence that the UK and England in particular are perceived as being bad at delivering the major items of infrastructure needed to support inward investment, growth and jobs.
18. In its ‘Uniting Britain’ project, the RTPI has recently undertaken research to examine the scope for a UK spatial planning framework<sup>14</sup>. This work, undertaken by Professor Cecilia Wong of the Centre for Urban Studies at the University of Manchester and Andreas Schulze Bäing and Alasdair Rae of the Department of Civic Design at the University of Liverpool, illustrates how a small team can use existing social, economic and environmental spatial data on a UK scale to illuminate issues and trends that are highly relevant to the UK’s competitiveness and to the formulation, for example, of a national infrastructure investment programme. Major ports feature very significantly in this study, reflecting the impact they have on other key items of national infrastructure and on regional development more widely.

### **Observations on the timing and the processes that will ensue from this consultation paper**

19. While the Institute is pleased that there may now be a better understanding of the need for strategic thinking in this area, it is disappointed that it has occurred only after four decisions have been made on major new port developments in the south east of England – three of which the Government has approved, or is minded to approve. Together these schemes would more than double the annual capacity of container ports in the southeast of England,

---

<sup>13</sup> The case is set out in a discussion paper - <http://www.rtpi.org.uk/resources/publications/research/spatialplanning.pdf>

<sup>14</sup> Their report can be downloaded from <http://www.rtpi.org.uk/resources/publications/spatial2.pdf>

adding so much new capacity that they threaten to undermine the Government’s sponsored Northern Way Project which seeks to breathe new life into northern cities. The decisions on these four ports will have national impact and it is difficult to understand Paragraph 1.5’s justification for waiting until they had been taken before this review was done.

20. The Institute remains unclear about the process for taking forward the responses from this consultation or on the form that the eventual policy statement will take. We note, and welcome in principle, the suggestion in Para 4.19 that this will form a material consideration for the preparation and revision of regional plans, but this will only be helpful if key stakeholders have been afforded genuine engagement with the further development of the statement. The RTPI looks forward to its further engagement in this process.

### **PART 3: RESPONSE TO QUESTIONS**

#### **Q1-1 Do you agree with the main focus of the review and the main issues to be covered by it? If not, what other aims or issues should be covered?**

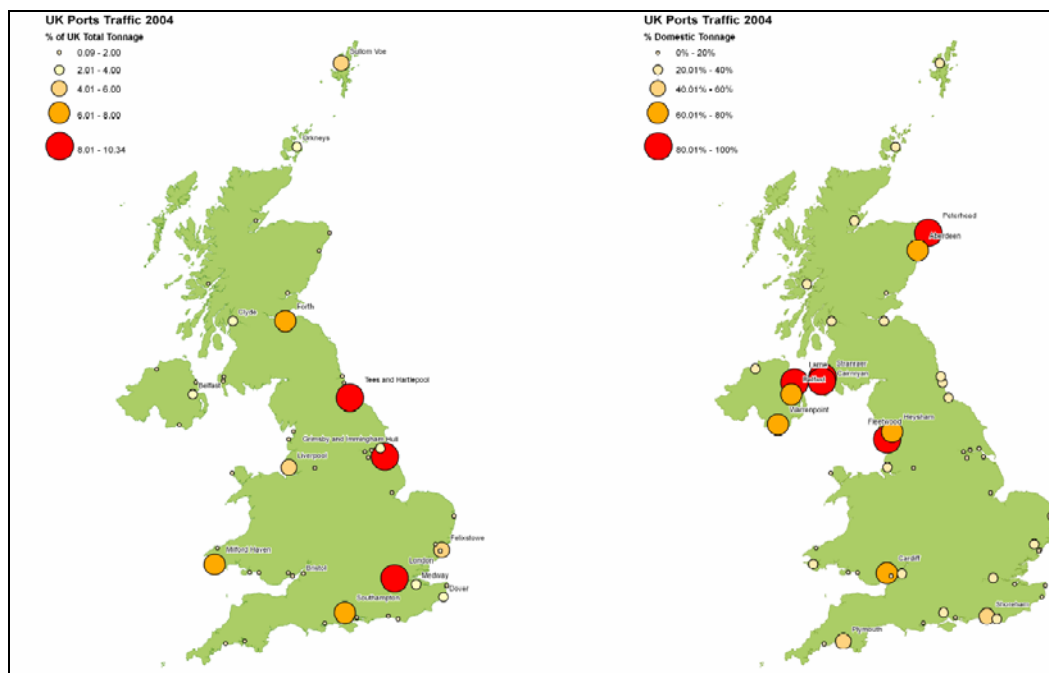
21. The RTPI has a number of comments about the scope of the review which we outline below under six sub-headings:

#### General Coverage

22. The RTPI believes that the consultation document provides a very useful start in forecasting growth demand and in examining its main implications. The consideration of the spatial implications of cargo and traffic forecasts is to be applauded and will directly assist regional planning processes. The Institute is particularly pleased that the review (eg at Paras 1.9 and 2.1) recognises the need to balance the demands of the market-place and its economic influence with the need to pursue long-term social and environmental goals as well as the principles of sustainable development. Social and environmental issues do need to be taken into account when new developments are planned and this is something only Government can take the lead on.
23. The consultation paper offers some extremely useful forecasts of future demand for port facilities which will provide a reference for decision makers in many sectors of the economy. The paper highlights that there will be continual growth throughout the study period, particularly in the form of containerised traffic and that this will have significant impacts on many aspects of life in the UK. It is also important to see that demand is import-led and expected to remain so (para.3.10), highlighting how much the role that our ports play in the national economy has changed.
24. We should have welcomed maps to show the distribution of our ports and the traffic that flows through them, so that the regional pattern – especially of those commercially active and with the largest trade - can be more easily identified. The Institute has in fact compiled such maps as part of its Uniting Britain project<sup>15</sup> and we include two examples below to illustrate the relative significance of individual ports and the contribution they make to domestic trade.

---

<sup>15</sup> Maps 1.12 and 1.13 - <http://www.rtpi.org.uk/resources/publications/spatial2.pdf>



25. Generally, then, this consultation document is a good first step but the Institute would stress that its acknowledgement that new port developments have many implications for other aspects of national and regional development must remain in the forefront of the Government thinking as strategy develops over the coming years.

Relationship to other areas of Government Policy

26. The Institute is concerned that, while it examines in some detail the Government's relationship with the ports industry, consideration of the relationship with other areas of Government policy and responsibility is less rigorous. There is little discussion of the involvement of other agencies of Government who have key responsibilities in this area, particularly DEFRA and DCLG, and the low level of consideration of the many areas of activity that fall within the remit of the Department for Transport, (for example the need to upgrade land-based infrastructure in tandem with port extensions and the extent to which coastal shipping might help to offset the growth in inland road congestion) is unfortunate.

Marine Spatial Planning

27. Amongst the most crucial issues concerning other areas of policy to which the consultation paper pays insufficient attention are DEFRA's new environmental duties in marine planning. The paper does note that DEFRA is concurrently consulting on marine planning and advises (paras 9.20 & 9.21) those wanting to raise issues that relate to the Marine Bill to make their comments to DEFRA. But there is no attempt to explain how these two elements of Government responsibility are to be reconciled and which will prevail in cases of conflict. These questions must be addressed at some point, and if not now they will inevitably resurface and be resolved far less satisfactorily at public inquiries into individual port developments.

28. The institute has taken a lead role in developing the case for marine spatial planning which can provide added value to integrated policy making. In its response to DEFRA's consultation the RTPI<sup>16</sup> proposes that the scope of marine spatial planning should include:
- (a) all forms of physical and spatial development;
  - (b) the exploitation of the assets of the sea and the seabed;
  - (c) the conservation and enhancement of the ecological, physical and historic marine environment
  - (d) changes of use; and
  - (e) zoning for types and scales of activity as appropriate.
29. It is essential therefore that a national ports policy should reflect both terrestrial and marine spatial issues. Port infrastructure decisions can create strategic opportunities and have significant impacts on Marine Spatial Plans. For example, major shipping lanes need to be regarded as strategic infrastructure whose use must to be controlled as must development that could threaten their function. Similarly, the complexity and interactivity of the marine environment and the growing importance of marine protected areas and recreational areas can require that the location of some port and shipping operations to be more carefully managed has been the case in the past. In short, therefore, although marine spatial planning is not considered in this consultation, the RTPI proposes that it should feature strongly in the future development of a national ports policy.

#### DCLG's Role in land Use Planning

30. The RTPI is also disappointed that the consultation document carries so little reference to DCLG's role in respect of land use planning. Even though some development at ports can be dealt with under the terms of the Harbours Act the proposed new facilities recently brought to prominence, such as at Dibden Bay and London Gateway highlight the ad hoc role the planning system currently plays in assessing the optimum locations for new port facilities in the absence of a coherent national strategy. This document was a valuable opportunity to explore ideas about how these might be avoided in the future.

#### Unifying regulatory processes

31. The Reviews undertaken by Kate Barker and Sir Rod Eddington have remarked how much investors value certainty when they put together their proposals. One area in which they are likely to be frustrated is the fragmented nature of regulatory processes. The RTPI proposes an exercise to investigate the case for unifying these processes so that developers would be required to make just one application for consent to develop. This should commence by mapping the individual consent processes that face port operators and the drafting of a process through which they might be streamlined.

#### Other roles for the UK's Ports

32. The Review could have given greater consideration to the role and potential of the 500 harbours and wharves that are not commercially active yet remain full of opportunities for the future. Section 8 considers this issue from the perspective of the commercial operation of these facilities but we should like to see a much fuller debate on the vital role these harbours

---

<sup>16</sup> <http://www.rtpi.org.uk/resources/policy-statements/2006/jun/pol20060630.pdf#search=%22rtpi%20consultation%20marine%20bill%22>

could play in developing new leisure and recreation opportunities, often with a strong heritage theme. These opportunities could be assessed as part of the regional planning process. Elsewhere, the contribution ports can play in regional and local economic development can be significant while the importance of the remaining fishing industry, particularly within rural areas, should not be underestimated.

**Q3-2 Do you consider the pattern of varying growth rates by region to be sustainable?**

33. Setting aside any environmental or social considerations, road and rail congestion will increasingly constrain growth of traffic through ports in the South east. Available evidence<sup>17</sup>, suggests that congestion levels will intensify as a result of rising affluence, general population growth and expansion of other planned investments including new airports. The difficulty the nation has in delivering major infrastructure projects suggests that the prospects are not encouraging that sufficient additional capacity could be provided to accommodate future demand<sup>18</sup>.

**Q4-1 Drawing on experience from your own locality, do ports significantly stimulate wider local employment and regeneration? In what circumstances?**

34. As a national body, the RTPI has no experience to contribute about individual port developments. However considerable evidence is available to demonstrate the value of ports as drivers of growth in the areas of the UK where unemployment is most problematic. The strategy outlined in the Northern Way<sup>19</sup>, for example is underpinned by the opportunities for growth afforded by an expansion in market share of the ports in the north of England. This is a strategy that has been informed by a considerable body of supporting evidence.

*Q4-1a When jobs are newly created in a port, do you consider that likely to be at the expense of jobs in other ports, or elsewhere in the economy? Does your answer depend on the port’s locality, or on the type of traffic, or on whether public subsidy is involved?*

35. The calculus is likely to be a complex one dependent on local circumstances. The important point is that in regions where there are skills and manpower shortages job creation is not one of the benefits sought from new port developments. It is worth noting in this regard that the South-east has UK’s highest economic activity rate, and its lowest unemployment rate<sup>20</sup> and that the South east draft economic plan does not see expansion of the regions ports as a particular priority. In contrast in areas of higher unemployment such as the north east, job creation is highly desirable and whole regional strategies such as the Northern Way focus on exploiting the employment opportunities that new port development provides. This is especially emphasized for example in the Development Programme proposed for Hull and the Humber Ports.<sup>21</sup>

**Q4-2 What are the regional and territorial issues that national policy should address and how should it do so?**

---

<sup>17</sup> See for instance [www.emra.gov.uk/news/documents/REGIONAL\\_FUTURES\\_Final\\_Report.pdf](http://www.emra.gov.uk/news/documents/REGIONAL_FUTURES_Final_Report.pdf)

<sup>18</sup> Well summarised by the Institute for Civil Engineering’s annual report:  
[www.ice.org.uk/downloads/state\\_of\\_the\\_nation\\_2005.pdf](http://www.ice.org.uk/downloads/state_of_the_nation_2005.pdf)

<sup>19</sup> [http://www.thenorthernway.co.uk/report\\_sept04.html](http://www.thenorthernway.co.uk/report_sept04.html)

<sup>20</sup> SEEDA: Draft Regional Strategy [www.seeda.co.uk/RES/docs/SEEDA-Draft-RES-070604.doc](http://www.seeda.co.uk/RES/docs/SEEDA-Draft-RES-070604.doc)

<sup>21</sup> [www.thenorthernway.co.uk/docs/2005/cityregions/Hull.pdf](http://www.thenorthernway.co.uk/docs/2005/cityregions/Hull.pdf)

36. A national policy should reflect the priorities for national development that the Government has set for itself. These should include for example:
- the Government’s PSA2 targets which seek to make ‘sustainable improvements in the economic performance of all English regions by 2008 and over the long term to reduce the persistent gap in growth rates between the regions’
- and
- the Government’s Sustainable Development Strategy which pursues ‘development which meets the needs of the present without compromising the ability of future generations to meet their own needs.’

*Q4-2a For example, should a national policy set out how Government wants to see ports develop in each region? Or leave regional bodies to make the case for port development, if they wish to do so? [The latter approach might still be consistent with setting indicative and non-prescriptive regional targets (see options 4.29(d) and (e) below).]*

37. There should be national direction for nationally significant investment in ports. If this takes place at only regional level or below, the capacity to deliver port infrastructure to meet national needs and priorities will have been lost.

*Q4-2b Are the Regional Spatial/Transport Strategies and the Regional Economic Strategies already providing sufficient guidance on the role of ports in each region? If not what are their major deficiencies?*

38. None of these regional strategies provide for direction **between** regions, although this is necessary for port developments whose impacts can extend right across the country. Future growth strategies need therefore to be considered above the regional level. For example, if it becomes an article of policy that government uses available port capacity or develops new port capacity to underpin the economic development of one region, the implications of this decision must be worked through nationally.

39. The regional dimension of ports can be vital and port development should become an integral part of the objectives of regional planning. For example, the value of short sea traffic in reducing lorry miles in the UK is an important one and needs to be moved up the agenda when the final outcomes of this Review are considered.

*Q4-2c Do you consider that port authorities (of more than a size which might be specified) should be recommended to prepare and maintain Master Plans along the lines which we have recommended for airports?*

40. The RTPI would strongly support the preparation of Port Master Plans. These will help to streamline consent processes and inform the local planning authority, local businesses and the community in general about prospective developments for ports.

**Q4-3 In broad terms, which of these approaches to the regional dimension do you favour most, and why?**

41. The RTPI does not see a national port strategy as an issue of the SE versus the rest of the country, but as part of a contribution to an overall vision of the spatial development of the United Kingdom. Of the 5 levels indicated in Paragraph 4.29, the RTPI favours option (e) as

the one that will best fit the objectives of a national spatial planning framework which we consider essential for national development<sup>22</sup>. However targets should be indicative rather than prescriptive.

*Q4-3(a) What form of guidance would be most helpful?*

42. A development framework that sets out the broad direction of travel is required and it should be monitored and periodically reviewed.

*Q4-3(b) How, if at all, should any special characteristics of port traffic be taken into account?*

43. They should be considered on their merits in the same way that the special characteristics of all other categories of development are considered by spatial planners.

*Q4-3(c) Where are the critical physical or other constraints on port development, especially outside the Greater South East? What should be done about these? Is the cost of doing so acceptable?*

44. Within the greater SE, there are a number of critical constraints to future developments that existing decisions look likely to exacerbate. These include the availability of employees with the right skills, insufficient, rail and road capacity, pressure for land, new homes to accommodate new employees, and demands that will be placed on other infrastructure, especially water supplies. In other regions, we remain generally in a position where suitable road and rail connections can be provided and demand for new employment can be met at costs that will be significantly less than in the Greater South East.

*Q4-3(d) If you believe indicative targets would be appropriate, how should they be set?*

45. Indicative targets would be set by a national port strategy which is regularly reviewed. This will allow targets to be refined as a continuous process in response to changing circumstances.

*Q4-3(e) If specific indicative targets should be set for each region, what criteria should be used to derive them, and how long would it take to achieve consensus across all regions?*

46. Agreement on regional targets would be undertaken by RDAs as part of their regional strategy making activities. If the key stakeholders are prepared to engage in the process, these could be developed and refined within a relatively few years as part of the process of plan-making and review.

*Q4-3(f) What, if anything, should Government do to help the achievement of regional indicative targets, if they are set? [Please refer to your answer to Q4-3(c) if appropriate.]*

47. It must be for regional and local planning authorities to put forward particular locations and sites. Regular monitoring and review involving all the key parties (ports operators, regional and local authorities, businesses) will identify progress in implementation and bottlenecks. If national Government intervention is required it should be considered as part of this process.

---

<sup>22</sup>

The arguments and methodologies are set out in [www.rtpi.org.uk/resources/publications/spatial2.pdf](http://www.rtpi.org.uk/resources/publications/spatial2.pdf)

*Q4-3 (g) What opportunities or threats do the ports in Northern Ireland face in competition with the Republic of Ireland ports? How might any opportunities be built on and threats addressed?*

48. This is a highly pertinent question, precisely because it acknowledges the competitive position of Northern Ireland ports in relation to those of the Republic of Ireland. If such an inter-regional comparison is relevant for Ireland, then so is a comparison between English regions. The Institute has no particular insights to contribute to answering this question, but we shall be interested in the responses it provokes.

*Q4-3(h) Nonetheless, we would consider views as to whether the arguments on balance continue to favour ruling out a ports strategy that is location-specific.*

49. The only reason given in the consultation document for not preparing a locational strategy akin to the one DfT has prepared for air transport (see Paragraph 4.30) is that it could lead to a legal challenge by disaffected port operators who have lost out in the allocation process. The RTPI believes this to be a curious justification and one that is insufficient for the Government not to take a strategic view of this strategic sector of the economy.
50. It would thus be wrong to rule out site specific guidance, particularly, when the huge infrastructure investments to support major port developments and their environmental impacts are considered. Site specific guidance would enable potential sites to be fully evaluated on the basis of their environmental and other impacts, as demanded, for example by Portswatch. However, as a first step, DfT’s priority must be to develop a national strategic framework in which site specific guidance in conjunction with Regional Strategies and local Master Plans could be developed.

**Q5-1 What do you consider to be the strengths and weaknesses of the approach to port development consents whereby related road or rail enhancements are identified and their funding agreed?**

51. The RTPI supports the approach as fair in principle although it is one that is extremely difficult to achieve fairly in practice.

*Q5-1a Ahead of any transition to road-pricing, are the incidental (external) effects of ports adequately addressed under present policy?*

52. The current system of payments, based around the execution of Section 106 payments is not adequate to respond to the additional burdens on public infrastructure that are likely to arise from major new port developments. In situations where the average haul length of port container road traffic is 140km and that of ro-ro traffic 260km the impacts of new port developments extend far beyond their immediate location and it becomes impossible for a funding package to respond to this. The uncertainties over the capacity of the highway network that emerged during the inquiry into London Gateway provide further examples of the problems that are likely to arise.

*Q5-1b Should developing ports be required to fund the incremental road and rail infrastructure to accommodate the increased traffic expected to be directly brought about by the development? If not, how should it be funded?*

53. The principle that requires ports to fund incremental infrastructure to accommodate increased traffic, is absolutely correct, although assistance should be provided in areas where port investment is part of a wider regeneration programme. In these instances local, regional and adjoining authorities need to work in partnership with utility and infrastructure providers to draw up investment plans for their areas. This already happens through local planning and regional planning processes but the possible introduction of the Planning Gain Supplement will require that it is put on a far more substantive footing. In these instances there would be a strong case for local, regional and national spatial investment plans to be drawn up as the basis of bids for PGS funding<sup>23</sup>. However, the amount of funding that will be delivered from PGS remains extremely uncertain, as is whether and how much of the levy should be retained in the locality.
54. We are anyway uncertain about the potential of PGS to be a potential funding source for port developments as, when developments are carried out under the Harbours Act, there is no liability for PGS assessment in the first place. In addition, of course, PGS has not yet been introduced and we understand that the Treasury may now be reconsidering its benefits.

*Q5-1c If ports pay for (a) road and (b) rail enhancement, should port users receive access on preferential terms (assuming this can lawfully be given – for example, by priority lanes on the roads, reserved train-paths, or reduced access charges on rail?)*

55. Allocation of priority use to private users appears likely to raise a number of questions that need to be examined. Other policies such as Bus Lanes and Transit Lanes do prioritise public transport and multi occupied cars on public highways, but there may be significant public comment about the principle of allocating roadspace to private HGV vehicles, which are widely perceived as being a serious cause of congestion and pollution. Difficult legal questions about access to a public highway will also need to be resolved and the implications for any precedents that might be extended to other infrastructure provided for other categories of developments funded under S106 or the PGS will need to be considered.
56. Access arrangements for rail use should be a matter for negotiation between the port operator and Network Rail.

**Q5-2 Is Government doing enough to encourage traffic already using ports to make more use of rail and if not, what further measures might be taken?**

57. The RTPI believes that the Government should be promoting investment in further rail infrastructure. Key projects might include a new North-South High Speed network connecting northern cities with the east coast ports and the Channel Tunnel Rail Link, and a new electrified high-speed trans-Pennine Railway. The Government needs to show leadership in developing such projects, by promoting the development of a national spatial planning framework that prioritises essential projects of national significance.

**Q5-3 Similarly, could Government, at acceptable cost, stimulate a step-change in use of inland waterways and coastal shipping to reduce HGV mileage? How?**

---

<sup>23</sup> The RTPI’s views on the proposals for a Planning Gain Supplement are at: [www.rtpi.org.uk/resources/policy-statements/2006/feb/pol20060209.pdf](http://www.rtpi.org.uk/resources/policy-statements/2006/feb/pol20060209.pdf)

58. Inland waterways have a key role in helping to reduce traffic congestion. There is no doubt, for example, that greater use should and could be made of the Manchester Ship Canal, in the North West, than is currently the case.
59. Elsewhere the RTPI would welcome initiatives to promote further use of inland waterways, perhaps through efforts to develop freight interchanges on waterways. Of course there will be practical issues to address as so many of our canals are narrow and unable to handle modern containers. Although expensive, a new standard unit compatible with our canals might be developed.

**Q5-4 Do current evaluation methods for inland transport investment take sufficient account of the status of major ports as strategic points of entry and exit for UK trade?**

60. The institute has no comment on this question

**Q6-1 From your own experience, have regulators found the right balance between human and natural environmental impacts?**

61. Finding such a balance will remain a major challenge for any major investment project. However in the absence of a national port strategy it is impossible to compare the environmental impacts of different sites. The recent decisions for new port capacity in the South east appear to have been taken with little effort to obtain an overall view about the cumulative environmental impact of the individual decisions.
62. It is essential that a Strategic Environmental Appraisal should be undertaken to evaluate the options for port developments. The selection of individual sites should not be made until it is established that there are no critical environmental values that would be compromised or put at risk. The nation still possesses sufficient potential sites to provide sufficient national capacity without creating large scale environmental damage.

**Q6-2 Are ports adequately meeting their general environmental duties and if not, in what ways are they not doing so?**

63. No, in the case of the four major container ports in the Greater South East that were subject to recent public inquiries, serious examination of their environmental impacts was not undertaken until the inquiries themselves. Because so much effort and expense had by then gone into scheme development, environmental issues became an inconvenience to the scheme promoters. In the case of Dibden Bay, for example, the Inspector made substantially adverse findings about the adequacy of the impact diagnosis on what was a candidate Special Area of Conservation under the EU Habitats Directive. A good preliminary Strategic Environmental Appraisal would avoid this kind of locational commitment until it was clear that the port promoter has properly considered vital environmental issues.
64. More generally, National Government needs to establish and enforce environmental standards, and unless it does this effectively port operators are unlikely to see great advantages in taking an environmentally responsible approach to their activities. For example, air pollution can be reduced with greater emphasis on rail links rather than road links, and Government needs actively to promote the use of rail.

**Q6-3 Do you have any suggestions for further areas where Government might facilitate practical compliance with environmental duties?**

65. The Institute believes that there is a strong case for streamlining the jurisdiction that regulates new port developments with a view to creating a unified decision making process.

*Q6-3a Are marine environmental effects sufficiently taken into account, and where necessary remedied, when decisions are taken through the Harbours Act and general planning systems on port and port-related development?*

66. Historically no, because we lack a system of balanced and integrated marine spatial planning. Further, we have tended to treat the sea like the land and under-estimate the interconnectivity of the marine environment.

*Q6-3b Do those ports with which you are familiar take appropriate steps to limit the effects of noise arising from (i) construction work and (ii) ongoing activities?*

67. The institute has no comment on this question

**Q9-1 Do you have any views on whether the project appraisal framework requires revision?**

68. The project appraisal framework provides an adequate tick box list of the issues that arise from small and medium sized port developments, but it is insufficient to address major developments such as the four ports in the South-east of England which have now been decided and which have raised complex questions of major public concern. For these areas the Appraisal framework falls down in its coverage of at least three important areas:

- Economic Impacts
- Environmental Impacts
- Traffic and transport impacts

69. The appraisal document acknowledges that methodological deficiencies exist in these areas. Para 4.35, for example, highlights the absence of expertise in applying GOMMMS to port developments, and that problem can be made more complicated by the cumulative impacts of different projects. These are the issues around which most objections have been raised at recent public inquiries and the RTPI is concerned that failure to address them cumulatively is undermining public confidence in the existing system. They can only be resolved through the development of a national ports strategy in which there is a frontloaded opportunity for public input.

**Q9-2 What more should the Government do to help applicants and other stakeholders in ports planning cases?**

70. The whole nation has a stake in ensuring that the UK has a modern and efficient port industry which is vital to national welfare. At the same time there are other national development priorities that the Government pursues including those relating to regional development and to sustainable development that recognises the importance of meeting economic, social and environmental objectives at the same time. A national port strategy which takes a national view about what new capacity is required and, how it can be accommodated sustainably it is the best way to ensure that the nation has the port industry that it requires.

71. The RTPI does not agree with paragraphs 9.8 & 9.9 that the changes introduced in the Planning and Compulsory Purchase Act 2004 have significantly improved the process for determining large projects. The improvements referred to are not described, but in our view they are actually very limited when compared to the amendments to the system originally proposed in 2002 at the time of the consultation on the Green Paper and its daughter documents. And while noting that the consultation document draws confidence from the fact that all Regional Spatial Strategy (RSS) documents acknowledge the role and importance of ports (see paragraph 4.17), we would caution that most of these RSSs are some way off adoption and, more importantly the LDF documents that will actually implement the RSS are, in most cases, not even at public consultation stage.