



## Ports National Policy Statement

### Submission to the Transport Select Committee

15<sup>th</sup> January 2010

The Royal Town Planning Institute (RTPI) is the leading professional body for spatial planners in the UK. It is a charity with the purpose to advance the art and science of town planning for the benefit of the public as a whole. It has over 22,000 members who serve in government, local government and as advisors in the private sector.

While the evidence provided in this submission focuses on the draft ports national policy statements (NPS), many of the issues will apply to the energy NPSs, and the emerging NPSs for other infrastructures.

This paper has been prepared as evidence for the assistance of the Select Committee only and should not be taken as representing the Institute's final observations on the draft NPS consultations.

#### Key issues of the draft Ports National Policy Statement

1. There is generally a lack of **clear spatial guidance** in the NPS, particularly in translating the national need for ports into the need to provide a port in a particular locality: this makes a robust assessment balancing need with local impacts very difficult. A national spatial planning framework could assist with giving locational guidance for investors, and this could be assisted by a sequential approach to site selection embedded in the NPSs.
2. Interpretation of the NPS is hindered by its structure, which does not **clearly distinguish between what is policy and what is guidance**, or evidence/background. Lessons could be learned from the "new style" Planning Policy Statements (PPSs). Similarly, the NPS should provide guidance for the preparation of policies and proposals for Nationally Strategic Infrastructure Projects (NSIPs) to come through development plans at the regional and local level.
3. Consideration needs to be given to the **relationship between the ports NPS and subsequent NPSs** to further reduce the potential for repetition, conflict and the constant review of established principles. This would also contribute toward greater understanding of the NPSs amongst stakeholders and the community.

#### General comments

4. The draft Ports NPS establishes the need for new port infrastructure but this is premised on arguments of additional capacity to allow for competition, choice and resilience. As a consequence there is little to guide decision makers on the location, scale or phasing of port facility provision. The draft NPS neither sets out a level of 'need' nor does it establish an 'urgency' of delivery. Rather it indicates

an industry impacted 'severely' by the recession, where consented development may be delayed, but which needs to be able to respond to changing market demands and build in additional capacity to ensure resilience, however neither the capacity required nor the 'urgency' are quantified, and this leads the reader to question whether further development is justified.

5. This unspecified approach to need fails to enable the coordinated provision of related infrastructure such as road and rail transport, energy generation and transmission. Only through the coordinated provision of related infrastructure can the Department for Transport's (DfT's) overarching policy, of encouraging sustainable port development, be achieved. In particular coordinated infrastructure provision is a necessity if the aims of, sustainable transport, trans-modal shift, capacity for the development of renewable energy and economic and social cohesion are to be met. Certain ports provide for more efficient on-journeys than others and the market cannot be relied upon to identify these.
6. In summary the draft NPS is inadequate in that it fails to identify the quantity, location and timing of the provision of additional port capacity or provide sufficient guidance to enable regions and localities to benefit fully from future port investment

#### Benefits of a National Spatial Planning Framework

7. The main purpose of a National Spatial Planning Framework (NSPF)<sup>1</sup> is to enable the alignment, in an open and transparent way, of strategic investment decisions on housing and economic growth with the infrastructure needed to support them.
8. A NSPF would include broad expectations (not necessarily targets) for growth in different areas, and would enable a translation of the national need for infrastructure to target the locations for delivery to meet local/sub-national need. (It would also be helpful if the NPS made reference to ways in which the regional planning processes could assist with this issue.)
9. The cumulative impact of major development projects is not restricted just to port proposals or to those that fall above the threshold for consideration by the IPC. Cumulative impacts may arise as a combination of a variety of proposals, such as a nuclear power station, renewable energy development, port expansion and tidal barrage being proposed on one estuary. Proper consideration of such impacts would be better served by the production of a national spatial planning framework for major development rather than the production of a series of separate and unrelated NPSs for different sectors.

#### Case for site specificity

10. It is recognised that site-specific policies are easier to determine for some project types than others, and it is appropriate for there to be a spectrum ranging from actual site designation (e.g. with nuclear plants), through locality-specific policies and "areas of search", to non-specific criteria-based policies.

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<sup>1</sup> The RTPi has published research into the key drivers of national spatial planning which can be accessed here: <http://www.rtpi.org.uk/download/748/Uniting-Britain.pdf>

11. There are examples in national, regional and local planning policies that could assist. For example:
  - the sequential approach to site identification for housing (PPS3) and retail (Planning Policy Statement 6 Planning for Town Centres – now Planning Policy Statement 4 Planning for Sustainable Economic Growth)
  - identification of towns suitable for urban extensions (without necessarily dictating a site, or even direction of growth), common to many Regional Spatial Strategies
  - areas of search for minerals extraction in minerals plans
12. Being site-specific, or narrowing the field of search, enables investors to make more informed decisions, and makes consultation easier and more meaningful.
13. It would be appropriate for non-site specific NPSs to give more detailed guidance on identifying appropriate sites to meet needs, either through development plans (sub-national or local) or, perhaps, through subsequent locationally specific NPSs.

#### Implications for the rest of planning

14. The structure of NPSs needs to be aligned more carefully with the “new style” PPSs, in which policy, guidance, background and assessment criteria are carefully separated, and which provide distinct policy/guidance for making decisions on consents and for local policy-making. The latter is disappointingly lacking in the NPSs as they are currently drafted.
15. In many respects, it is in the overlaps and variances between the policies and processes of the town and country planning and NSIP regimes that potential weaknesses may surface. A National Spatial Planning Framework that sets out the broad principles for both NPSs and PPSs is in our view the best immediate and long-term remedy.
16. The NPSs disappointingly repeat and reinterpret established planning policy in PPSs/PPGs. when it may have been more straightforward simply to specify that the IPC should make decisions in accordance with PPGs/PPSs – unless directly and explicitly superseded by an NPS.
17. Further consideration should be given to the content of development plans for the area affected by the proposal. These will have been subject to community engagement and as such should have a bearing on the determination of a port proposal. The proposal may have a beneficial or an adverse effect on some element of agreed development plan policy, such as a regeneration project. More particularly further advice on the content and importance of the Local Impact Report should be given. There is no reference to local development plan documents which may well have been subject to extensive public consultation and therefore should be accorded significant weight in the process of local decision making. This should be a significant consideration in the determination of the impact of a proposal.

#### Overarching NSIP process document

18. Primarily, the benefits of an overall process document for all NSIPs include the reduction of repetition and the risk of conflict in the interpretation of policy, establishing overarching principles that would apply to all types of infrastructure, and reducing the burden of consultation on later NPSs. Where a specific case can be made that a particular infrastructure type should be treated differently, this can be done through the NPS consultation. It should also be possible to make amendments to such an overarching NPS if necessary as the result of consultation on an NPS for a particular infrastructure type that is more broadly applicable.

#### Other issues

19. Masterplanning advice: There may be a case for providing guidance on masterplanning for ports – i.e. setting out the detailed considerations for designing ports that work well and demonstrating best practice. This would not only assist the IPC, but also communities considering what a proposal would be like. It is recognised that the NPS itself may not be the best place in which to publish such guidance, but a supporting Good Practice Note on masterplanning ports would be welcomed.
20. Capacity: There is some concern that the NPS focuses on the provision of new ports in order to meet the unquantified capacity desired. It may be that increased capacity could be better provided by increasing the efficiency of existing ports, and the contribution that such a measure could make needs to be built into the quantification of need that is required for this NPS to be fully robust.

#### **Select Committee Questions**

##### **Do the general planning principles set out in the proposal for a National Policy Statement on Ports form a coherent, appropriate, proportionate and practical framework within which the Infrastructure Planning Commission (IPC) can assess future port planning applications?**

21. The draft NPS does provide sufficient information for the IPC to assess proposals however the RTPI is concerned that in its current form (see issues identified below), and without a national spatial strategy, the IPC is considering proposals in isolation of the wider spatial implications of other national policy.
22. While the NPS is clear about its justification of unspecified additional capacity and its preference not to indicate the location of new development, these arguments are not persuasive and fail to provide decision makers with sufficient guidance on which to make future decisions.
23. The draft NPS fails on a number of fronts:
- The NPS is inadequate in that it fails to identify the quantity, location and timing of the provision of additional port capacity leading the IPC to decide proposals on a case-by-case basis. This approach seriously puts at risk the cumulative impacts of future port development on satisfying need and the potential risk to local communities.

- While there is generic advice on the provision of related transport infrastructure there is no detailed indication of the location, capacity or mode of transport that other bodies are expected to provide to support port development.
- The NPS ignores the importance of international and national transport networks, up-grading programmes of the railways to accommodate container traffic, or regional spatial strategies such as 'The Northern Way'. The IPC should be afforded an integrated national policy to make informed decisions on future port development.
- There is little in the NPS which would assist other policy makers and investors or provide them with certainty, particularly with respect to the identification of likely locations for new port development. The IPC will need to make decisions on proposals that cannot refer to these factors in the NPS.

24. The IPC for port applications over the NSIP threshold. In relation to the IPC the draft NPS fails to provide suitable guidance for its decision making for a number of reasons:

- It fails to make the case for over-riding national interest because it fails to identify some locations as more suitable than others. Without priority being given to certain locations (albeit expressed in regional or sub-regional terms) it is unlikely that concerns of local adverse impacts will ever be outweighed by arguments of national need.
- It fails to recognise the importance of international, national, regional and local development plans either currently in place or in the future.
- It fails to provide investors in either public or private sectors sufficient certainty about the location of future port investment. Ports and the cost of related infrastructure provision are so significant in the future of the UK and its regions' economies that the market-led approach is entirely unacceptable.

25. The future Marine Management Organisation for port applications under the NSIP threshold: The draft NPS does recognise the importance of the Marine Policy Statement (a cross-sectoral high level planning document) and of future marine plans in balancing benefits against adverse impacts, however the failure of the draft NPS to direct and help coordinate investment noted above applies equally for proposals below the threshold. Similarly there will be applications for consent which go to local authorities for which this document will be a material consideration but there is little guidance on how those considerations should be applied.

26. Essentially, the proposed assessment criteria are constrained, and the focus on the application stage means that it is difficult to assess proposals strategically, taking cumulative effects and alternative options properly into account.

**Are the sustainability and environmental criteria outlined in the draft Ports NPS appropriate, proportionate and practical?**

27. The term 'sustainability' when defined in its widest sense includes the balancing of environmental, social and economic considerations. Given there is no specific section titled 'sustainability' in the draft NPS, the comments provided in relation to this question focus on the environmental impacts section 2.10 to 2.25 including pollution, biodiversity, climate change, flooding, coastal change, waste, water, air

quality, environmental health, noise, landscape values, historic environment and open space.

28. Overall the draft NPS should explicitly set out that locations for new port infrastructure should avoid areas of environmental value (such as the historic environment) or risk (such as flooding or climate change) rather than implementing mitigation measures.
29. Additionally, it is the RTPI's view that policy and criteria set in relevant national policy (such as those set out in planning policy statements and guidance) provide the IPC with the appropriate, proportionate and practical criteria. Diversion from these policies/criteria should be only in exceptional circumstances.

**Have issues or principles which should have been included in the draft Ports NPS been left out?**

30. Please see our comments under 'general comments' above.