

**Barrow Borough Council
Local Plan Examination**

Hearing Session - Tuesday 5th June 2018 (2pm)

Matter 2 - Development Strategy

Issue 2a: Overall Development Strategy

Questions 1 and 2

Hearing Statement on behalf of:

Ørsted
(formerly DONG Energy)

Statement Prepared by
Adams Hendry Consulting Ltd

10 May 2018

MATTER 2 - DEVELOPMENT STRATEGY (QUESTIONS 1 & 2) - ØRSTED STATEMENT

Barrow Borough Council - Local Plan Examination

Matter 2 - Development Strategy

Issue 2a: Overall Development Strategy – Questions 1 and 2

Introduction

- 1.1 This statement should be read alongside Ørsted's representations submitted as part of the statutory consultation on the emerging Local Plan, specifically representations:
- submitted in October 2016 in relation to the Publication Draft (July 2016) (see Appendix 1);
 - submitted in July 2017 in relation to the Pre-Submission Draft Local Plan (May 2017) (EL17 152); and
 - submitted in January 2018 in relation to the Proposed Major Modifications (December 2017) (EL16 012).
- 1.2 Ørsted is a global renewable energy company and is a global leader in offshore wind. Ørsted develop, construct and operate offshore wind farms (OWF) in Europe, the US and Asia. Although headquartered in Denmark, Ørsted has operated in the UK since 2004 and the UK is the company's primary market for offshore wind production, having invested around £6bn in the UK (as at July 2017).
- 1.3 Ørsted has been investing in the construction of new OWF in the East Irish Sea since 2005 (the Walney 1 + 2, Barrow and West of Duddon Sands OWFs) and will be continuing to invest in new construction until 2019. Construction works for the Walney OWF Extension (mobilised out of Barrow) are currently underway. When completed the Walney Extension will be the largest offshore windfarm in the world.
- 1.4 Whilst the Port of Barrow has been and continues to be strategically important for the construction of these windfarms, it is also a critically important location for the ongoing operations and maintenance (O&M) of these windfarms for at least another 25 years. Ørsted are continuing to make substantial investment at the Port of Barrow in order to support these OWF. In particular, relevant approval applications will be submitted later in 2018 for the construction and operation of a new O&M facility at the Port of Barrow. Ørsted is one of the main users and occupiers of the Port of Barrow.

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- 1.5 In both submitting its representations and in producing this hearing statement, Ørsted has been, and is, aware of the similar position and evidence being put forward in respect of the questions raised by the owner and operator of the Port of Barrow – Associated British Ports (ABP).

Question 1: ‘The Barrow Port Area Action Plan (BPAAP) was adopted by the Council in 2010 prior to publication of the NPPF and the National Policy Statement for Ports in 2012. The BPAAP forms part of the Development Plan and will remain part of the Development Plan in the event that the BBLP is found sound and proceeds to adoption. The BBLP does not identify the Port of Barrow on the Policies Map and does not have any policies in relation to the Port. Is the BBLP effective in terms of supporting the future growth of the Port by relying entirely upon the BPAAP? Should the Port of Barrow be identified on the Policies Map together with a policy?’

- 1.6 To answer both this question and question 2, it is first necessary to highlight some aspects of both the National Planning Policy Framework (2012) (NPPF) and the National Policy Statement for Ports (NPSfP) (2012) – which are reproduced at Appendix 2 and 3 - for context. Further aspects of these policy documents are touched upon in the representations already submitted.

- 1.7 The NPPF, amongst other things, makes clear that:

- (i) planning should be genuinely plan-led (NPPF, paragraph 17 bullet 1);
- (ii) planning should pro-actively drive and support sustainable economic development to deliver the business development which the country needs, and respond positively and proactively to the business needs of an area which have been objectively identified (NPPF, paragraph 17 bullet 3, 19, 20 and 21 bullet 3);
- (iii) local plans should be kept up to date and be based on adequate, up-to-date and relevant evidence (NPPF, paragraph 17 bullet 1, 157 and 158);
- (iv) local plans should be aspirational but realistic, and provide policies which provide a clear indication of how a decision maker should react to a development proposal (NPPF, paragraph 154), and

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- (v) local plans should set out the strategic priorities for the area and include strategic policies to deliver, amongst other things, the provision of infrastructure for transport (NPPF, paragraph 156).
- 1.8 The NPSfP – which is a policy document to which Barrow Borough Council (BBC) should have regard to in respect of the emerging Local Plan – sets out the Government’s policy for ports. In summary the statement continues the long-standing position of the ports industry being ‘market led’ and not being dictated to as to where port development should occur. Rather, it is highlighted that port development must be responsive to changing commercial demands, and that the Government considers that the market is the best mechanism for getting this right (NPSfP, paragraph 3.3.1 and 3.4.12).
- 1.9 Within the section of the NPSfP that sets out Government policy, the importance of port infrastructure ensuring security of supply and providing capacity for the development of renewable energy is specifically noted (paragraphs 3.3.3 and 3.3.5).
- 1.10 In considering the need for new port infrastructure, the Government’s assessment set out in the NPSfP highlights that this does not just depend on overall demand for port capacity, but also on factors such as flexibility, resilience and competition (paragraph 3.4.1 and following).
- 1.11 Having, within the context of a discussion about the essential role of ports, identified that ports have a vital role in the construction and servicing of offshore energy installations (paragraph 3.1.5) the NPSfP makes it clear that there should be an acceptance by appropriate decision makers of the need for future capacity to support the development of offshore sources of renewable energy (paragraph 3.5.1).
- 1.12 Having provided this context – which, it is emphasised is by no means comprehensive – a response is now provided to the specific points raised within Question 1.

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Is the BBLP effective in terms of supporting the future growth of the Port by relying entirely upon the BPAAP?

1.13 The NPPF indicates that 'effective' means – *'the plan should be deliverable over its period and based on effective joint working on cross boundary strategic priorities.'* (paragraph 182).

1.14 In respect of the Port of Barrow, the emerging Local Plan is simply rolling forward the position set out in the Barrow Port Area Action Plan (BPAAP) (EL9 001) which dates from July 2010. This cannot be said to be effective in terms of supporting the future growth of the Port because:

- (i) it contains a number of policies and aspirations that are out of date and require review – a matter that has been acknowledged by BBC (see response to ABP representations provided at page 324 of EL2 008) – and cannot, therefore, be said to be up-to date as required by the NPPF;
- (ii) it does not reflect the position on the ground in that it fails, amongst other things, to identify the whole of the commercial port area;
- (iii) contains a strategy and policy position which does not now reflect the available evidence some 8 or so years after it was drafted, and which cannot now be delivered, and
- (iv) cannot be said to take account of relevant and necessary aspects of both the NPPF and the NPSfP, which were both published in 2012 some 2 years after the publication of the BPAAP.

1.15 Over the intervening 8 years or so since the adoption of the BPAAP, the position in respect of the operational Port of Barrow has developed. The importance of the Port in the delivery and ongoing maintenance of nearby OWFs – a matter specifically identified as significant within the NPSfP – has increased over this period. The market – in the form of Ørsted and ABP – are making it clear that the Port of Barrow is the correct location for supporting the delivery and ongoing maintenance of the nearby OWFs. This is a significant consideration. Not only are Ørsted saying this, but they have been, and are still, actively promoting developments within the Port in this regard.

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- 1.16 As already indicated, applications for a new O&M development – known as the West Coast Operations and Maintenance (O&M) Facilities (the proposed location of which and an indicative outline of which is shown on the attached figures) – are currently being prepared and will be submitted later in 2018. The site of this proposed development is on port operational land that fronts onto the deep-water access provided by the Walney Channel – an important consideration in respect of meeting OWF O&M requirements – within close proximity of the OWFs. The site is, thus, ideally suited to meeting the needs of an O&M development.
- 1.17 However, the site in question falls outside of the ‘Port’ area identified on the Proposals Map extract provided within the BPAAP (Figure 4, page 29 of EL9 001). Rather it falls largely within the area identified for a ‘Marina Link’ and partly within an unallocated / unidentified area that is located between the Walney Channel and the Waterfront Business Park.
- 1.18 Even though, (as far as Ørsted understand) the Marina Link in this location can no longer be delivered, and that the proposed O&M facilities shortly to be applied for are meeting a need which national policy indicates is significant on a site which the ‘market’ indicates is the correct location, the proposal currently being worked up could potentially be said to be at odds with the strategy and policies now being proposed to be taken forward in an up to date local plan (i.e., those contained within an 8 year old area action plan development plan document).
- 1.19 This example clearly shows why the emerging Local Plan is not effective in terms of supporting the growth of the Port by relying entirely upon the BPAAP. Little weight, it is suggested, can be given to the BPAAP and it can no longer be said to be sound.
- 1.20 A further example of the ineffective nature of the position being promoted by BBC relates to the policies map. The Submission Draft Policies Map does not appear to replicate the position that is set out within the BPAAP. For example, in some instances sites and allocations referred to within the BPAAP are not included on the submission draft policies map, whilst in other instances some allocations have been amended. In simple terms, what is the reader of both the emerging plan and the BPAAP supposed to take as the definitive position?

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Should the Port of Barrow be identified on the Policies Map together with a policy?

- 1.21 As already indicated, paragraph 154 of the NPPF makes it clear, amongst other things, that Local Plans should “*set out opportunities for development and clear policies on what will or will not be permitted and where*” (paragraph 154).
- 1.22 Ports are unique land uses that, amongst other things: (i) benefit from specific permitted development rights – elements of which are in place due to relevant enabling legislation that brought the port into being in the first instance; (ii) are subject to the relevant duties and powers of the relevant statutory port authority, and (iii) meet specific development needs and requirements. Ports provide both an important economic and a transport function and are different to ‘normal’ employment areas which cater for the usual B Class employment uses.
- 1.23 It is not, therefore, sound for the Port to be joined together with other ‘normal’ employment areas and considered in a single policy – which is what the emerging Local Plan seeks to do through draft policy EC1.
- 1.24 Furthermore, policy EC1 is, in any event, not effective because it: (i) arguably only covers off proposals which seek to expand the port and its role in supporting the development of the ‘Energy Coast’ (emphasis added), and (ii) then cross refers to the criteria set out within the BPAAP in respect of such proposals. Leaving aside the fact that it is not clear which particular criteria are being referred to, the BPAAP is, as already explained, not itself sound.
- 1.25 For the Local Plan to be sound, it must contain a clear policy and supporting text for the Port of Barrow as a whole and for the full area of the Port of Barrow to be shown on the policies map.
- 1.26 Having regard to the significance of the Port of Barrow, the national policy position summarised earlier and the clear position from the ‘market’, the policy and strategy for the Port in the Local Plan must, amongst other things:

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- Provide support and encouragement for the ongoing operation, development and growth of the commercial port and port related industries, including in particular the off-shore wind industry;
- Protect areas that benefit from access or potential access from deep water;
- Ensure that development around the Port, including the surrounding 'regeneration' areas, is dealt with appropriately so that it does not impede the current or future operation of the commercial port and port related industries.

1.27 Ørsted is conscious of the fact that suggested wording of such a policy has been provided by ABP in its July 2017 (EL17 015) representations and would support the suggestions made.

Question 2: 'Is policy EC1 positively prepared and effective? Would it support proposals for the port and port related uses? What about those parts of the Port estate (including the Walney Channel) not allocated in the BPAAP?

1.28 Policy EC1 is not positively prepared and effective. To be effective, it must, amongst other things, '*be deliverable over its period*'. To be positively prepared it must, amongst other things, '*be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements*' (NPPF, paragraph 182).

1.29 Matters relating to the effectiveness of the draft policy have been touched on in the preceding answers and are not repeated here.

1.30 As indicated, the NPSfP very much indicates that the ports industry is market led and should not be dictated to as to where development should or should not take place. This is to ensure that the ports industry – which is recognised as playing a vital role in the UK economy – can meet capacity needs in a manner which is flexible and which ensures effective competition and resilience.

1.31 The market – in the form of ABP and its key customer Ørsted – are clearly indicating to BBC that the Port of Barrow is to play an increasingly important role in various trades in the future, including in particular in respect of offshore wind. Having been made aware of these needs and requirements, the plan must then proactively and positively plan for those needs.

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1.32 It is Ørsted's opinion that policy EC1 does not do this and would not support proposals for port and port related uses. This is mainly because it:

- (i) fails to distinguish in policy terms between the port and other employment land uses;
- (ii) arguably only covers off proposals which seek to expand the port and its role in supporting the development of the 'Energy Coast', and
- (iii) in any event cross refers to a largely now out of date and inaccurate BPAAP (EL9 001) which, as explained in the preceding sections of this statement does not, amongst other things, identify the full correct area of the operational port.

1.33 The position on policy and strategy matters which the Local Plan should take towards the Port of Barrow is highlighted above in paragraph 1.26.

1.34 In terms of the area shown on the policies map to which such a new port specific policy should relate, it is necessary for the full land area of the Port to be shown. In this way, key areas of land that are required to both support the on-going operation and growth of the Port, and support Ørsted's business operations as a key tenant of the Port, would be supported by an appropriate policy.

1.35 Again, Ørsted is aware that a suggested boundary was put forward by ABP in its January 2018 representations (EL16 005) and supports the suggested boundary which was put forward.

Changes to make the plan sound

1.36 For the avoidance of doubt, it is Ørsted's position that in order for the plan to be made sound, it must include a specific policy of relevance to the Port of Barrow and identify the full area of the Port on the policies map to which such a policy relates. The policy should:

- Provide support and encouragement for the ongoing operation, development and growth of the commercial port and port related industries, including in particular the off-shore wind industry;
- Protect areas that benefit from access or potential access from deep water;

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- Ensure that development around the Port, including the surrounding 'regeneration' areas, is dealt with appropriately so that it does not impede the current or future operation of the commercial port and port related industries.

Total word count – 2789

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FIGURES



Legend

Indicative Scheme Location

Client:

Dong Energy

Project:

Barrow - Scoping Report

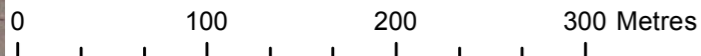
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Location Plan

Figure: 1.1

Revision:	Date:	Drawn:	Checked:	Size:	Scale:
1	27/04/2017	TC	GMcN	A3	1:4,000
0	15/02/2017	TC	GMcN	A3	1:4,000

Co-ordinate system: British National Grid



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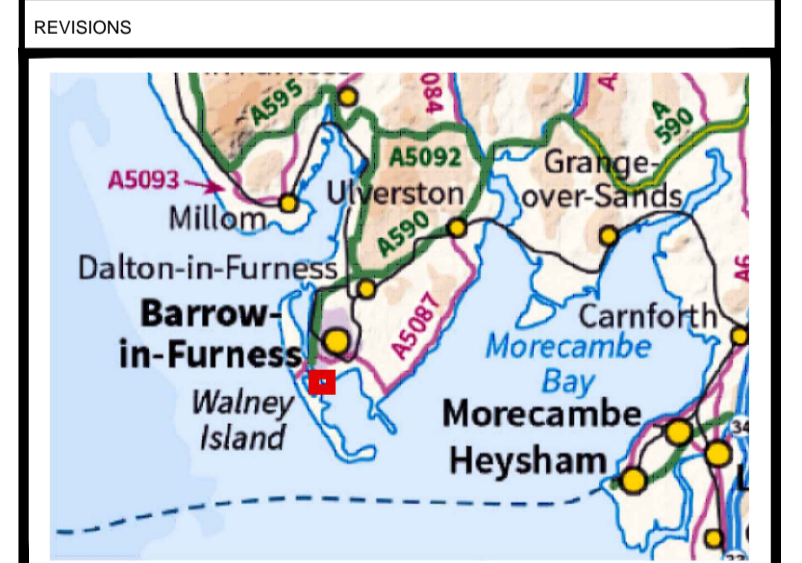


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- LAYOUT TAKEN FROM ARCHIAL NORR DRAWING IALD 15-0025 SK-00-23 REV F WITH AMENDMENTS REQUESTED BY DONG ENERGY UP TO 19th APRIL 2017



REV	DATE	DESCRIPTION	BY	CHK	APP
P01	27.04.17	FOR COMMENT	JMT	GMcN	MD



PROJECT
DONG ENERGY

TITLE
**DONG WEST COAST
O&M PERMANENT FACILITIES
INDICATIVE SITE LAYOUT**

Royal HaskoningDHV
Enhancing Society Together

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DATE	MAR '17	CLIENT'S REF.			
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MATTER 2 - DEVELOPMENT STRATEGY (QUESTIONS 1 & 2) - ØRSTED STATEMENT

**APPENDIX 1 – ØRSTED (DONG ENERGY) REPRESENTATIONS ON THE JULY 2016
PUBLICATION DRAFT**

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Barrow Borough Local Plan Publication Draft - July 2016 Consultation

17 October 2016

Representation on behalf of DONG Energy

Our ref.2596549

SAHOL@Dongenergy.co.uk
Tel 0207 8115 480

Dear Sir / Madam

I write to provide representations to the above consultation on behalf of DONG Energy.

DONG Energy is the global leader in offshore wind power. Although headquartered in Denmark, we have operated in the UK since 2004 and the UK is our primary market for offshore wind production. We have invested around £6bn in the UK and plan to double this investment by 2020.

DONG Energy has been investing in the construction of new offshore wind farms in the East Irish Sea since 2005 (the Walney 1 + 2, Barrow and West of Duddon Sands offshore wind farms) and will be continuing to invest in new construction until 2019. In this respect we have recently obtained the necessary consents from the Secretary of State to construct and operate the Walney Extension offshore wind farm. Beyond this period DONG Energy will continue to invest in the ongoing operations and maintenance (O&M) of these wind farms for at least another 25 years.

Between 2005 and 2019, DONG Energy will have invested £5.4bn in the construction of its East Irish Sea wind farms, with around £1bn of this expected to be in contracts to UK firms. Combined with its ongoing O&M phase investments, DONG Energy has brought substantial local and national benefits, particularly around the key port areas used, including Liverpool, Barrow and Belfast.

In Cumbria, these construction and O&M phase investments are expected to have generated around £220m of GVA in total by 2025, with O&M phase investment alone supporting around 250 long-term jobs from 2019 onwards (including direct, supply chain and induced jobs locally).

Before setting out representations on the publication draft plan, it is considered of benefit to provide some background context against which the representations are provided.

Background Context

The ‘*National Policy Statement for Ports*’ (DfT, 2012) (NPSfP) – under the heading ‘The essential role of ports in the UK economy’ – specifically makes it clear that “*Ports have a vital role.... in the construction and servicing of offshore energy installations*” (paragraph 3.1.5). National policy also makes clear that the Government wishes to see, amongst other things, port development wherever possible, “*supporting sustainable development by providing additional capacity for the development of renewable energy*” (paragraph 3.3.5).

These matters are raised in policy against the context of the Government’s fundamental policy for ports being one which, amongst other things, is to “*allow judgements about when and where new development might be proposed to be made on the basis of commercial market factors by the port industry or port developers operating within a free market environment*” (paragraph 3.3.1). In terms of the location of development, the NPSfP further makes it clear that the Government does not want ports to be dictated to as to where port development should occur (paragraph 3.4.12).

In considering the need for new port and related infrastructure, the NPSfP makes it clear that this does not just depend on overall demand for capacity, but “*also on the need to retain flexibility that ensures port capacity is located where it is required.... and on the need to ensure effective competition and resilience in port operations*” (paragraph 3.4.1 and following paragraphs).

For the purpose of these representations, certain aspects of the National Planning Policy Framework (NPPF) are also of relevance. These include the encouragement that local planning authorities are given to plan proactively for the development needs of business (paragraph 20) and that in drawing up local plans authorities should, amongst other things, support existing business sectors, taking account of where they are expanding or contracting (paragraph 21). Furthermore, in planning for ports, plans should take account of their growth and role in serving business (paragraph 33) and protect and exploit opportunities for the use of sustainable transport modes for the movement of goods and people (paragraph 35).

Finally, it is noted that the NPPF makes it clear that Local Plans should set out clear policies on what will and will not be permitted and where (paragraph 154).

The Port of Barrow – owned and operated by Associated British Ports (ABP) – is a transport and economic facility of significance. It accommodates a number of very significant activities and trades, including – as the emerging Local Plan recognises – activities and facilities associated with the construction and ongoing operation of offshore wind farm facilities.

The Port of Barrow is an existing strategic hub for DONG Energy operations with the Barrow, Walney and West of Duddon Sands offshore wind farms operations bases already located within the Port of Barrow. A similar facility to support the Walney Extension offshore wind farm is also planned. Barrow is ideally located to support our wind farms in the Irish sea and offers ready access to a skilled local work force. Having regard to the market led principles set out in national ports policy, the Port of Barrow is where the offshore wind ‘market’ wishes to be located.

Representations

Against this background, and the recognition contained within the emerging local plan as to the significance of the Port to the offshore wind industry, DONG Energy wishes to make the following representations on the emerging plan. It is the opinion of DONG Energy that the following matters need to be taken into account and appropriately addressed in order for the Local Plan to be considered sound.

The Local Plan has to identify the whole of the Port of Barrow on the proposals / policies map and accompany this identification with an appropriately worded positive policy which encourages and supports the future development of the Port area for port and port related activity, including in respect of the development of facilities associated with renewable and low carbon energy generation, in particular offshore wind.

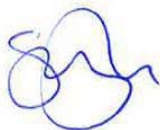
DONG is aware that it is Barrow Borough Council's intention to review the adopted Barrow Port Area Action Plan (AAP) following the adoption of the Local Plan, with the aim of producing an Action Plan Update (as made clear in paragraph 6.1.21). On this basis, therefore, it is important that the Local Plan sets out the clear and correct overarching approach to be taken to the whole of the Port of Barrow, which can then be taken forward in the AAP Update.

In this regard DONG notes that the plans within the existing AAP do not deal with the entirety of the Port of Barrow landholding – a matter on which DONG is aware ABP has concerns. Parts of the Port landholding not dealt with by the AAP specifically include areas that have access to deep water where DONG are considering potential further development associated with its offshore wind farm activities. The Local Plan needs to correct this and refer to the whole of the Port's landholding and deal with it in the way suggested above.

Furthermore, the required Local Plan policy relating to the Port also needs to set out the clear position – to, amongst other things, then enable it to be reflected in the subsequent update of the AAP - of the need to ensure that other development proposals in and around the Port do not prejudice or impede the operational requirements or future development of the Port of Barrow. Again, DONG is aware that similar points have been raised by ABP in this regard, particularly in respect of the Marina Link aspirations referred to in the current AAP.

We trust that the above is sufficiently clear and self explanatory. If, however, any further clarification is required then please do not hesitate to get in contact. DONG Energy looks forward to working with the Council as necessary on the development of its emerging Local Plan.

Yours faithfully,



Sally Holroyd
Lead Consents Project Manager
DONG Energy Walney Extension (UK) Ltd

MATTER 2 - DEVELOPMENT STRATEGY (QUESTIONS 1 & 2) - ØRSTED STATEMENT

APPENDIX 2 – EXTRACTS FROM THE NATIONAL PLANNING POLICY FRAMEWORK



National Planning Policy Framework

Introduction

1. The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied.¹ It sets out the Government's requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.
2. Planning law requires that applications for planning permission must be determined in accordance with the development plan,² unless material considerations indicate otherwise.³ The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.⁴ Planning policies and decisions must reflect and where appropriate promote relevant EU obligations and statutory requirements.
3. This Framework does not contain specific policies for nationally significant infrastructure projects for which particular considerations apply. These are determined in accordance with the decision-making framework set out in the Planning Act 2008 and relevant national policy statements for major infrastructure, as well as any other matters that are considered both important and relevant (which may include the National Planning Policy Framework). National policy statements form part of the overall framework of national planning policy, and are a material consideration in decisions on planning applications.
4. This Framework should be read in conjunction with the Government's planning policy for traveller sites. Local planning authorities preparing plans for and taking decisions on travellers sites should also have regard to the policies in this Framework so far as relevant.
5. This Framework does not contain specific waste policies, since national waste planning policy will be published as part of the National Waste Management Plan for England.⁵ However, local authorities preparing waste plans and taking decisions on waste applications should have regard to policies in this Framework so far as relevant.

1 A list of the documents revoked and replaced by this Framework is at Annex 3.

2 This includes the Local Plan and neighbourhood plans which have been made in relation to the area (see glossary for full definition).

3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

4 Sections 19(2)(a) and 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990. In relation to neighbourhood plans, under section 38B and C and paragraph 8(2) of new Schedule 4B to the 2004 Act (inserted by the Localism Act 2011 section 116 and Schedules 9 and 10) the independent examiner will consider whether having regard to national policy it is appropriate to make the plan.

5 The Waste Planning Policy Statement will remain in place until the National Waste Management Plan is published.

Achieving sustainable development

International and national bodies have set out broad principles of sustainable development. Resolution 42/187 of the United Nations General Assembly defined sustainable development as meeting the needs of the present without compromising the ability of future generations to meet their own needs. The UK Sustainable Development Strategy *Securing the Future* set out five 'guiding principles' of sustainable development: living within the planet's environmental limits; ensuring a strong, healthy and just society; achieving a sustainable economy; promoting good governance; and using sound science responsibly.

6. The purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.
7. There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:
 - **an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
 - **a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
 - **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

8. These roles should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions.
9. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):
 - making it easier for jobs to be created in cities, towns and villages;
 - moving from a net loss of bio-diversity to achieving net gains for nature;⁶
 - replacing poor design with better design;
 - improving the conditions in which people live, work, travel and take leisure; and
 - widening the choice of high quality homes.
10. Plans and decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas.

The presumption in favour of sustainable development

11. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.⁷
12. This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place.
13. The National Planning Policy Framework constitutes guidance⁸ for local planning authorities and decision-takers both in drawing up plans and as a material consideration in determining applications.

6 Natural Environment White Paper, *The Natural Choice: Securing the Value of Nature*, 2011.

7 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

8 A list of the documents revoked and replaced by this Framework is at Annex 3. Section 19(2)(a) of the Planning and Compulsory Purchase Act 2004 states, in relation to plan-making, that the local planning authority must have regard to national policies and advice contained in guidance issued by the Secretary of State.

14. At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking.

For **plan-making** this means that:

- local planning authorities should positively seek opportunities to meet the development needs of their area;
- Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.⁹

For **decision-taking** this means:¹⁰

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.⁹

15. Policies in Local Plans should follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay. All plans should be based upon and reflect the presumption in favour of sustainable development, with clear policies that will guide how the presumption should be applied locally.

16. The application of the presumption will have implications for how communities engage in neighbourhood planning. Critically, it will mean that neighbourhoods should:

- develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development;

⁹ For example, those policies relating to sites protected under the Birds and Habitats Directives (see paragraph 119) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion.

¹⁰ Unless material considerations indicate otherwise.

- plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan; and
- identify opportunities to use Neighbourhood Development Orders to enable developments that are consistent with their neighbourhood plan to proceed.

Core planning principles

17. Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning should:
- be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;
 - not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
 - proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;
 - always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
 - take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
 - support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);

- contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework;
- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
- conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and
- take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

Delivering sustainable development

1. Building a strong, competitive economy

18. The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
19. The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.
20. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.
21. Investment in business should not be over-burdened by the combined requirements of planning policy expectations. Planning policies should recognise and seek to address potential barriers to investment, including a poor environment or any lack of infrastructure, services or housing. In drawing up Local Plans, local planning authorities should:
 - set out a clear economic vision and strategy for their area which positively and proactively encourages sustainable economic growth;

- set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;
 - support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area. Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances;
 - plan positively for the location, promotion and expansion of clusters or networks of knowledge driven, creative or high technology industries;
 - identify priority areas for economic regeneration, infrastructure provision and environmental enhancement; and
 - facilitate flexible working practices such as the integration of residential and commercial uses within the same unit.
22. Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

2. Ensuring the vitality of town centres

23. Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. In drawing up Local Plans, local planning authorities should:
- recognise town centres as the heart of their communities and pursue policies to support their viability and vitality;
 - define a network and hierarchy of centres that is resilient to anticipated future economic changes;
 - define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations;
 - promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres;
 - retain and enhance existing markets and, where appropriate, re-introduce or create new ones, ensuring that markets remain attractive and competitive;
 - allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres. It is important that needs for retail, leisure, office and other main town centre uses are met in full and are not compromised by limited site availability. Local planning authorities should

Plan-making

Local Plans

150. Local Plans are the key to delivering sustainable development that reflects the vision and aspirations of local communities. Planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.³²
151. Local Plans must be prepared with the objective of contributing to the achievement of sustainable development.³³ To this end, they should be consistent with the principles and policies set out in this Framework, including the presumption in favour of sustainable development.
152. Local planning authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three. Significant adverse impacts on any of these dimensions should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where adverse impacts are unavoidable, measures to mitigate the impact should be considered. Where adequate mitigation measures are not possible, compensatory measures may be appropriate.
153. Each local planning authority should produce a Local Plan for its area. This can be reviewed in whole or in part to respond flexibly to changing circumstances. Any additional development plan documents should only be used where clearly justified. Supplementary planning documents should be used where they can help applicants make successful applications or aid infrastructure delivery, and should not be used to add unnecessarily to the financial burdens on development.
154. Local Plans should be aspirational but realistic. They should address the spatial implications of economic, social and environmental change. Local Plans should set out the opportunities for development and clear policies on what will or will not be permitted and where. Only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan.
155. Early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses is essential. A wide section of the community should be proactively engaged, so that Local Plans, as far as possible, reflect a collective vision and a set of agreed priorities for the sustainable development of the area, including those contained in any neighbourhood plans that have been made.
156. Local planning authorities should set out the **strategic priorities** for the area in the Local Plan. This should include strategic policies to deliver:
- the homes and jobs needed in the area;

³² Section 38(6) of the Planning and Compulsory Purchase Act 2004.

³³ Under section 39(2) of the Planning and Compulsory Purchase Act 2004 a local authority exercising their plan making functions must do so with the objective of contributing to the achievement of sustainable development.

- the provision of retail, leisure and other commercial development;
- the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
- the provision of health, security, community and cultural infrastructure and other local facilities; and
- climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.

157. Crucially, Local Plans should:

- plan positively for the development and infrastructure required in the area to meet the objectives, principles and policies of this Framework;
- be drawn up over an appropriate time scale, preferably a 15-year time horizon, take account of longer term requirements, and be kept up to date;
- be based on co-operation with neighbouring authorities, public, voluntary and private sector organisations;
- indicate broad locations for strategic development on a key diagram and land-use designations on a proposals map;
- allocate sites to promote development and flexible use of land, bringing forward new land where necessary, and provide detail on form, scale, access and quantum of development where appropriate;
- identify areas where it may be necessary to limit freedom to change the uses of buildings, and support such restrictions with a clear explanation;
- identify land where development would be inappropriate, for instance because of its environmental or historic significance; and
- contain a clear strategy for enhancing the natural, built and historic environment, and supporting Nature Improvement Areas where they have been identified.

Using a proportionate evidence base

158. Each local planning authority should ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Local planning authorities should ensure that their assessment of and strategies for housing, employment and other uses are integrated, and that they take full account of relevant market and economic signals.

Housing

159. Local planning authorities should have a clear understanding of housing needs in their area. They should:

- prepare a Strategic Housing Market Assessment to assess their full housing needs, working with neighbouring authorities where housing market areas cross administrative boundaries. The Strategic Housing Market Assessment

should identify the scale and mix of housing and the range of tenures that the local population is likely to need over the plan period which:

- meets household and population projections, taking account of migration and demographic change;
 - addresses the need for all types of housing, including affordable housing and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);³⁴ and
 - caters for housing demand and the scale of housing supply necessary to meet this demand;
- prepare a Strategic Housing Land Availability Assessment to establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period.

Business

160. Local planning authorities should have a clear understanding of business needs within the economic markets operating in and across their area. To achieve this, they should:

- work together with county and neighbouring authorities and with Local Enterprise Partnerships to prepare and maintain a robust evidence base to understand both existing business needs and likely changes in the market; and
- work closely with the business community to understand their changing needs and identify and address barriers to investment, including a lack of housing, infrastructure or viability.

161. Local planning authorities should use this evidence base to assess:

- the needs for land or floorspace for economic development, including both the quantitative and qualitative needs for all foreseeable types of economic activity over the plan period, including for retail and leisure development;
- the existing and future supply of land available for economic development and its sufficiency and suitability to meet the identified needs. Reviews of land available for economic development should be undertaken at the same time as, or combined with, Strategic Housing Land Availability Assessments and should include a reappraisal of the suitability of previously allocated land;
- the role and function of town centres and the relationship between them, including any trends in the performance of centres;
- the capacity of existing centres to accommodate new town centre development;
- locations of deprivation which may benefit from planned remedial action; and

³⁴ The planning policy for traveller sites sets out how travellers' accommodation needs should also be assessed.

- the needs of the food production industry and any barriers to investment that planning can resolve.

Infrastructure

162. Local planning authorities should work with other authorities and providers to:

- assess the quality and capacity of infrastructure for transport, water supply, wastewater and its treatment, energy (including heat), telecommunications, utilities, waste, health, social care, education, flood risk and coastal change management, and its ability to meet forecast demands; and
- take account of the need for strategic infrastructure including nationally significant infrastructure within their areas.

Minerals

163. Minerals planning authorities should work with other relevant organisations to use the best available information to:

- develop and maintain an understanding of the extent and location of mineral resource in their areas; and
- assess the projected demand for their use, taking full account of opportunities to use materials from secondary and other sources which could provide suitable alternatives to primary materials.

Defence, national security, counter-terrorism and resilience

164. Local planning authorities should:

- work with the Ministry of Defence's Strategic Planning Team to ensure that they have and take into account the most up-to-date information about defence and security needs in their area; and
- work with local advisors and others to ensure that they have and take into account the most up-to-date information about higher risk sites in their area for malicious threats and natural hazards, including steps that can be taken to reduce vulnerability and increase resilience.

Environment

165. Planning policies and decisions should be based on up-to-date information about the natural environment and other characteristics of the area including drawing, for example, from River Basin Management Plans. Working with Local Nature Partnerships where appropriate, this should include an assessment of existing and potential components of ecological networks. A sustainability appraisal which meets the requirements of the European Directive on strategic environmental assessment should be an integral part of the plan preparation process, and should consider all the likely significant effects on the environment, economic and social factors.

166. Local Plans may require a variety of other environmental assessments, including under the Habitats Regulations where there is a likely significant effect on a European wildlife site (which may not necessarily be within the same local authority area), Strategic Flood Risk Assessment and assessments of the physical constraints on land use.³⁵ Wherever possible, assessments should share the same evidence base and be

³⁵ Such as land instability, contamination and subsidence.

conducted over similar timescales, but local authorities should take care to ensure that the purposes and statutory requirements of different assessment processes are respected.

167. Assessments should be proportionate, and should not repeat policy assessment that has already been undertaken. Wherever possible the local planning authority should consider how the preparation of any assessment will contribute to the plan's evidence base. The process should be started early in the plan-making process and key stakeholders should be consulted in identifying the issues that the assessment must cover.
168. Shoreline Management Plans should inform the evidence base for planning in coastal areas. The prediction of future impacts should include the longer term nature and inherent uncertainty of coastal processes (including coastal landslip), and take account of climate change.

Historic environment

169. Local planning authorities should have up-to-date evidence about the historic environment in their area and use it to assess the significance of heritage assets and the contribution they make to their environment. They should also use it to predict the likelihood that currently unidentified heritage assets, particularly sites of historic and archaeological interest, will be discovered in the future. Local planning authorities should either maintain or have access to a historic environment record.
170. Where appropriate, landscape character assessments should also be prepared, integrated with assessment of historic landscape character, and for areas where there are major expansion options assessments of landscape sensitivity.

Health and well-being

171. Local planning authorities should work with public health leads and health organisations to understand and take account of the health status and needs of the local population (such as for sports, recreation and places of worship), including expected future changes, and any information about relevant barriers to improving health and well-being.

Public safety from major accidents

172. Planning policies should be based on up-to-date information on the location of major hazards and on the mitigation of the consequences of major accidents.

Ensuring viability and deliverability

173. Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

174. Local planning authorities should set out their policy on local standards in the Local Plan, including requirements for affordable housing. They should assess the likely cumulative impacts on development in their area of all existing and proposed local standards, supplementary planning documents and policies that support the development plan, when added to nationally required standards. In order to be appropriate, the cumulative impact of these standards and policies should not put implementation of the plan at serious risk, and should facilitate development throughout the economic cycle. Evidence supporting the assessment should be proportionate, using only appropriate available evidence.
175. Where practical, Community Infrastructure Levy charges should be worked up and tested alongside the Local Plan. The Community Infrastructure Levy should support and incentivise new development, particularly by placing control over a meaningful proportion of the funds raised with the neighbourhoods where development takes place.
176. Where safeguards are necessary to make a particular development acceptable in planning terms (such as environmental mitigation or compensation), the development should not be approved if the measures required cannot be secured through appropriate conditions or agreements. The need for such safeguards should be clearly justified through discussions with the applicant, and the options for keeping such costs to a minimum fully explored, so that development is not inhibited unnecessarily.
177. It is equally important to ensure that there is a reasonable prospect that planned infrastructure is deliverable in a timely fashion. To facilitate this, it is important that local planning authorities understand district-wide development costs at the time Local Plans are drawn up. For this reason, infrastructure and development policies should be planned at the same time, in the Local Plan. Any affordable housing or local standards requirements that may be applied to development should be assessed at the plan-making stage, where possible, and kept under review.

Planning strategically across local boundaries

178. Public bodies have a duty to cooperate on planning issues that cross administrative boundaries, particularly those which relate to the **strategic priorities** set out in paragraph 156. The Government expects joint working on areas of common interest to be diligently undertaken for the mutual benefit of neighbouring authorities.
179. Local planning authorities should work collaboratively with other bodies to ensure that strategic priorities across local boundaries are properly co-ordinated and clearly reflected in individual Local Plans.³⁶ Joint working should enable local planning authorities to work together to meet development requirements which cannot wholly be met within their own areas – for instance, because of a lack of physical capacity or because to do so would cause significant harm to the principles and policies of this Framework. As part of this process, they should consider producing joint

³⁶ In marine areas, local planning authorities should collaborate with the Marine Management Organisation to ensure that policies across the land/sea boundary are integrated.

planning policies on strategic matters and informal strategies such as joint infrastructure and investment plans.

180. Local planning authorities should take account of different geographic areas, including travel-to-work areas. In two tier areas, county and district authorities should cooperate with each other on relevant issues. Local planning authorities should work collaboratively on strategic planning priorities to enable delivery of sustainable development in consultation with Local Enterprise Partnerships and Local Nature Partnerships. Local planning authorities should also work collaboratively with private sector bodies, utility and infrastructure providers.
181. Local planning authorities will be expected to demonstrate evidence of having effectively cooperated to plan for issues with cross-boundary impacts when their Local Plans are submitted for examination. This could be by way of plans or policies prepared as part of a joint committee, a memorandum of understanding or a jointly prepared strategy which is presented as evidence of an agreed position. Cooperation should be a continuous process of engagement from initial thinking through to implementation, resulting in a final position where plans are in place to provide the land and infrastructure necessary to support current and projected future levels of development.

Examining Local Plans

182. The Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. A local planning authority should submit a plan for examination which it considers is “sound” – namely that it is:
- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
 - **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
 - **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
 - **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

Neighbourhood plans

183. Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need. Parishes and neighbourhood forums can use neighbourhood planning to:

MATTER 2 - DEVELOPMENT STRATEGY (QUESTIONS 1 & 2) - ØRSTED STATEMENT

APPENDIX 3 – EXTRACTS FROM THE NATIONAL POLICY STATEMENT FOR PORTS

National Policy Statement for Ports

Presented to Parliament pursuant to section 5(9) of the
Planning Act 2008

January 2012

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1 Introduction

1.1 Background

- 1.1.1 Throughout history, British sea ports have developed, thrived and changed, supporting the free movement of people, and the trade in goods and commodities which is the basis for our national prosperity. As travel and trade have changed over time, and as ships and their cargoes have developed in size, character and technology, so the nature and the distribution of ports around our coasts and rivers has altered, creating new opportunities for local, regional and national growth.
- 1.1.2 Many of the changes have been unpredictable. But there are some constants. The need for safe harbours, with built defences interacting with and changing the natural environment. The need for unimpeded access, with water deep enough for the largest vessels expected to use the port requiring dredging on the sea bed. The risks of noise, dirt and danger associated with loading and unloading cargoes. And the impacts on our transport networks of the inland movement of goods to and from ports by road or rail.
- 1.1.3 The planning system is a key to the future development of ports. The Government is using the reforms enabled by the Planning Act 2008 and the Marine and Coastal Access Act 2009 to strengthen the system, making it more transparent, as well as offering greater certainty both to those who propose new developments and to people who wish to make representations on those proposals.

1.2 Role of this National Policy Statement in the planning system

- 1.2.1 This statement is part of the planning system established under the 2008 Act to deal with nationally significant infrastructure proposals. It is a National Policy Statement (NPS) and provides the framework for decisions on proposals for new port development. It is also a relevant consideration for the Marine Management Organisation, established in the Marine and Coastal Access Act 2009, which decides other port development proposals, and for local planning authorities where they have a role to play. It applies, wherever relevant, to associated development, such as road and rail links, for which consent is sought alongside that for the principal development. Non-ports associated development should be considered on a case-by-case basis, using appropriate assessment methods consistent with this NPS and with applicable official guidance.
- 1.2.2 Under the Planning Act 2008 the Infrastructure Planning Commission (IPC) must also have regard to any local impact report submitted by a relevant local authority, any relevant matters prescribed in regulations, the Marine Policy Statement (MPS) and any applicable Marine Plan, and any other matters which the IPC thinks are both important and relevant to its decision.
- 1.2.3 The Planning Act 2008 sets out the thresholds for nationally significant infrastructure projects (NSIPs) in the ports sector. Applications for development consent will be referred to the IPC if the estimated incremental annual capacity exceeds:

- 0.5 million teu¹ for a container terminal;
- 250,000 movements for roll-on roll off (ro-ro);
- 5 million tonnes for other (bulk and general) traffic; or
- a weighted sum equivalent to these figures taken together.

The Secretary of State may also refer to the IPC an application with capacity below the relevant threshold, if he/she considers that the project is of national significance (s.35 of the Act).

- 1.2.4** The NPS sets out the Government's conclusions on the need for new port infrastructure, considering the current place of ports in the national economy, the available evidence on future demand and the options for meeting future needs. It explains to planning decision-makers the approach they should take to proposals, including the main issues which, in the Government's view, will need to be addressed to ensure that future development is fully sustainable, as well as the weight to be given to the need for new port infrastructure and to the positive and negative impacts it may bring.
- 1.2.5** The IPC must decide an application for ports infrastructure in accordance with this NPS unless it is satisfied that to do so would:
- lead to the UK being in breach of its international obligations;
 - be in breach of any statutory duty that applies to the IPC;
 - be unlawful;
 - result in adverse impacts of the development outweighing its benefits;
 - be contrary to regulations about how the decisions are to be taken.²
- 1.2.6** The Department for Communities and Local Government has issued guidance on the role and operation of the IPC.³

1.3 Duration

- 1.3.1** The NPS will remain in place until it is withdrawn, amended or replaced. It will be reviewed, in accordance with the Planning Act, when the Secretary of State considers it appropriate to do so. When considering whether to review the NPS, the Secretary of State will look at whether there has been a significant change in any circumstances on which the policy was based and whether such change was anticipated when the NPS was designated.

1.4 Power of intervention

- 1.4.1** Where there has been a material change in circumstances which necessitates the review of the NPS, in whole or in part, and it is in the national interest that a case should be decided quickly, the Secretary of State has a reserve

¹ teu: twenty-foot equivalent unit.

² s.104 Planning Act 2008.

³ <http://www.communities.gov.uk/documents/planningandbuilding/pdf/1376507.pdf>

power⁴ to intervene and take the decision, ensuring that proposals for nationally significant infrastructure can be considered without delay.

1.5 Territorial extent

1.5.1 This NPS covers England and Wales.

1.5.2 The Scottish Executive has devolved responsibilities for ports, and has developed its own ports policy under the Scottish National Transport Strategy. Ports policy in Northern Ireland is also devolved. Statistical material, including forecasts of port freight traffic, covers Scotland and Northern Ireland, as well as England and Wales, and helps to inform ports policy there. The Channel Islands and dependent territories operate their own ports policies and are not covered in the forecasts.

1.5.3 Any reference below to the United Kingdom (UK) or Great Britain should be read as without prejudice to the devolved authority of the Scottish Executive, the Northern Ireland Assembly and dependent territories in ports matters.

1.6 Applications relating to Wales

1.6.1 As noted above, this NPS covers England and Wales, reflecting the fact that ports policy for Wales, other than for small fisheries harbours, is reserved to the UK Government.

1.6.2 The Welsh Government is, however, responsible for many related functions, including transport and land use planning. In considering any applications relating to Wales, the decision-maker should additionally take account of the Welsh Government's policies and plans in these areas. The key documents are the Wales Spatial Plan, the Wales Transport Strategy, the National Transport Plan and the four Regional Transport Plans published in 2009, *Planning Policy Wales 2011* and *Technical Advice Note 18: Transport* (or successor documents). For appraisals, the Welsh Government's WelTAG guidance should be referred to.

1.7 Appraisal of sustainability

1.7.1 The appraisal of the sustainability (AoS) of the policy set out in this NPS can be found on the Department for Transport (DfT) website. This describes analysis of policy alternatives, supporting the broad approach in the NPS, and assesses how the policies set out in the NPS will ensure that consented applications will satisfy the requirements of sustainable development. The revised AoS sets out the effects of amendments included in the final version of this NPS.

1.7.2 The AoS incorporates a Strategic Environmental Assessment (pursuant to Directive 2001/42/EC as transposed by SI 2004/1633⁵) in so far as relevant to a policy statement of this nature.

⁴ Part 6 Chapter 7 Planning Act 2008

⁵ The Environmental Assessment of Plans and Programmes Regulations 2004, SI 2004/1633, www.opsi.gov.uk/SI/si2004/20041633.htm

3 Government policy and the need for new infrastructure

3.1 The essential role of ports in the UK economy

3.1.1 Until the second half of the 20th century, nearly all movements of people and goods into and out of Britain were by sea, through our ports and harbours, with cargoes being unloaded largely by hand. The last 50 years have, however, seen major changes in several areas.

3.1.2 The development of air transport has brought radical change in international travel to and from the UK. Now nearly seven times as many visits abroad by UK residents are by air rather than by sea.⁶ The opening of the Channel Tunnel also created alternatives for people travelling abroad by rail or car. Overall in 2010, UK airports handled 172 million passengers travelling on international flights and there were a further 17 million passenger journeys through the Channel Tunnel.⁷ International sea passengers continue to represent a significant proportion, with 23 million travelling to and from UK ports in 2009.⁸

Freight and bulk movements

3.1.3 Fifty years ago, many cargoes were still loaded and unloaded individually. Most of our goods now arrive in trucks and trailers which roll on and off ('ro-ro'), or in large containers. Specialised equipment at terminals conveys grain and other dry goods and liquids ('non unitised flows') from tankers to on-shore pipelines. Alongside these changes the volume of freight and bulk movements has continued to grow. In the last 40 years freight traffic through UK ports increased by three-quarters. In 2010, ports in England and Wales handled 410 million tonnes of goods, out of a UK total of 512 million tonnes, representing about 95% of the total volume of UK trade and 75% of its value.

3.1.4 For an island economy, there are limited alternatives available to the use of sea transport for the movement of freight and bulk commodities. Air freight is often used for high-value items and express deliveries, and the Channel Tunnel has a significant role in freight as well as passenger transport. But these alternatives are constrained by the volumes that can practically be carried by air, by the capacity of the rail links through the tunnel and in the case of aviation by cost and environmental disadvantages. As a consequence, shipping will continue to provide the only effective way to move the vast majority of freight in and out of the UK, and the provision of sufficient sea port capacity will remain an essential element in ensuring sustainable growth in the UK economy.

⁶ Source: Travel Trends 2008 – International Passenger Survey.

⁷ Source: UK international short sea and Channel Tunnel passengers, 2011.

⁸ Source: Port Freight Statistics 2010.

Energy supplies

3.1.5 Ports have a vital role in the import and export of energy supplies, including oil, liquefied natural gas and biomass, in the construction and servicing of offshore energy installations and in supporting terminals for oil and gas pipelines. Port handling needs for energy can be expected to change as the mix of our energy supplies changes and particularly as renewables play an increasingly important part as an energy source. Ensuring security of energy supplies through our ports will be an important consideration, and ports will need to be responsive both to changes in different types of energy supplies needed (and to the need for facilities to support the development and maintenance of offshore renewable sites) and to possible changes in the geographical pattern of demand for fuel, including with the development of power stations fuelled by biomass within port perimeters.

Tourism and leisure

3.1.6 Sea ports play an important role in the tourism and leisure industries, supporting many different forms of economic and social activity, including passenger cruise liners, Channel ferries, sea going yachts and dinghies.

Wider economic benefits

3.1.7 Ports continue to play an important part in local and regional economies, further supporting our national prosperity. In addition to some 70,000 people estimated in 2010⁹ to be working on port related activities or on the port estate, indirect employment (supplying goods and services to companies engaged in port activity) and induced employment (associated with expenditure resulting from those who derive incomes from ports) ranged from 18,000 to 96,000. More recent studies have produced higher estimates.¹⁰ By bringing together groups of related businesses within and around the estate, ports also create a cluster effect, which supports economic growth by encouraging innovation and the creation and development of new business opportunities. And new investment, embodying latest technology and meeting current needs, will tend to increase the overall sector productivity.

3.2 The UK port sector

3.2.1 The UK ports sector is the largest in Europe, in terms of tonnage handled.¹¹ It comprises a variety of company, trust and municipal ports, all operating on commercial principles, independently of government, and very largely without public subsidy. The private sector operates 15 of the largest 20 ports by tonnage and around two-thirds of the UK's port traffic. Much of the tonnage handled is concentrated in a small number of ports, with the top 15 ports accounting for almost 80% of the UK's total traffic.

⁹ Port Employment and Accident Rates Survey: 2009/10, DfT, October 2010.

¹⁰ Oxford Economics for the BPA, UK Major Ports Group and Maritime UK industry group, 2011.

¹¹ British Ports Association.

3.3 Government policy for ports

3.3.1 In summary, the Government seeks to:

- encourage sustainable port development to cater for long-term forecast growth in volumes of imports and exports by sea with a competitive and efficient port industry capable of meeting the needs of importers and exporters cost effectively and in a timely manner, thus contributing to long-term economic growth and prosperity;
- allow judgments about when and where new developments might be proposed to be made on the basis of commercial factors by the port industry or port developers operating within a free market environment; and
- ensure all proposed developments satisfy the relevant legal, environmental and social constraints and objectives, including those in the relevant European Directives and corresponding national regulations.

3.3.2 This fundamental policy enables the Government to meet its external obligations and at the same time reflects that the ports industry has proved itself capable of responding to demand in this way.

3.3.3 In addition, in order to help meet the requirements of the Government's policies on sustainable development, new port infrastructure should also;¹²

- contribute to local employment, regeneration and development;
- ensure competition and security of supply;
- preserve, protect and where possible improve marine and terrestrial biodiversity;
- minimise emissions of greenhouse gases from port related development;
- be well designed, functionally and environmentally;
- be adapted to the impacts of climate change;
- minimise use of greenfield land;
- provide high standards of protection for the natural environment;
- ensure that access to and condition of heritage assets are maintained and improved where necessary; and
- enhance access to ports and the jobs, services and social networks they create, including for the most disadvantaged.

3.3.4 The reasons for pursuing these outcomes are largely self-explanatory. Moreover, effective infrastructure planning helps to enhance the quality of outcome that might not be realised with reliance on market forces alone.

3.3.5 And the Government wishes to see port development wherever possible:

- being an engine for economic growth;
- supporting sustainable transport by offering more efficient transport links with lower external costs; and

¹² Not in any priority order.

- supporting sustainable development by providing additional capacity for the development of renewable energy.

3.3.6 These underlying policies are intended to support the fundamental aim of improving economic, social and environmental welfare through sustainable development. They recognise the essential contribution to the national economy that international and domestic trade makes. Economic growth is supported by trade but must be aligned with environmental protection, social enhancement and improvement wherever possible. The policies set out below aim to ensure that future port development supports all these objectives.

3.3.7 In addition to the Government's priority of supporting economic growth, this statement takes full account of the Government's wider policy relating to climate change, both through mitigation and adaptation. It does so by recognising the contribution that port developments can make through good environmental design and by their position in the overall logistics chain. International and domestic shipping and inland transport will be subject to other policies and measures, addressing the issues more directly than planning decisions for new development. Section 4.12 discusses mitigation of impacts from port development, while 4.13 addresses adaptation.

3.3.8 The importance of achieving good design in port development is underlined at various points in the statement, with reference to various types of impacts discussed in section 5. Good design is fundamental to mitigating the adverse effects of development, as well as a means to deliver positive aesthetic qualities in an industrial setting.

3.4 The Government's assessment of the need for new infrastructure

3.4.1 The total need for port infrastructure depends not only on overall demand for port capacity but also on the need to retain the flexibility that ensures that port capacity is located where it is required, including in response to any changes in inland distribution networks and ship call patterns that may occur, and on the need to ensure effective competition and resilience in port operations. These factors are considered further below.

Demand forecasts

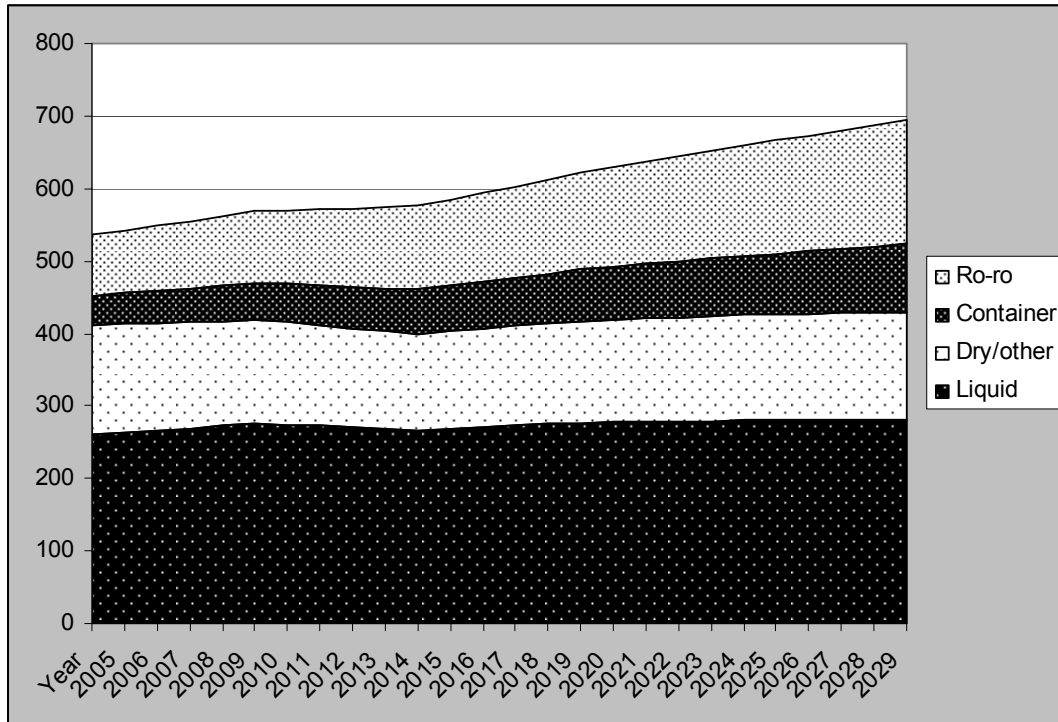
3.4.2 Over time and notwithstanding temporary economic downturns, increased trade in goods and, to a lesser extent in commodities, can be expected as a direct consequence of the Government's policies to support sustainable economic growth and to achieve rising prosperity. With 95% of all goods in and out of the UK moving by sea and very limited alternatives, the majority of this increase will need to move through ports around the coast of the United Kingdom.

3.4.3 Forecasts of demand for port capacity in the period up to 2030 by MDS Transmodal (MDST) were published on behalf of the Department for Transport in 2006 and updated in 2007 (Figure 1). The central GB-wide forecasts suggested increases by 2030 over a 2005 base¹³ of:

¹³ http://www.dft.gov.uk/pgr/shippingports/ports/portspolicyreview/207015_Final_Report_2.pdf

- 182% in containers, from 7m to 20m teu¹⁴ (excluding transshipment);
- 101% in ro-ro traffic, from 85m to 170m tonnes; and
- 4% in non-unitised traffic, from 411m to 429m tonnes.

Figure 1: MDS Transmodal central 2007 forecast of GB port freight demand, million tonnes



3.4.4 Since then, recession has led to a severe downturn in demand, especially for unitised cargo. The full extent of this recession effect on trade through ports still cannot be fully quantified, although early attempts have been made by some to do so. However, the Government's view is that the long-term effect will be to delay by a number of years but not ultimately reduce the eventual levels of demand for port capacity, in particular for unitised goods, predicted in these forecasts.

3.4.5 In addition, the UK is the global leader for offshore wind with 1.5 GW of operational capacity. In the *UK Renewable Energy Roadmap (2011)* Government has indicated that, in its central scenario, up to 18 GW could be deployed by 2020, with a high potential for further deployment by 2030. The manufacturing and assembly of large-scale equipment to serve the offshore energy sector within port sites in the UK is set to see significant increase in demand as a result. This is in addition to port capacity needed to provide installation, operation and maintenance facilities for this scale of deployment.

¹⁴ teu: twenty-foot equivalent unit, the standard measure of container capacity. Around two-thirds of containers are 40 feet long, and are classed as 2 teu each. Forecast increase in container tonnage over the period is 40,000 to 94,000 tonnes (136%).

- 3.4.6** The Government may from time to time commission new port freight demand forecasts to be published on its behalf. These new forecasts would then replace the 2006–07 MDS forecasts, and the commentary in the preceding paragraph may be subject to some change in the light of them. It is intended to commission forecasts by 2012.
- 3.4.7** The Government does not, however, expect that any new forecasts will prompt any change in its policy: that it is for each port to take its own commercial view and its own risks on its particular traffic forecasts. The purpose of the national forecasts will, unless expressly stated otherwise as part of a review of the NPS under section 6 of the Act, remain as only to help set the context of overall national capacity need, alongside competition and resilience considerations as set out below.
- 3.4.8** Since 2005, consents have been granted for a number of container port developments which, if completed as planned, would provide substantial additional container throughput:
- The Port of Felixstowe handled 3.0 million teu in 2009. Consent granted in February 2006 would provide capacity for an estimated further 1.6 to 2 million teu at Felixstowe South, and the first phase of this development has begun;
 - Bathside Bay (Harwich): consent granted March 2006 would provide capacity for an estimated 1.7 million teu per annum, though this development is not expected to proceed for some years;
 - London Gateway: consent granted June 2007 would allow capacity for an estimated 3.5 million teu per annum;
 - Teesport, handled 0.18 million teu in 2009. Consent granted February 2008 would provide capacity for a further 1.5 million teu;
 - Liverpool handled 0.6 million teu in 2009. Consent granted March 2007 would allow capacity for around a further 0.6 million teu;
 - Bristol handled 0.07 million teu in 2009. Consent granted September 2010 will allow an estimated further 1.5 million teu; and
 - Southampton, which handled 1.4 million teu in 2009, has advanced plans to expand terminal capacity within its existing development rights, which could ultimately provide capacity estimated at an additional 1.7 million teu.
- 3.4.9** If all the above development were to be built, aggregate container capacity would be broadly in line with the pre-recession forecast for demand over the next 20 years or so. However, the extent, and speed, with which these developments proceed in reality will depend upon the commercial judgements of the developers at the time. There may therefore be opportunities for other developers to bring forward proposals for alternative or additional developments that satisfy demand that these consented developments are not meeting, as well as a continuing requirement for further new container capacity to meet anticipated longer term growth. Thus, the capacity needed to provide for competition, innovation, flexibility and

resilience can be delivered by the market and is likely to exceed what might be implied by a simple aggregation of demand nationally.

- 3.4.10** Since the 2006–07 forecasts, it has become evident that demand for port capacity to service manufacture, operation and maintenance of offshore windfarms will be substantial, especially in the short term in support of the 'Round 3' offshore developments. To some extent, capacity provided for by container terminal consents may help to contribute, on an interim basis, to meeting this demand. Because of the Government's renewables targets and in light of the policies set out in the Renewable Energy NPS (EN-3), there is a strong public interest in enabling ports to service these developments. Benefits from such developments may include social and economic advantages from attracting business to the UK that would otherwise locate abroad, as well as avoiding transport by road of abnormal loads.

Location of development

- 3.4.11** Capacity must be in the right place if it is to effectively and efficiently serve the needs of import and export markets. The location of ports in England and Wales has changed over time, in response to changes in global markets, in the size and nature of ships, and in the transport networks which support them. Currently, the largest container and ro–ro terminals are in the South East, while the west coast has naturally been best placed to meet the needs of transatlantic and Irish traffic. Recent consents for container developments have been in or near deepwater ports in the main coastal estuarial locations. But it is not possible to anticipate future commercial opportunities. New shipping routes and technologies may emerge. The needs of trading partners may change as their economic circumstances develop. So capacity needs to be provided at a wide range of facilities and locations, to provide the flexibility to match the changing demands of the market, possibly with traffic moving from existing ports to new facilities generating surplus capacity.
- 3.4.12** The forecasts produced by MDS on behalf of DfT did not attempt to predict the locations where demand would manifest, partly because this is dependent on changes in the market, which are difficult to predict now. For the same reason, the Government does not wish to dictate where port development should occur. Port development must be responsive to changing commercial demands, and the Government considers that the market is the best mechanism for getting this right, with developers bringing forward applications for port developments where they consider them to be commercially viable.

Competition

- 3.4.13** UK ports compete with each other, as well as with neighbours in continental Europe, as primary destinations for long haul shipping, as stops for ships making shorter journeys to and from Europe, along UK coasts and as bases for terminals and associated infrastructure. The Government welcomes and encourages such competition. Competition drives efficiency and lowers costs for industry and consumers, so contributing to the competitiveness of the UK economy. Effective competition requires sufficient spare capacity to ensure real choices for port users. It also requires ports to operate at

efficient levels, which is not the same as operating at full physical capacity. Demand fluctuates seasonally, weekly and by time of day, and some latitude in physical capacity is needed to accommodate such fluctuations. The most efficient form of operation also depends on location – the configuration, availability and cost of land – and the availability and cost of labour. These factors may mean that total port capacity in any sector will need to exceed forecast overall demand if the ports sector is to remain competitive. The Government believes the port industry and port developers are best placed to assess their ability to obtain new business and the level of any new capacity that will be commercially viable, subject to developers satisfying decision-makers that the likely impacts of any proposed development have been assessed and addressed.

Coastal shipping

3.4.14 Ports can make a valuable contribution to decongestion and to the environment, as well as commercial gain, by facilitating coastal shipping as a substitute for inland freight transport (especially by road haulage) of various commodities. This can mean reduced emissions of pollutants per tonne-mile, with those emissions, and noise, at the same time having much less effect on people close to the transport arteries. Coastal shipping is expected to grow, and developers are expected to provide suitable facilities on a commercial basis, again subject to dealing appropriately with impacts.

Resilience

3.4.15 Spare capacity also helps to assure the resilience of the national infrastructure. Port capacity is needed at a variety of locations and covering a range of cargo and handling facilities, to enable the sector to meet short-term peaks in demand, the impact of adverse weather conditions, accidents, deliberate disruptive acts and other operational difficulties, without causing economic disruption through impediments to the flow of imports and exports. Given the large number of factors involved, the Government believes that resilience is provided most effectively as a by-product of a competitive ports sector.

Conclusion

3.4.16 Against this background, and despite the recent recession, the Government believes that there is a compelling need for substantial additional port capacity over the next 20–30 years, to be met by a combination of development already consented and development for which applications have yet to be received. Excluding the possibility of providing additional capacity for the movement of goods and commodities through new port development would be to accept limits on economic growth and on the price, choice and availability of goods imported into the UK and available to consumers. It would also limit the local and regional economic benefits that new developments might bring. Such an outcome would be strongly against the public interest.

3.5 Guidance to the decision-maker on assessing the need for additional capacity

3.5.1 For the reasons set out above, when determining an application for an order granting development consent in relation to ports, the decision-maker should accept the need for future capacity to:

- cater for long-term forecast growth in volumes of imports and exports by sea for all commodities indicated by the demand forecast figures set out in the MDST forecasting report accepted by Government, taking into account capacity already consented. The Government expects that ultimately all of the demand forecast in the 2006 ports policy review is likely to arise, though, in the light of the recession that began in 2008, not necessarily by 2030;
- support the development of offshore sources of renewable energy;
- offer a sufficiently wide range of facilities at a variety of locations to match existing and expected trade, ship call and inland distribution patterns and to facilitate and encourage coastal shipping;
- ensure effective competition among ports and provide resilience in the national infrastructure; and
- take full account of both the potential contribution port developments might make to regional and local economies.

3.5.2 Given the level and urgency of need for infrastructure of the types covered as set out above, the IPC should start with a presumption in favour of granting consent to applications for ports development. That presumption applies unless any more specific and relevant policies set out in this or another NPS clearly indicate that consent should be refused. The presumption is also subject to the provisions of the Planning Act 2008.

3.5.3 Advice on how to assess the impacts of developments that might meet these planning policies is provided through the guidance on assessment of the impacts of proposed development in section 5 of this NPS.