

RESPONSE TO THE DRAFT PORT OF SOUTHAMPTON MASTER PLAN 2016 - 2035 (OCTOBER 2016)

1. PURPOSE OF REPORT

- 1.1 To agree the Council's response to public consultation on the draft Port of Southampton Masterplan 2016-2035, consultation closing 25 November 2016.

2. BACKGROUND

- 2.1 Associated British Posts is consulting on a draft update to their Port of Southampton Master Plan 2009-2030, published in 2010. The draft master plan provides forecasts of future port throughput, with most categories of trade or passenger volumes forecast to broadly double in volume 2015-2035.
- 2.2 The draft master plan and identifies a range of comparatively modest proposed works within the currently operational port estate to improve capacity up to 2020. Beyond 2020 the port operator believes it will have exhausted the options and opportunities for intensifying port use on their existing operational estate.
- 2.3 The draft master plan states that the port would need to expand onto land at Dibden Bay to accommodate forecast increases in trade (and passenger) volumes. Any future application for port use at Dibden Bay would likely be of a scale that would qualify as a Nationally Significant Infrastructure Project under the 2008 Planning Act. It would fall to the Planning Inspectorate rather than the District Council to consider and to make a recommendation to the Secretary of State whether a Development Consent Order should be issued. The Secretary of State would make the final decision. As part of the examination of a nationally significant infrastructure project the Council would submit a Local Impact Report to the examiner giving details of the likely impact of the proposed development on the district.
- 2.4 The draft master plan provides no detail of the envisaged scale, form or nature of port operations that might take place at Dibden.

3. PROPOSED RESPONSE

- 3.1 The proposed response is attached as appendix one and in brief summary:
- welcomes and supports the commitment made to ongoing dialogue
 - recommends that more time than the month indicated will be needed to consider the consultation responses and to finalise the master plan
 - notes that the case made in support of port expansion is too narrowly focused on commercial and national economic interest with insufficient attention to environmental, landscape and social impacts including on the National Park, and how they might be mitigated or compensated for. Outlines a range of significant policy considerations that a master plan should address.

- notes that the draft master plan is too vague in relation to potential expansion onto Diden Bay, for example the lack of any information or options for the possible form or scale of port use at Diden Bay. This limits its value as evidence of need and the weight that the District Council can attach to it, and also significantly limits the ability of interested parties to respond to the consultation in a meaningful way.
- Provides advice to ABP about how the master plan could be made more robust to increase the weight than can be accorded to it and its usefulness in terms of a key purpose of port master plans, to better inform the preparation of plans by planning authorities and transport bodies. This includes a technical annex providing commentary on the accompanying 'shadow' Sustainability Appraisal and Habitats Regulations Assessment reports.

4. ENVIRONMENTAL IMPLICATIONS

- 4.1 Port expansion especially onto Diden Bay would have profound and wide-ranging implications for the environment. The expansion of port operations and associated land-side impacts including freight and other traffic generated would be likely to significantly affect European designated nature conservation site, other nationally and locally designated ecology sites and protected species, and the environment and tranquillity of the New Forest National Park.

5. FINANCIAL, EQUALITY & DIVERSITY and CRIME & DISORDER IMPLICATIONS

- 5.1 Increased port activity would be likely to generate opportunities for employment and for local businesses.

6. RECOMMENDATION

- 6.1 To agree the consultation response attached as Appendix 1.

7. PORTFOLIO HOLDER DECISION

I have agreed to the recommendation of this report.

Signed: *E J HERON*

Date: 21 November 2016

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Background Papers:

Published documents¹

Date on which notice given of this Decision – 22 November 2016

¹ http://www.southamptonvts.co.uk/Port_Information/Commercial/Southampton_Master_Plan/

NOVEMBER 2016

Consultation: draft Port of Southampton Master Plan 2016-2035

New Forest District Council (the District Council) welcomes the opportunity to comment on the updated draft master plan for the Port of Southampton. We welcome the statement that the port operator will seek to maintain and improve its relationship with the local community (para 5.49), and are supportive of early and ongoing dialogue to this effect.

The masterplan consultation and effective future engagement

The master plan is an opportunity to put down positive markers about the manner in which the port would pursue its commercial aspirations. We would encourage ABP to do so by fully acknowledging and properly addressing the environmental, social and local economic impacts of potential port expansion.

We note that the Masterplan consultation is scheduled for a single, six-week stage compared to the twelve weeks minimum recommended in the Department for Transport Guidance on the Preparation of Port Master Plans 2008 (para 118) (DfT Guidance). We also note the aim to finalise the master plan by the end of December, barely a month after the consultation closes.

To send the right signal about improving local working relationships we encourage ABP to allow sufficient time to properly consider and address in the final master plan the matters the consultation is likely to raise. We agree that it would be a good idea to re-establish the Port Consultative Group attended by the port director; an independent chair may be more appropriate.

The status of port master plan and local plans

We understand why the Port of Southampton wish their master plan to be treated as a key evidence base document for local plan-making that 'objectively' identifies the development needs of the port. In this regard there are substantive differences between a port master plan and a local plan that have a bearing on the extent to which the port master plan can carry weight as a material planning consideration for plan-making purposes.

It is the nature of the port master plan process that it is produced by the port commercial operator, and unlike local plans the port master plan is not subject to independent examination. As the draft port master plan correctly notes (p.27) the requirements of the NPPF include that local plans be positively prepared, meet objectively assessed needs, and support sustainable economic growth. Local plans also need to be based on objective evidence in relation to all the dimensions of sustainable development, not just economic matters. If the port operator wishes the port masterplan to merit the status of objective evidence it should be prepared to the equivalent standard.

In this context the comments that follow are intended to assist the port authority in preparing a balanced, robust and comprehensive master plan capable of providing evidence-based information which could effectively inform local development plan documents prepared by planning authorities.

Future port needs and identification of options

We make no comment on the current forecasts themselves but have two wider observations.

We note the statements (2.32, 2.36) to the effect that scope for intensification and efficiencies of land use within the current operational port estate appear to be limited and may be insufficient for the port's commercial requirements in the period to 2035. We also note the statement (7.35) that this is likely to involve the working up of proposals to expand the port 'in one form or another' onto Dibden Bay.

A major shortcoming of the draft master plan is its vagueness about future development proposals outside the current operational port estate. For example the draft master plan is silent about the likely scale and form of port use for which consent may be sought at Dibden Bay, and as the shadow Habitats Regulations Assessment (p.12) acknowledges, Dibden Bay 'is sufficiently large to permit consideration of alternative development strategies'.

In the council's view this vagueness detracts from the weight that can be attached to the document for plan-making purposes, and it also significantly limits the ability of interested parties to respond in a meaningful way. This could and should be improved upon in the final port master plan, if the port master plan is to fulfil the aim identified in DfT Guidance (para 9) to 'assist regional and local planning bodies, and transport network providers, in preparing and revising their own development strategies'.

A port masterplan with a preferred strategy informed by more substantive consideration and testing of reasonable expansion options within the operator's ownership would merit more significant weight as a material consideration for local plan-making purposes, as well as providing more clarity about the land-side issues that emerging local plans might need to consider.

Informed by the forecasts the port operator should be able to illustrate a core or small number of commercially plausible port expansion scenarios or options for the land reserve area to identify in general terms the nature, scale and significance of the more likely benefits and impacts. By way of a simple example, the impacts of port development would differ if all of Dibden Bay became part of the operational port compared to a part of it, or if inland freight movement was primarily by road or primarily by rail.

Second, that it would make sense to incorporate the pending updated DfT freight forecasts referred to in the draft master plan (para 6.17) given that the master plan should include an explanation of how the port's own forecasts relate to the national forecasts (DfT Guidance para 47). Especially as the disparities between previous port masterplan forecasts and actual through-put in particular for container traffic (draft master plan table 6.1) could be argued to undermine the port authority's position that the master plan is a robust and objective assessment of port needs.

Significant policy considerations

The draft port master plan seeks to make the case for port expansion onto Dibden Bay, but the case made is a narrow one focussing on national economic considerations and commercial interest.

The policy context section of the draft port master plan omits any reference to key national and international policies relating to the environment, in particular the Habitats and Wild Birds Directives, the Water Framework Directive and Conservation of Species and Habitats Regulations 2010 and more generally policy DM2 (Nature conservation, biodiversity and geodiversity) of the adopted local plan for the district.

This is a surprising given that the decision to refuse the previous consent application fundamentally turned on the judgement that environmental considerations weighed more significantly than the economic case at that point in time, and that environmental impact would likely be the main obstacle to the port operator achieving a future consent. These matters and the SAC, SPA and RAMSAR designations in the port area are briefly mentioned in the sustainability section of the report, but nowhere in the draft master plan is it acknowledged that to achieve consent for port expansion to Dibden Bay would require the port operator to demonstrate imperative reasons of overriding public interest where the benefits outweigh the harms, nor how overall benefit might be achieved.

It is also surprising that the draft master plan barely mentions the most significant local policy change since the last application for port consent, the establishment of the New Forest National Park. The district has a legal duty to have regard to the potential impact of development on the statutory purposes of the National Park.

Given the above we would have expected a port master plan promoting expansion to Dibden Bay to do more than briefly list potential environmental matters. In broad terms again, the master plan should also explain how or by what process any more significant adverse impacts could potentially be resolved, mitigated or compensated-for to achieve overall benefits, and assess whether there is a reasonable prospect that the types of mechanism likely to be necessary to achieve overall benefit are deliverable.

There are two logical starting places to a demonstration of this type.

The first is for the port master plan to set out how it can achieve its commercial aims in a manner that also meets the Government's sustainable development objectives for ports as set out in the National Policy Statement for Ports 2012 (NPSfP) (para 3.3.3):

- 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.

The second starting point is for the port master plan to address the matters the District Council would be likely to comment on in its Local Impact Report as part of any National Infrastructure Commission decision-making process for port consent. As a guide the Initial Proposals draft local plan for New Forest District Council (July 2016) makes reference to matters of this type considered in the Inspector's 2004 report the last time consent for port expansion at Dibden Bay was sought:

- The likely effects of construction and operation of a port on internationally designated Natura 2000 sites: the Solent and Southampton Water Ramsar

Site and SPA, on the Solent Maritime SAC, and on the New Forest SPA and SAC

- The extent to which the proposals are consistent with national and local planning policies
- Other likely positive or negative effects of construction and from the operation of a port on the following matters. Proposed mitigation, compensatory measures or potential planning conditions would be taken into account:
 - the amenity of local residents and communities including noise and light pollution
 - the marine environment and the foreshore including from ship wash
 - the local environment, wildlife and ecology
 - the local economy and employment including impacts on local businesses
 - the safe and efficient operation of the transport network including by road, rail, ferry, walking and cycling
 - infrastructure capacity including community facilities and services
 - landscape character including significant views
 - flood risk and other climatic factors
 - soil, air and water quality
 - architectural and archaeological heritage
 - tourism, recreation and open space including public access to the coast.

Rather than discuss each in detail we highlight a few key matters the master plan should more fully address.

Air quality and traffic generation

We expect that the key concern about port expansion for local residents is likely to be traffic generation, road congestions and related noise and pollution and road safety matters, especially in relation to a potential increase in HGV traffic. The commitment (para 5.28) to working with local authorities to reduce the adverse impacts of port activities on air quality is welcomed.

Government objectives for transport include creating ‘a cleaner and greener transport system through improving the environmental performance of ports and associated developments’². The draft master plan notes that the share of containers moved by rail increased from 25% to 40% in the preceding decade. In line with the Port Masterplans 2008 guidance (paras 69-72) the current modal share for movement of other forms of cargo and for the totality of port freight should also be clearly set out to provide a comprehensive operating baseline for the assessment of any future growth proposals and the management and mitigation of the potential impacts on air quality, safety, human health and the environment including protected sites, habitats and species.

² NPSfP 2012 para 4.1.1)

ABP will be aware that there is still no national strategy in place to meet the NO₂ limit values set out in the Ambient Air Quality Directive, following the second legal defeat of DEFRA's *Draft plans to improve air quality in the UK* (2015). Southampton is one of seven urban areas projected to be non-compliant with the required standards by 2020, where additional targeted measures would be necessary to address the particular issues and areas within them that are causing the NO₂ exceedance. Without very careful attention port expansion proposals could make an already bad situation even worse. ABP may also be aware that the environmental impact of NO_x emissions (contamination or nutrient enrichment) is also identified as a potentially significant effect within those parts of European sites that are within 200 meters of major roads in the district and National Park area.

It would therefore seem prudent to address this issue in more detail in the port master plan to explain how an expanded port could work within a more stringent air quality management regime in terms of anticipated road, rail and ship emissions, taking into account the potential of 'cold ironing' to provide shore-based power to and reduce emissions from berthed vessels if and when it might realistically be implemented.

Landscape impact and the New Forest National Park

National policy is that 'great weight' should be given to conserving landscape and scenic beauty in National Parks. The port master plan should include some form of assessment of 'any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated' (NPPF 115-116). The proposed extension of the port facilities could have a large impact on the landscape character including the National Park and its setting, and would equally affect areas in the district adjoining the National Park and its residents. Light pollution and noise would affect levels of tranquillity 24 hours a day, as would potential road traffic increases including traffic displacement onto small New Forest Roads. We endorse the more detailed response by the New Forest National Park Authority on this matter.

Ecology, archaeology and heritage

New Forest National Park Authority provides ecological, archaeological and heritage advice for the District Council and we also endorse their response on these matters.

Sustainability Appraisal and Habitats Regulations Assessment

To assist the port authority present its current and future case for port expansion in a robust way we have asked LUC to provide a more technical commentary on the 'shadow' Sustainability Appraisal and Habitats Regulations Assessment, which is attached and forms part of the District Council master plan response. Both shadow assessments suffer from the lack of clearly articulated options for the possible form of port expansion onto Dibden Bay.

LUC are undertaking Habitats Regulations Assessments for the District Council and National Park Authority, and providing advice on habitat mitigation in consultation with a working group comprising Natural England, the Hampshire Wildlife Trust, the RSPB and the Forestry Commission. LUC also provides critical friend support for the District local plan review sustainability appraisal.