

PORT OF SOUTHAMPTON MASTER PLAN 2009 – CONSULTATION DRAFT

1. INTRODUCTION

- 1.1 Associated British Ports (ABP) have published a draft of the Port of Southampton Master Plan for consultation. The master plan which is supported by a Shadow Strategic Environmental Assessment and a Shadow Appropriate Assessment sets out ABP's vision for the future development of the port to 2030.
- 1.2 The publication of the master plan for consultation follows the publication of the government's 'Guidance on the Preparation of Port Master plans' released in December 2008. The guidance outlines that all major ports should produce master plans and consult on them with their community in order to clarify individual port's own strategic planning for the medium to long term, assist regional and local planning bodies and inform port users, employees and local communities how they can expect to see their port develop over the coming years.
- 1.3 Consultation on the master plan runs from the 27th June 2009 to the 13th November 2009. The draft of the Port of Southampton Master Plan including the Shadow Strategic Environmental Assessment and Shadow Appropriate Assessment can be found at <http://www.southamptonvts.co.uk/portconsultation/>.
- 1.4 Following completion of the consultation period ABP intend to publish a final version of the master plan by the end of the year. In the master plan ABP outline that they intend to review and update the document from 'time to time' and at least every five years to ensure that it remains relevant and appropriate.
- 1.5 This report summarises the main content of the master plan including the Shadow Strategic Environmental Assessment and Shadow Appropriate Assessment with particular regard to proposals within the New Forest District at Dibden Bay. In addition the report recommends a response to ABP in relation to this consultation and makes comments to central government regarding national policy in relation to the Port of Southampton. Section 7 provides a summary of the recommendations outlined in the report.

2. BACKGROUND

- 2.1 The background section to this report is split into five different sections. The first section considers 'Key Infrastructure Proposals in the Port Master Plan', whilst the second section considers 'Dibden Bay' including its location and environmental designations affecting the site. The third and fourth sections outline the 'Conclusions of the 2001/02 Public Inquiry into ABP's Port Development Proposals at Dibden Bay' and the 'EU Habitats Directive' respectively. The fifth and final section considers the Shadow Strategic Environmental Assessment (SSEA) and Shadow Appropriate Assessment (SAA) produced to accompany the Port of Southampton Master Plan.

Key Infrastructure Proposals in the Port Master Plan

- 2.2 Master plans are non-statutory documents which are not subject to public examination by a government inspector. Essentially they provide an opportunity for port operating companies to outline their vision and future requirements for ports in their ownership.

2.3 Paragraph 1.30 in the master plan proposes that the following major changes will occur in the Eastern and Western Docks by 2020:

- Construction of a number of multi-deck car compounds in the Eastern and Western Docks;
- Re-commissioning of berths 201 and 202 in the Western Docks into container use in order to accommodate the new, longer and deeper-draughted container ships;
- In the Western docks, displacement of trade car and roll-on/roll-off storage areas by additional container storage areas;
- Construction of additional cargo sheds, in response to customer demand; and
- Appropriate re-routing of dock roads which may be required by any of the land changes listed above.

2.4 Paragraph 1.36 goes on to outline proposes for the following spatial changes will occur in the Eastern and Western Docks between 2020 and 2030:

- Construction of further multi-deck car compounds for the storage of import and export trade cars and for the parking of vehicles belonging to cruise passengers;
- Further expansion of the Port's container terminal, together with the intensification of container handling operations to optimise the efficiency of land use;
- Construction of port facilities on the Dibden Reclaim;
- Construction of a fifth passenger cruise terminal, most probably in the Western Docks, to accommodate anticipated growth in the cruise market, and
- Appropriate re-routing of dock roads which may be required by any of the land use changes listed above.

2.5 Paragraph 7.36 of the master plan provides context to ABP's proposals to develop port facilities on the Dibden reclaim by stating that:

'By 2020 we consider it likely that the intensity of land use in the Eastern and Western Docks will have increased to the point where the Port will be approaching the practical limits of land use optimisation within this part of the estate.'

2.6 Paragraphs 7.41 and 7.42 go on to outline;

'Given the considerable lead-time inherent in preparing the necessary applications, securing consent and constructing the first phase, it is considered necessary to commence the process of seeking approvals to develop the Dibden reclaim some time before 2020. It is thought prudent to adopt a lead-in time of 9 years prior to the requirement for port uses on the Dibden reclaim.'

'Although the evidence suggest that it is likely that additional capacity for container handling will be required, it is also evident that there will be a need for other port uses to potentially be accommodated on the site. The need for the Port of Southampton to expand on to Dibden reclaim is needed during the lifetime of this Master plan in order that the Port maintains and enhances its role as an international deep sea gateway, as required by government through the regional spatial strategy.'

Dibden Bay

- 2.7 Dibden Bay is an area of reclaimed land located between Marchwood and Hythe. It is adjoins Southampton Water to the East and the New Forest National Park to the West. Dibden Bay including the foreshore is subject to a number of international and national nature designations. Appendix 1 shows the location of Dibden Bay and the environmental designations that affect the site.
- 2.8 Paragraph 6.11 of the master plan outlines how since the mid 1960s consideration has been given on a number of occasions to the most suitable location for port expansion at Southampton should it be required.
- 2.9 Paragraph 6.12 of the master plan goes on to state:
- ‘The common conclusion has been that the land at Dibden Bay reclaimed for the purpose, is not only the most suitable, but also the only option. We have revisited it for this master plan and can confirm its validity. The Dibden reclaim offers a unique combination of advantages for the expansion of the Port of Southampton. These include its size; proximity to the deep water channel; and proximity to an existing railway and to the primary road network’.*
- 2.10 While Dibden Bay may offer the only suitable location for the physical expansion of the Port of Southampton the Council’s Core Strategy Development Plan Document (DPD) (Appendix 2) outlines how national and international nature designations affecting the site are major constraints to development. Dibden foreshore has been designated as a Special Protection Area (SPA), an area protected under European Council Directive for the conservation of wild birds (The Birds Directive) and a Ramsar site (an internationally important wetland site protected by the Convention on Wetlands) whilst the Dibden reclaim has been identified as a site of Special Scientific Interest (SSSI). A SSSI is an area protected under the Wildlife and Countryside Act 1981 for the protection and conservation of flora and fauna.

Conclusions of the 2001/02 Public Inquiry into ABP’s Port Development Proposals at Dibden Bay

- 2.11 Between November 2001 and December 2002 a major public inquiry took place into ABP’s proposals to develop a container port at Dibden Bay. The Inspector reported in September 2003 and the Secretary of State issued his decision letter in April 2004. The development proposals were rejected.
- 2.12 NFDC had objected to the port development proposals at Dibden Bay, and presented evidence (jointly with Hampshire County Council) on grounds including:
- Damage to international and national nature conservation sites. The conclusion of the applicant’s Appropriate Assessment was considered flawed as the applicant failed to take account of alternative locations for development outside Southampton Water.
 - Potential to make better use of Southampton Port.
 - Harm to Totton and Waterside residents including effects of land access to Dibden Bay; scale and nature of development had the potential to not only adversely affect the amenity of the area but to cause a noise nuisance during both its construction and operation.
 - Visual Impact; Impact on many aspects of the landscape and on local communities. Failure to respect character of New Forest Coast etc. Scale and nature of development would have significant landscape impact; direct and indirect impacts on the New Forest Heritage Area and proposed National Park on a number of grounds.

- 2.13 The Secretary of State concluded that the project could only be allowed to proceed if there were imperative reasons of overriding public interest, and that the public interest for which an internationally and nationally designated site would be adversely affected is different from the interests of the applicant or of the port of Southampton. The Secretary of State agreed with the Inspector that there were credible alternatives for container port development and that the disbenefits of the scheme, as borne out by its impact on internationally and nationally environmentally sensitive sites, outweighed the potential benefits.

The Inspector at the 2001/02 inquiry concluded that there would be damage to the Solent and Southampton Water Ramsar Site and Special Protection Area (SPA) as a result of port development at Dibden Bay. He also concluded that it could not be shown that there would not be damage to the Solent Maritime Special Area of Conservation (SAC) and the River Itchen SAC. A SAC is protected under European Council Directive for the conservation of natural habitats and wild fauna and flora (The Habitats Directive).

- 2.14 Other “credible alternatives” for container port have since been given the go ahead. Three schemes mentioned in the 2004 inquiry decision include London Gateway, Bathside Bay and Felixstowe which have all since been granted planning permission.

EU Habitats Directive

- 2.15 ABP has produced a Shadow Appropriate Assessment (SAA) to accompany the Port of Southampton Master Plan (paragraphs 2.24 to 2.25). There is nothing in the SAA to state that a future proposal— as opposed to that rejected by the Secretary of State in 2004 – would be unlikely to have harmful effects on the national/international nature conservation designations at Dibden Bay. Paragraph 10.5 outlines that on the basis of existing evidence it is likely that compensatory measures will be required in respect of proposals at Dibden Bay. Such compensatory measures would be required as a result of the impact on international nature designations that affect the site.
- 2.16 Given the impact that port development at Dibden Bay would have upon sites of international importance for nature conservation, under the EU Habitats Regulations development would only be permissible if there were no alternatives for port development and there were IROPI (Imperative Reasons of Overriding Public Interest) for development to take place. The IROPI Test is set out in European legislation in the form of the Habitats Directive. The Habitats Directive makes it clear that any decision in relation to the IROPI Test must be taken by a competent national authority.
- 2.17 Any future proposals for port development at Dibden Bay would need to be considered by the newly created Infrastructure Planning Commission (IPC) within the context of a national policy statement (NPS) on ports and the need for port development. Given that port development at Dibden Bay would have a significant effect on the integrity of European sites, an ‘appropriate assessment’ will have to be carried out to consider the implications for the site.
- 2.18 Under current guidance and as outlined in the 2004 inquiry decision alternative solutions can be elsewhere and not just in the vicinity of the Port of Southampton. The Secretary of State’s decision letter in respect of the 2001/02 inquiry considers what it refers to as ‘alternative means of serving the public interest’ whilst Annex B to ‘Guidance on the Preparation of Port Master Plans’ (December 2008) outlines that in identifying alternatives, ‘alternatives should be drawn widely and appraisals based on reasoned and objective argument’.

2.19 The 'Guidance Document on Article 6(4) of the Habitats Directive' (January 2007) outlines how the concept of 'imperative reason of overriding public interest' is not defined in the Directive. However the guidance goes on to outline how Article 6 (4) mentions human health, public safety and beneficial consequences of primary importance for the environment as examples of such imperative reasons of overriding public interests. The guidance then indicates that with regards to 'other imperative reasons of overriding public interest' of social or economic nature, only public interests, irrespective of whether they are promoted either by public or private bodies, can be balanced against the conservation aims of the Directive. Thus, projects developed by private bodies can only be considered where such public interests are served and demonstrated.

2.20 Article 6 (4) of the Habitats Directive states that;

'Where the site concerned hosts a priority natural habitat type and/or a priority species, the only considerations which may be raised (in respect of IROPI) are those relating to human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the commission, to other imperative reasons of overriding public interest'.

2.21 Given that the foreshore at Dibden Bay is home to priority species the barrier in relation to the IROPI test is set at an even higher level in respect of developing land at Dibden Bay. It would be very hard to argue that importation and storage of cars – which could take place elsewhere – is an over-riding requirement that passes this IROPI test.

Shadow Strategic Environmental Assessment (SSEA)/Shadow Appropriate Assessment (SAA)

2.22 A SSEA and SAA have been produced by ABP's consultants to support the Port of Southampton Master Plan. The following section provides a brief summary on the documents including their key findings.

Shadow Strategic Environmental Assessment (SSEA)

2.23 Requirements for SSEA derive from European Directive 2001/42/ec. Although on a strict legal basis Port Master Plans do not fall within the terms of the SEA Directive, ABP has decided to undertake one. The Shadow SEA evaluates the likely significant effects on the environment should any or all of the projects identified in the draft master plan eventually be implemented.

2.23 Eighteen SEA objectives have been developed in the SEA based upon environmental, social and economic objectives. Whilst the strategy is assessed by ABP's consultants as having significant positive effects in respect of the economic based SEA objectives, the strategy is considered by ABP's consultants to be predominantly neutral in respect of the four social based SEA objectives. The SEA outlines that the strategy is likely to have significant adverse effects in respect of the environmental based SEA objectives including nature conservation and biodiversity, landscape, surface and groundwater bodies.

Shadow Appropriate Assessment (SAA)

2.24 The EU Habitats Regulations requires the potential effects of a spatial or land use plan upon European Sites (SPA and SAC) to be considered in the form of an Appropriate Assessment (AA). ABP question whether a formal AA of the master plan is technically required given that the master plan does not constitute a land use plan. However given the importance of the master plan ABP outline how they have commissioned consultants to carry out what they refer to as a Shadow Appropriate Assessment (SAA).

- 2.25 The SAA considers a number of issues in relation to the European Habitats Directive including Consideration of Alternative Strategies, Preventative Measures, Mitigation and Compensatory Measures, Assessment of Implications of European Sites and Considerations of Overriding Public Interest. The overriding consideration however must be as stated in paragraph 12.2 of the SAA, that if development proposals at Dibden were brought forward then such development would have a significant adverse effect on European designated sites. In these circumstances, consideration of compensatory measures and mitigation would only come into play if there are 'imperative reasons of overriding public interest' and no credible alternatives (as set out in paragraphs 2.11 to 2.21 above).

3. RECOMMENDED RESPONSE TO MASTER PLAN

- 3.1 The recommended response to the Port of Southampton Master Plan considers a number of different issues. The first section considers the policy framework with regards to the Port of Southampton at the European, national, regional and local level. Other issues that have been considered in the response include 'Other Environmental Issues' including 'Impact on the National Park' and 'Impact on Local Communities'. Hampshire County Council and the New Forest National Park Authority have both made responses expressing similar concerns in relation to proposals within the master plan.

Policy Framework

Article 6 (4) of the European Habitats Directive

- 3.2 **As outlined in the background section to this report Dibden Bay including the foreshore is subject to a number of national and international nature designations. The SSEA and SAA do not demonstrate that a port development at Dibden Bay could be constructed without harmful effects on the national/international nature conservation designations at Dibden Bay. Account also needs to be taken of the effects of any necessary related dredging operations. Under the IROPI (Imperative Reasons of Overriding Public Interest) test as it relates to current law in these circumstances, port development could only take place if no suitable alternatives exist. It is considered that alternatives to port development at Dibden Bay do exist. On this basis it is recommended that an objection is raised to the master plan based upon the impacts that port development at Dibden Bay would have upon national/international nature conservation designations and its failure to fulfil the requirements of the IROPI test.**

National Policy Framework including Demand Forecasts

- 3.3 Chapter 4 of the master plan includes a section focussed on the national policy framework. This includes reference to the national policy framework and a number of particular documents including Modern Ports: A UK policy (2000), the Ports Policy Review Interim Report (2007), Towards a Sustainable Transport System (2007), and Delivering a Sustainable Transport System (2008). Further to those documents outlined above it is understood that the government is due to release a national policy statement on ports by the end of the year.
- 3.4 National policy will need to take account of national demand forecasts when planning for the future of ports in the UK. The National Demand Forecasts Study (July 2007) carried out on behalf of the UK government did not consider capacity at individual ports but shows that future issues will arise over port capacity at both the national level and at the regional level affecting the south east of England. However it is unclear from the study when future port capacity will be required. The current global economic situation also increases the uncertainty with regards to future requirements in relation to port capacity.

3.5 Chapter 5 of the master plan considers Trade Demand Forecasts for the Port of Southampton up to 2030. Table 5.1 in the master plan (set out below) summarises ABP's demand forecasts. Paragraph 5.8 goes on to state that:

'The demand forecast is aligned with the DfT's national forecasts (2005-2030) and uses work carried out by MDS Transmodal, authors of the national port demand forecasts used by the UK government'

Cargo category	000 Units	2005	2020	2030
Cruise	passengers	702	1,498	1,917
Containers	TEU*	1,382	2,694	4,204
Motor vehicles	units	724	702	844
Containers	tonnes	7,625	14,947	23,325
Motor vehicles (Ro/Ro)	tonnes	1,377	1,335	1,605
Dry bulks	tonnes	1,357	1,786	2,166
General cargo and semi-bulks	tonnes	104	156	208
Liquid bulks	tonnes	28,367	33,739	35,359
TOTAL**	tonnes	38,830	51,963	62,663

*Twenty Foot Equivalent Unit, the industry standard measure of container capacity.
**Does not include non-liquid bulk traffic that is handled outside the Southampton port estate.

Table 5.1: Forecast demand analysis for the Port of Southampton to 2030.

Source: ABP

3.6 Paragraph 5.33 of the master plan outlines that:

'The forecasts use the disaggregated data that underpinned the DfT's national forecasts, namely the differential growth rates that MDS Transmodal produced for 12 different container trade routes. These growth rates ranged from 3.1% for central and South America to 4.7% for East Asia (i.e. China).'

3.7 Paragraph 5.84 of the Port Master plan outlines how:

'ABP's forecast for cruise demand has been principally informed by our customers' own expectations. These include Carnival, who own over 60% of the Cruise vessels calling at Southampton.'

3.8 When considering demand forecasts for the Port of Southampton it does not appear as though they align with the national demand forecasts as is suggested in paragraph 5.8 of the master plan. For example national forecasts predict that there will be an 8% decrease in port traffic in relation to dry bulks over the period from 2005-2030. However this compares with The Port of Southampton Master Plan which suggests there will be a 59% increase in port traffic in relation to dry bulks over the same period. The forecasts are based on optimistic assumptions. A further consideration relates to the scope to improve port productivity within the existing port of Southampton. This was an issue raised at the previous public inquiry. Technology is continually changing and it is understood that higher productivity is being achieved elsewhere.

- 3.9 It is **recommended** that an objection is made to the use of the demand forecasts based upon optimistic assumptions in the Port of Southampton Master Plan. Further work needs to be done to assess the realism of the forecasts particularly in the context of the current global economic downturn and other issues relating to world trade and transport costs. It is also essential that the Port Master Plan maximises the productivity of the existing port.
- 3.10 The current national policy framework in relation to ports fails to set out a strategic position in relation to the Port of Southampton. It is **recommended** that any reference implicitly or explicitly to Dibden Bay in the national policy statement on ports should take proper account of the internationally important nature conservation designations that affect the site.

Regional Policy Framework

- 3.11 The Regional Planning Framework is provided by the South East Plan. The South East Plan is government policy for the South East and has replaced the policies and text of the Hampshire Structure Plan Review. On this basis the Council cannot understand why paragraph 4.64 of the master plan still makes reference to Policy EC6 in the Hampshire Structure Plan Review.
- 3.12 A number of policies in the South East Plan are particularly relevant in relation to the Port of Southampton. This includes policies T10 (Ports and Sea Shipping), T12 (Freight and Site Safeguarding), RE3 (Employment and Land Provision), SH3 (Scale, Location and Type of Employment Development), NRM5 (Conservation and Improvement of Biodiversity), NRM8 (Coastal Management) and C1 (The New Forest National Park). NRM5 in particular directly applies to Dibden Bay given its international designations. Policy RE3 implies an indirect reference to SEEDA's Solent Waterfront Strategy.

Policy T10 (Ports and Short Sea Shipping)

- 3.13 Policy T10 in the South East Plan reads as follows:
- 'Relevant regional strategies, local development documents and local transport plans will include policies and proposals for infrastructure that maintain and enhance the role of the following ports...'*
- 3.14 Southampton is listed as a gateway port. The policy goes on to state:
- 'The major ports should give priority to the preparation of port masterplans as a means of identifying future infrastructure requirements'.*
- 3.15 Paragraphs 4.52 and 4.53 of the master plan outline that;
- 'In respect of the Port of Southampton the South East Plan recognises it as a major international deep-sea port with significant global and economic importance' whose 'infrastructure and development needs, both short and long term, require further consideration'⁴*

'The policy which this text supports (policy T10) makes clear that relevant regional strategies, local development documents and local transport plans will 'include policies and proposals for infrastructure that maintain and enhance the role of the following ports'. The Port of Southampton is then identified as a gateway port.

- 3.16 Paragraph 4.54 in the master plan considers how Policy T10 (Ports and Short Sea Shipping) in the South East Plan makes reference to port master plans. It reads as follows;

‘Specific reference in the policy is made to port master plans, which are identified as a ‘means of identifying future infrastructure requirements’. The supporting text in respect of master plans recognises that they enable better planning for planning interventions and that the transport requirements identified in a master plan ‘should then be taken into account in relevant national strategies, local development documents and LTPs (Local Transport Plans)’.

- 3.17 Paragraph 4.55 of the master plan goes on;

‘In respect of further considering the development needs of the Port of Southampton that are required to maintain and enhance its role as an international gateway, the master plan is therefore key’.

- 3.18 Policy T10 in the South East Plan makes no reference to port expansion at Dibden Bay.

Policy T12 (Freight and Site Safeguarding)

- 3.19 Policy T12 in the South East Plan outlines how regional strategies, local development documents and local transport plans should include policies that:

- i. *‘safeguard wharves, depots and other sites that are, or could be, critical in developing the capability of the transport system to move freight, particularly by rail or water*
- ii. *safeguard and promote sites adjacent to railways, ports and rivers for developments, particularly new international facilities and rail related industry and warehousing, that are likely to maximise freight movement by rail or water*
- iii. *encourage development with a high generation of freight and/or commercial movements to be located close to international facilities, rail freight facilities, or ports and wharves’.*

The Solent Waterfront Strategy was prepared for SEEDA by Adams Hendry who also are ABP’s agents promoting port expansion at Dibden Bay.

- 3.20 No reference is made to port expansion at Dibden Bay in Policy T12 in the South East Plan.

Policy RE3 (Employment and Land Provision)

- 3.21 Policy RE3 in the South East Plan outlines what local authorities should have regard to when developing employment based policies in their Local Development Frameworks (LDFs).

- 3.22 In addition Policy RE3 states that:

‘Accessible and well located industrial and commercial sites should be retained where there is a good prospect of employment use. In particular, key sites of importance to the marine industry identified through SEEDA’s Waterfront Strategies should be safeguarded in relevant LDDs’

3.23 Paragraph 4.61 in the master plan outlines that;

‘SEEDA (South East Economic Development Agency) has produced a waterfront strategy for the Solent. In the strategy, land areas owned by ABP within the existing commercial port and the Dibden reclaim are identified as sites of importance to the marine industry in the Solent Waterfront Strategy.

3.24 This follows on from paragraph 4.60 in the master plan which outlines how policy RE3 (Employment and Land Provision - South East Plan) explains that;

‘in the context of having regard to strategic and local business needs and the relevant sub-regional strategy, local development documents should safeguard key sites of importance to the marine industry identified through SEEDA’S Waterfront Strategies’.

3.25 Policy RE3 in the South East Plan provides no basis for a port development at Dibden Bay especially in the context of NRM5 of the South East Plan.

Policy SH3 (Scale, Location and Type of Employment Development)

3.26 Policy SH3 in the South East Plan is a sub-regional policy for South Hampshire which sets out requirements in relation to the scale, location and type of employment development. Paragraph 16.15 which provides supporting text to policy SH3 states that:

‘Whilst employment uses are set out in Policy SH3, land may also be required for port uses at Southampton Port. This includes land for infrastructure that maintains and enhances the role of the port and the protection of waterfront land that may be required for port use’

3.27 At no point in policy SH3 or in the supporting text to policy SH3 does it state that land at Dibden Bay should be used for port uses.

Policy NRM5 (Conservation and Improvement of Biodiversity)

3.28 Policy NRM5 considers conservation and biodiversity issues. It states that:

‘Local planning authorities and other bodies shall avoid a net loss of biodiversity, and actively pursue opportunities to achieve a net gain across the region.

- i. They must give the highest level of protection to sites of international nature conservation importance (European Sites). Plans or projects implementing policies in the RSS are subject to the Habitats Directive. Where a likely significant effect of a plan or project on European sites cannot be excluded, an appropriate assessment in line with the Habitats Directive and associated regulations will be required.*
- ii. If after completing an appropriate assessment of a plan or project local planning authorities and other bodies are unable to conclude that there will be no adverse effect on the integrity of any European sites, the plan or project will not be approved, irrespective of conformity with other policies in the RSS, unless otherwise in compliance with 6 (4) of the Habitats Directive...’*

3.29 Policy NRM5 is of direct relevance to Dibden Bay. As previously outlined the foreshore at Dibden Bay is subject to international nature conservation regulations. Thus any proposals for port development at Dibden Bay would be subject to the requirements set out in Article 6 (4) of the Habitats Directive, which sets a very high barrier with regard to any development proposals.

NRM8 (Coastal Management)

3.30 Policy NRM8 includes the following statements:

“In the development and implementation of local development documents and other strategies, local authorities and other agencies should:

.....

iv. avoid built development on the undeveloped coastline unless it specifically requires a rural coastal location, meets the sequential test set out in Planning Policy Statement 25: Development and Flood Risk and does not adversely affect environmental, cultural and recreational resources. In particular, development must not compromise the ability to preserve the interest features of Natura 2000 sites through managed retreat of coastal habitats in response to sea level rise.....”

Policy NRM8 is of direct relevance to Dibden Bay as development at Dibden Bay would adversely affect environmental resources at Dibden Bay.

3.31 **Although the section of the master plan on the South East Plan considers policies T10, T12, RE3 and SH3 it fails to provide the full policy context with regards to the regional policy framework affecting the Port of Southampton and ignores policies NRM5, C1 and NRM8. It is recommended that an objection is raised to this part of the master plan for failing to provide the full context with regards to the regional policies that affect the port of Southampton. This is directly relevant to Dibden Bay. The final version of the master plan should make clear reference to policies NRM5, NRM8 and C1 in the South East Plan.**

Local Policy Framework

3.32 In addition to the national and regional policy frameworks the master plan makes reference to the New Forest District Local Plan First Alteration (2005). Paragraph 4.64 of the master plan reads as follows:

‘Policy DW-C3 states that port development requiring access to deep water maybe permitted at Dibden Bay subject to it complying with HCSPR (Hampshire County Structure Plan Review) policy EC6 and certain criteria being met’.

3.33 Neither Policy DW-C3 nor Policy EC6 is of any continuing relevance to Dibden Bay. Policy DW-C3 ceased to have any effect when the Core Strategy was adopted by Council on the 26th October. Policy EC6 ceased to have any effect when the South East Plan was adopted on the 9th May 2009.

3.34 Policy CS3 (Protecting and enhancing our special environment) in NFDC’s Core Strategy refers to national and regional policy in relation to nature conservation and also includes the following statements:

.....The special characteristics of the Plan Area’s natural and built environment will be protected and enhanced through:

(a) applying relevant national and regional policies;

... (l) ensuring development contributes, where possible, to biodiversity by designing in wildlife, and ensuring any unavoidable impacts are appropriately mitigated for (including on sensitive areas outside the Plan Area including the international nature conservation designations in the National Park)...

- 3.35 In addition to Policy CS3 paragraphs 9.15 and 9.16 (Appendix 2) in the Core Strategy focus on Dibden Bay. The text acknowledges the importance of the Port of Southampton as a major international deep sea gateway port and that Dibden Bay is the only area of land that could accommodate significant physical expansion of the port. However it is also acknowledged that the land at Dibden Bay is subject to environmental designations including as a Site of Special Scientific Interest (SSSI) and the foreshore as a SPA (Special Protection Area) and Ramsar site. On this basis it is outlined that any development would have to satisfy the requirements of the Habitats Regulations. Other policies in the Core Strategy and saved local plan policies are also relevant to detailed consideration of a port at Dibden Bay.
- 3.36 **It is recommended that an objection is raised to the references to the local policy framework including paragraph 4.64 of the master plan. It is contrary to policies in the Council's adopted Core Strategy. Policy DW-C3 of the Local Plan ceased to have any effect when the Core Strategy was adopted by Council on the 26th October. Policy EC6 of the Structure Plan ceased to have any effect when the South East Plan was adopted on the 9th May 2009. Paragraph 4.51 of the master plan as is outlined in paragraph 3.9 of this report acknowledges that the South East Plan has replaced the Hampshire Structure Plan Review. Paragraph 4.64 should reflect the current local policy framework by referring to the New Forest District Core Strategy Development Plan Document (DPD). All references to policy EC6 in the Structure Plan and DW-C3 of the Local Plan are now outdated and should not be included.**

Other Environmental Issues

- 3.37 Chapter 9 of the Master Plan outlines other 'Environmental Issues to be considered in master planning at the Port of Southampton'.
- 3.38 **It is recommended that the Council does not make any detailed comments on the other environmental issues identified at this stage apart from some general comments including comments on the issues of 'Landscape impact on the National Park' which was a major consideration at the 2001/02 inquiry and on 'Impact on Local Communities'.**

Landscape Impact on the National Park

- 3.39 Policy C1 in the South East Plan includes the statement that:

'Planning decisions should also have regard to the setting of the Park'.

- 3.40 The master plan outlines that the:

'Effects of developments on the Dibden site on the setting of and views from the National park are a material planning consideration'.

- 3.41 In addition Paragraph 9.96 reads as follows:

'The Dibden reclaim is opposite the Eastern Docks and next to the Sea Mounting Centre. Consequently, its use for Port purposes would not generally be out of character with the established landscape of the Lower Test. Nevertheless, such development will have a significant visual impact on surrounding areas, which, as noted above, include local communities and the National Park. ABP owns sufficient land to the west of the reclaim to enable a substantial mitigation package to be provided and this would be a consideration for discussion with stakeholders representing the interests in the area before proposals for development were assembled'.

- 3.42 At the 2001/02 inquiry into port development at Dibden Bay the Inspector made it clear in his conclusions that the port development would result in significant damage to the character of what was at that stage the New Forest Heritage Area.
- 3.43 The New Forest National Park Authority in their response to the Port of Southampton Master Plan express 'grave concerns' regarding the landscape impact of port development at Dibden Bay on the New Forest National Park. In addition the National Park Authority suggest in their report that landscape impacts on the National Park would appear inevitable.
- 3.44 **Despite any attempts that are taken to mitigate the landscape impact of port development at Dibden Bay, development will inevitably have a landscape impact. It is recommended that an objection is raised to proposals in the master plan for port development at Dibden Bay on the basis of landscape impact including on the New Forest National Park.**

Impact on Local Communities (Including Transport)

- 3.45 The Secretary of State's decision letter (2004) in relation to proposals for port development at Dibden Bay raised concerns in relation to noise disturbance, visual impact and delay at level crossings resulting from the proposed port terminal at Dibden Bay. These issues are considered below. The issue of delay at level crossings is considered in the wider context of transport impacts.

Transport Impacts

- 3.46 Paragraph 8.37 of the master plan states that:

'During the master plan period we expect that the Dibden reclaim will be developed for port use. It is likely that the A326 road will require some upgrading to accommodate additional HGV movements to and from the Port extension'.

- 3.47 Paragraph 8.45 in the plan goes on to outline how ABP:

'Expect that the port development land at Dibden will need to be brought into use during the master plan period. As Dibden is located close to the existing Totton to Fawley branch railway line, we intend to encourage the maximum possible use of rail to transport cargo. Possible improvements to the branch line at its junction with the London to Weymouth mainline at Totton may be required to accommodate freight movements associated with such development'.

- 3.48 Issues surrounding transport are only dealt with at a superficial level in the master plan. It is expected that any application for port development at Dibden Bay will consider transport issues in full and will include a full transport assessment to show how impacts on the road network within the new Forest District will be satisfactorily dealt with. This includes traffic impacts resulting from delays at level crossings, and wider issues relating to the freight routes northwards from Southampton. The Inspector at the 2001/02 Inquiry accepted that trains from a new Terminal at Dibden Bay would increase delays at level crossings.

Noise Disturbance

- 3.49 Port development at Dibden Bay would result in noise disturbance which would affect the amenity of local people living in proximity to the site. Noise Disturbance would result both from the construction of a port at Dibden Bay (over a period of several years), its operation and train noise in association with the Terminal once built.

Visual Impact

- 3.50 In addition to the landscape impact on the New Forest National Park, port development would also have a significant visual impact upon surrounding communities particularly in Hythe. The Inspector at the 2001/02 Inquiry considered that the Terminal at Dibden Bay 'would have a significant adverse visual impact on Hythe' (36.543) and an even greater impact on Hythe Marina and the adjacent neighbourhood.
- 3.51 **It is recommended that an objection is raised to the inclusion of proposals for port development at Dibden Bay on the basis of the impact that the development would have upon the amenity of local people including transport impacts, noise disturbance and visual impact.**

Socio Economic Impact

- 3.52 Section 10 of the Master Plan outlines the socio-economic context in which the port operates and explains the port's contribution to the region and sub-region in socio-economic terms. This includes a consideration of the future employment opportunities that will result from the expansion of the Port of Southampton. It is outlined that although it is difficult to assess the number of jobs that will be created given that it is dependent on the nature and scale of development that takes place, any jobs that are created will be highly skilled.
- 3.53 Paragraph 10.13 of the master plan outlines:
'There is a connectivity between increased activity in the port and the intensification of activity in the surrounding urban areas. A consequence of the continued intensification of the port estate is that subsidiary activities such as transport depots, open storage, warehouses and distribution depots have progressively been excluded from the Port estate, and need to be relocated on to alternative locations within the surrounding area'
- 3.54 Paragraph 10.26 of the master plan outlines that:
'The New Forest District emerging Core Strategy sets out as one of its objectives the making of a positive contribution to the delivery of the South East Plan's strategy for the regeneration and improves economic performance of the South Hampshire Sub region. As the master plan explains, the port will play a significant role in the achievement of this objective'
- 3.55 NFDC's Core Strategy sets out an objective which has the aim of making a positive contribution to the delivery of the South East Plan's strategy for the regeneration and improved economic performance of the South Hampshire sub-region. While the expansion of the Port Of Southampton would bring about some economic benefits NFDC considers that a port proposal at Dibden Bay would not fit the aims of NFDC's Core Strategy, Economic Strategy and Sustainable Community Strategy. The Council's Core Strategy seeks to intensify uses in areas of the Waterside that are currently used for open air storage. This includes land at Eling Wharf and Marchwood Industrial Park.
- 3.56 **It is recommended that the Council objects to the use of land designated for employment uses within the Waterside area of the District being used for subsidiary activities such as transport depots, open storage, warehouses or distribution depots. Such uses would be contrary to the aims of the Council's Core Strategy, Economic Strategy and Sustainable Community Strategy.**

4. ENVIRONMENTAL IMPLICATIONS

- 4.1 The growth of the Port of Southampton will result in wide ranging environmental implications as outlined in the report above and if port development was to take place at Dibden Bay the environmental impacts would be unacceptable within the New Forest District.

5. FINANCIAL, EQUALITY AND DIVERSITY, CRIME AND DISORDER IMPLICATIONS

- 5.1 There are none arising directly from this report. However if the proposals in the master plan in relation to Dibden Bay are carried forward and a planning application is submitted then a new public inquiry will take place. This is likely to result in very high costs for the Council.

6. PORTFOLIO HOLDER COMMENTS

- 6.1 The Planning and Transportation Portfolio Holder supports the recommendations.

7. RECOMMENDATION

It is **recommended** that New Forest District Council responds to the consultation on the draft Southampton Port Master Plan as follows (based on the recommendations as set out in earlier sections of this report);

(a) Recommendations to ABP in response to the draft Port Master Plan

- (i) That an objection is raised to the master plan based upon the impacts that port development at Dibden Bay would have upon national/international nature conservation designations and its failure to fulfil the requirements of the IROPI test.**
- (ii) That an objection is made to the use of the demand forecasts based upon optimistic assumptions in the Port of Southampton Master Plan. Further work needs to be done to assess the realism of the forecasts particularly in the context of the current global economic downturn and other issues relating to world trade and transport costs. It is also essential that the Port Master Plan maximises the productivity of the existing port.**
- (iii) That an objection is raised to the master plan for failing to provide the full context with regards to the regional policies that affect the port of Southampton. This is directly relevant to Dibden Bay. The final version of the master plan should make clear reference to policies NRM5, NRM8 and C1 in the South East Plan.**
- (iv) That an objection is raised to the references to the local policy framework including paragraph 4.64 of the master plan. It is contrary to policies in the Council's adopted Core Strategy. Policy DW-C3 of the Local Plan ceased to have any effect when the Core Strategy was adopted by Council on the 26th October. Policy EC6 of the Structure Plan ceased to have any effect when the South East Plan was adopted on the 9th May 2009. Paragraph 4.51 of**

the master plan as is outlined in paragraph 3.9 of this report acknowledges that the South East Plan has replaced the Hampshire Structure Plan Review. Paragraph 4.64 should reflect the current local policy framework by referring to the New Forest District Core Strategy Development Plan Document (DPD). All references to policy EC6 in the Structure Plan and DW-C3 of the Local Plan are now outdated and should not be included.

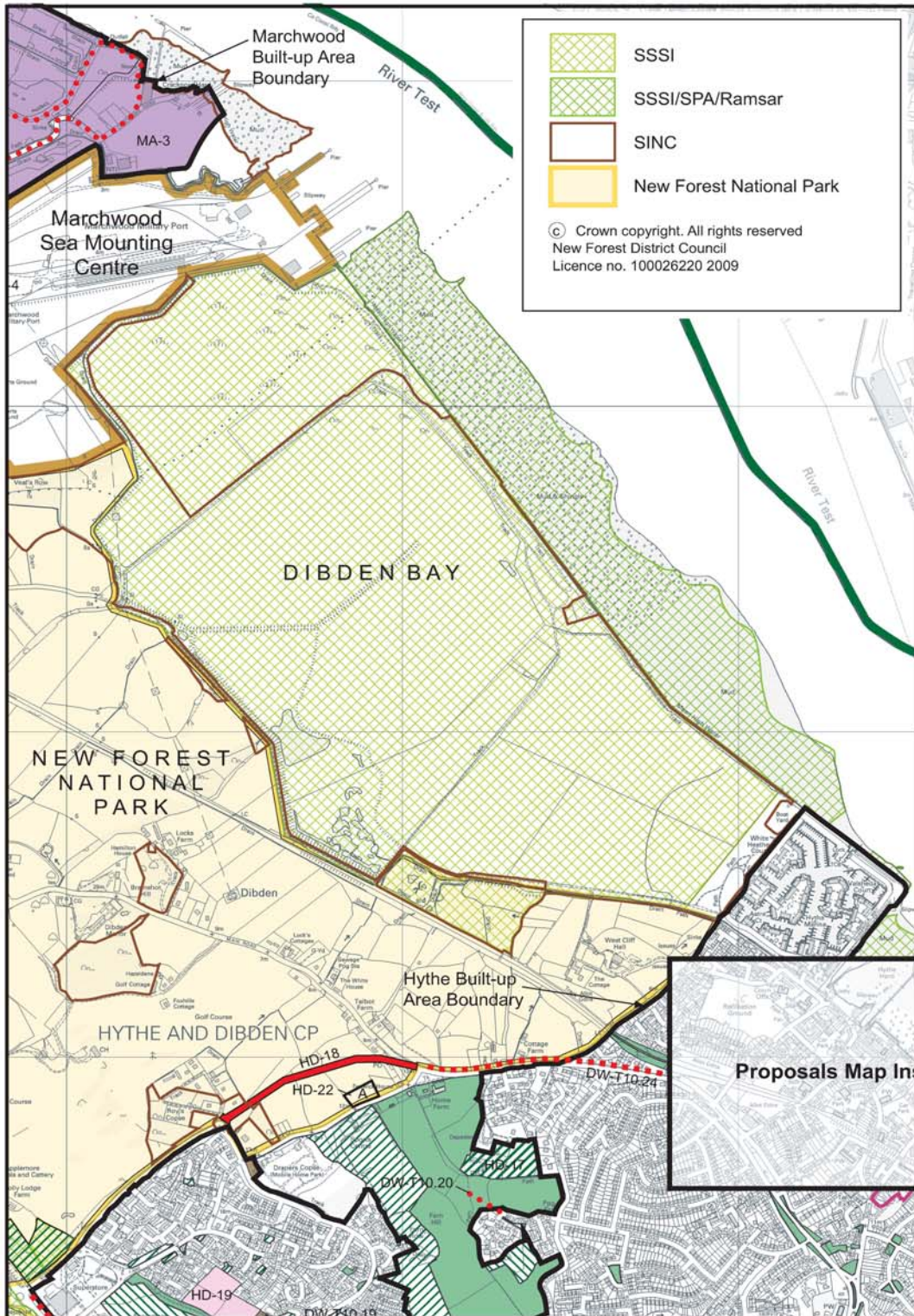
- (v) That the Council does not make any detailed comments on the other environmental issues identified at this stage apart from some general comments including comments on the issues of 'Landscape impact on the National Park' which was a major consideration at the 2001/02 inquiry and on 'Impact on Local Communities'.
 - (vi) That an objection is raised to proposals in the master plan for port development at Dibden Bay on the basis of landscape impact including on the New Forest National Park.
 - (vii) That an objection is raised to the inclusion of proposals for port development at Dibden Bay on the basis of the impact that the development would have upon the amenity of local people including transport impacts, noise disturbance and visual impact.
 - (viii) That the Council objects to the use of land designated for employment uses within the Waterside area of the District being used for subsidiary activities such as transport depots, open storage, warehouses or distribution depots. Such uses would be contrary to the aims of the Council's Core Strategy, Economic Strategy and Sustainable Community Strategy
- (b) Recommendations to Government
- (i) That a copy of all of the above recommendations will be sent to the relevant government department.
 - (ii) That the current national policy framework in relation to ports fails to set out a strategic position in relation to the Port of Southampton. Any reference implicitly or explicitly to Dibden Bay in the national policy statement on ports should take proper account of the internationally important nature conservation designations that affect the site.

For Further Information Please Contact:

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Background Papers:

Public Documents



APPENDIX 2

Paragraphs 9.15 and 9.16 from New Forest District Core Strategy

9.15 National Policy and the Regional Spatial Strategy recognise the Port of Southampton as a major international deep sea gateway port with significant global and economic importance. The reclaimed land, known as Dibden Bay is the only area of land which is physically capable of accommodating significant expansion of the port. However the land at Dibden Bay is a Site of Special Scientific Interest (SSSI) and adjoins the New Forest National Park. The foreshore is of international importance being designated as a Special Protection Area and a Ramsar site as well as a SSSI. In 2004 the Secretary of State rejected previous proposals for port development at Dibden Bay principally because of its environmental impacts.

9.16 Whilst there may be a strong economic case for the physical expansion of the Port of Southampton any future proposal would, amongst other considerations, need to satisfy the requirements of the Habitats Regulations. In particular, the applicant would need to demonstrate either that the proposals would have no adverse impact on the integrity of the international designations; or, if there is an adverse impact, that the alternative put forward for approval is the least damaging (regardless of economic considerations), that no other feasible alternative exists that would not affect the integrity of the site, and that there are imperative reasons of overriding public interest. Adequate compensation would also be required.