

**SOUTH EAST ENGLAND REGIONAL ASSEMBLY
REGIONAL PLANNING COMMITTEE**

Date: 21 May 2008

Subject: **Consultation Response to Guidance on Port Masterplans**

Report of: Planning Manager

Recommendation:

It is recommended that, subject to any amendment agreed by the Committee, the draft response set out in Annex I is agreed.

Purpose of Report:

To set out the key points of this government consultation and to request the Committee to approve the draft response attached at Annex I.

Key Issues:

The Committee has previously set out its support for encouraging key ports to prepare Masterplans outlining future developments. The Government has published draft guidance of the preparation of port Masterplans.

While being more light touch than the approach to airport Masterplans, the guidance sets out the need for the 51 largest ports in the UK to prepare Masterplans. The consultation specifically notes the good practice of Dover Port. It also notes the role of the Regional Transport Board, as well as the Regional Planning Body, as being important to the preparation of Masterplans.

It is not proposed that there should be a formal requirement for a port to produce a Masterplan. Rather the guidance is presented as a “set of general pointers” to ports on the content and topics that could be set out in them. However, several issues of concern arise from the guidance including the treatment of any new ports built on previously unused land. There is also a need for greater clarity of the nature of the relationship between the proposed National Ports Policy Statement and the statutory development plan.

I. Context

- 1.1 The Committee responded to the National Ports Policy Review in July 2006. The response highlighted the need to provide a clearer planning framework for the ports sector. This was seen as essential to enabling the requirement for supporting landside infrastructure to be identified and delivered. The response also highlighted the critical role that the ports of the Greater South East play in supporting the national economy.
- 1.2 The government has published draft guidance on the preparation of port Masterplans for consultation. The deadline for a response is 22 July 2008. A copy of this paper has been submitted as an interim response with a covering letter explaining that any amendment or addition to the draft response arising from this debate will be submitted separately.

2. Key proposals of the Guidance

- 2.1 The consultation sets out that the key role of a port Masterplan is as follows:
 - i. To clarify the port's own strategic planning for the medium to long term;
 - ii. To assist regional and local planning bodies, and transport network providers, in preparing and revising their own development strategies; and
 - iii. To inform port users, employees and local communities as to how they can expect to see the port develop over the coming years.
- 2.2 The consultation then sets out the key content of a Masterplan as being:
 - i. how the port expects to grow and develop its business over time;
 - ii. why this is feasible in the context of wider patterns of supply and demand;
 - iii. where changes of land-use are likely to be required to support growth areas;
 - iv. what alternative ways of meeting demand have been and will be considered;
 - v. what environmental measures will be taken to ensure that not only are adverse effects mitigated, but as far as possible the port makes a positive contribution to environment and amenity;
 - vi. when individual development proposals will be put forward; and
 - vii. how people will be consulted — both within the master planning process itself, and beyond.
- 2.3 The draft guidance recommends that ports that handled in excess of 1 million tonnes of cargo in the year 2000 should consider producing a Masterplan. This threshold covers all the key ports in South East England, including Dover, Southampton, Thamesport and those parts of the port of London within this region.

- 2.4 A time horizon of between 25 and 30 years is suggested for Masterplans, which is consistent with the time horizon for the Regional Spatial Strategy.
- 2.5 It is made clear in the guidance that port proposals of national significance, would be identified through the proposed National Ports Policy Statement, with determination of any subsequent application considered by the Independent Planning Commission.

3. Discussion

- 3.1 While the support for port Masterplans is welcomed, the relationship between the development of the National Ports Policy Statement and the development of the statutory planning framework will be critical. It is only through the latter that the land use implications of the former will be considered. It is also only through the statutory planning framework that the landside infrastructure implications of any proposal of national significance will be tested. In this context it will be vital to ensure that there is a statutory role for the Regional Planning Body in the development of the National Ports Policy Statement.
- 3.2 Members are invited to consider the draft response as set out in Annex I. This has been submitted as a draft response by the secretariat on the understanding that any comments or additional points raised by the Committee will be submitted immediately after the meeting.

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30 June 2008

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**SOUTH EAST ENGLAND REGIONAL ASSEMBLY
CONSULTATION RESPONSE:
GUIDANCE ON PREPARING PORT MASTERPLANS**

JULY 2008

I. Introduction

- I.1 The Regional Assembly is the Regional Planning Body for South East England. We are pleased to respond to this consultation, which we welcome as a positive development arising from the Ports Policy Review to which we responded in July 2006.
- I.2 In our previous response we highlighted the need to provide a clearer planning framework for the ports sector. This was seen as essential to enabling the requirement for establishing the need for port expansion to be established at the earliest opportunity within the statutory development plan. In this way the requirement for supporting landside infrastructure could be identified and delivered in a timely manner. We also highlighted the critical role that the ports of the Greater South East play in supporting the national economy.
- I.3 The inclusion within the Interim Report of the Ports Policy Review of the desirability for the larger ports to develop Masterplans was welcomed by the Assembly. We therefore support the preparation of the draft guidance.
- I.4 We also welcome in principal the proposal to develop a National Ports Policy Statement. However this support is conditional. Firstly it is clear that for a National Ports Policy Statement to have added value it must provide an initial steer on the location of port facilities that are of truly national significance. Secondly, the relationship between the National Ports Policy Statement and the development of the statutory planning framework will be critical. It is only through the latter that the land use implications of the former will be considered. It is also only through the statutory planning framework that the landside infrastructure implications of any proposal of national significance will be tested. In this context it will be vital to ensure that there is a statutory role for the Regional Planning Body in the development of the National Ports Policy Statement.
- I.5 The Assembly has put on record its objection in principle to the proposition that infrastructure proposals of national significance should be determined by the proposed Independent Planning Commission (IPC). This objection remains.
- I.6 We believe that provided the need for a port facility is established through the statutory planning framework it is not necessary, nor indeed appropriate, for determination of specific proposals to be undertaken by an undemocratic body such as the proposed IPC.

2. Key Comments

- 2.1 As the Regional Planning Body we agree with the proposed definition of the role of the Masterplan. We support the proposal that it should set be use by the Regional Planning Body to inform the development of the statutory Regional Spatial Strategy. Such an approach will ensure that the development plan makes appropriate provision for port development. Establishing the need for port development at this stage in the development plan will help reduce the time taken to deliver proposals on the ground.
- 2.2 We recommend that the final guidance makes explicit reference to the role of the development plan (the Regional Spatial Strategy and Local Development Framework) in forming the statutory framework within which proposals should be brought forward for consideration. We draw attention to the fact that the content of the National Port Policy Statement will not form part of the statutory development plan. Accordingly while its contents may be a material consideration, the primacy of the statutory development plan must be acknowledged.
- 2.3 We support the proposal that the time horizon for a port Masterplan should be in the order of 25 to 30 years. This will make it consistent with the time horizon for the Regional Spatial Strategy.
- 2.4 We share the Government's desire to ensure that previously used port facilities are brought back into appropriate use. However, we do not believe it appropriate to suggest that a proposal for an entirely new port could be considered adequately merely through the preparation of a Masterplan. It is essential that the principle of major port development is considered through the statutory development plan process, guided as appropriate by the context provided by the proposed National Ports Policy Statement.
- 2.5 The timescale associated with a major new port proposal is likely to be measured in years. We therefore believe that it is possible for such a proposal to be developed as part of the statutory development plan without incurring undue delay.
- 2.6 We agree that it is desirable that a Masterplan is prepared in advance of a detailed application provided that it this does not prejudice the outcome of the planning process.
- 2.7 We support the view that the preparation of a Masterplan should not be overly burdensome. We emphasise the importance of ensuring that sufficient evidence is produced to enable a robust decision to be made. The implication of this approach is that the level of detail required would increase as a proposal moves forward through the planning process.
- 2.8 We strongly recommend caution is applied in the use of forecasts underpinning any proposal for major new port development. We do not believe it appropriate to rely solely upon a 'predict and provide' approach to planning the future provision of port facilities. We do not believe it is appropriate for Government to rely on national forecasts of port traffic more than 20 years ahead. We are particularly concerned

that individual ports may find it in their commercial interests to overstate the benefits of their proposals given the competitive nature of the ports sector.

- 2.9 We therefore recommend that there should be a review of national forecasts every five years. We recommend that there should be a requirement to consult with the Regional Planning Body in the preparation of revised forecasts.
- 2.10 We welcome the acknowledgement of the need for ports to engage with the Regional Planning Body and the Regional Transport Board in the development of Masterplans. It is essential that any Masterplan is prepared within the context of the likely level of funding available to support investment in landside infrastructure.
- 2.11 We acknowledge that ports are commercial activities operating within an unregulated market. However, we believe that this should not preclude there being a requirement placed upon port operators to engage with the Regional Planning Body and Local Planning Authorities in the development of Masterplans.
- 2.12 We agree with the broad analysis of environmental impacts to be considered in the preparation of a Masterplan. However there is a need to make explicit reference to the need for a Masterplan to be consistent with relevant European and national legislative requirements in respect of matters relating to the environment and natural habitats.

South East England Regional Assembly July 2008

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